

EMERGENCY

EFFECTIVE DATE: January 4, 2022 to July 3, 2022

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 27 BOARD OF NURSING

10.27.01 Examination and Licensure

Authority: Health Occupations Article, §§1-213, 8-201, 8-205, 8-206, 8-301—8-315, 8-6A-05(a), 8-701, 8-7A-01, Article 1116(b)(2), and 8-703; Tax-General Article, §§10-738 and 10-739(b)(1); Annotated Code of Maryland; Ch. 486, Acts of 2012; Chs. 281 and 282, Acts of 2013, Chs. 385 and 386, Acts of 2016, and Chs. 234 and 234, Acts of 2017

Notice of Emergency Action

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01, .03, and .17 under COMAR 10.27.01 Examination and Licensure.

Statement of Purpose

The purpose of this emergency action is to permit flexibilities for the State's overall COVID-19 response and ensure that hospitals in the State are able to maintain health care provider staffing capacity due to any potential surge through Winter 2022.

The broad purpose of these emergency regulatory proposals (3, one for each of the Board of Physicians, Board of Pharmacy, and Board of Nursing) is to implement the following:

- (1) Permit the temporary licensure of recently retired licensees; and
- (2) Simplify or eliminate the administrative burdens for interstate compact or out-of-state healthcare practitioners to practice in Maryland licensed healthcare facilities.

These items were communicated via a press release from the Governor on December 10, 2021 (Link: <https://governor.maryland.gov/2021/12/10/governor-hogan-announces-additional-actions-to-address-rise-in-covid-19-hospitalizations/>), and a letter from the Secretary of Health (Link: <https://health.maryland.gov/phpa/Documents/2021.12.10.02%20-%20Letter%20to%20Physicians%20Nursing%20Pharmacists.pdf>) to the three health occupation boards in question.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *“Advanced Practice Nurse” as used in Health Occupations Article, §8-101, Annotated Code of Maryland, means an individual who:*

(a) Is licensed by the Board to practice registered nursing or has a multistate licensure privilege to practice registered nursing under the Nurse Licensure Compact; and

(b) Is certified by the Board to practice as a:

(i) Nurse practitioner;

(ii) Nurse anesthetist;

(iii) Nurse midwife; or

(iv) Clinical nurse specialist.

[(2)] (3)—[(4)] (5) (text unchanged)

(6) *“Certified Medication Technician” as defined in Health Occupations Article, §8-6A-01, Annotated Code of Maryland, means an individual who:*

(a) Has completed a Board-approved medication technician training program; and

(b) Is certified by the Board as a medication technician.

(7) *“Certified Medicine Aide” as used in Health Occupations Article, §8-6A-01, Annotated Code of Maryland, means a certified nursing assistant who has completed a Board-approved course in medication administration.*

(8) *“Certified Nursing Assistant” as used in Health Occupations Article, §8-6A-01, Annotated Code of Maryland:*

(a) Means an individual, regardless of title, who routinely performs nursing tasks delegated by a registered nurse of a licensed practice nurse for compensation; and

(b) Does not include a certified medication technician.

[(5)] (9)—[(12)] (16) (text unchanged)

(17) *“Former Licensee” means an individual who once had an active license with the Board that is no longer active.*

(18) *“Geriatric Nursing Assistant” as used in Health Occupations Article, §8-6A-01, Annotated Code of Maryland means a certified nursing assistant who has successfully completed the requirements for geriatric nursing assistant mandated under federal law and the regulations of the Board.*

[(13)] (19)—[(20)] (26) (text unchanged)

C.—D. (text unchanged)

.03 Licensure Exceptions.

A. Registered nurses or licensed practical nurses who hold a current active license in any other state or jurisdiction may render nursing care:

(1) For not more than 30 days *or until June 29, 2022, whichever is later*, to an individual who is visiting the State for medical, educational, or personal reasons;

(2)—(3) (text unchanged)

B. (text unchanged)

C. Nursing Graduate.

(1) (text unchanged)

(2) A nursing graduate may practice as set forth in §[B]C(5)—(7) of this regulation [until the earlier of] *if:*

(a) [90 days from graduation; or] The nursing graduate has an application for a license pending before the Board; and

(b) [Receipt of the results from the initial NCLEX examination taken.] One of the following circumstances exist:

(i) The nursing graduate has not taken the NCLEX examination;

(ii) The nursing graduate has taken the NCLEX examination, but the results of the NCLEX examination are not yet known; or

(iii) The nursing graduate has taken and passed the NCLEX examination but is waiting for the completion of the criminal history records check.

(3) A nursing graduate shall cease practice as a nursing graduate:

- (a) *No later than 120 days after the date the nursing graduate submitted an application to the Board; or*
(b) [immediately] *Immediately* if the nursing graduate fails the initial NCLEX examination.
(4)—(7) (text unchanged)

.17 Reinstatement.

A.—B. (text unchanged)

C. The Board shall issue a temporary license to a former licensee who applies for reinstatement under Health Occupations Article, §8-313, Annotated Code of Maryland, meets the renewal requirements of Health Occupations Article, §8-312, Annotated Code of Maryland, and is awaiting the completion of the criminal history records check. The temporary license issued pursuant to this regulation is effective until the earlier of 90 days after the date of issue or the date the Board issues an active license.

DENNIS R. SCHRADER

Secretary of Health