**PROPOSAL**

**Maryland Register**

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**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 27 BOARD OF NURSING**

**10.27.01 Examination and Licensure**

Authority: Health Occupations Article, §§8-205(a)(1), (2), (5), and (6), *8-701,* and *8-7A-01, Article III6(b)(2),*Annotated Code of Maryland; Chs. 281 and 282, Acts of 2013

**Notice of Proposed Action**

[20-178-P]

The Secretary of Health proposes to amend Regulations **.01**, **.05**, and **.10** under **COMAR 10.27.01 Examination and Licensure**. This action was considered at a public meeting of the Board of Nursing on September 26, 2018, notice of which was given by publication on the Board’s website beginning January 1, 2018, through September 26, 2018, pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to:

(1) Amend the requirements for testing English competency of foreign nursing school graduates whose nursing education was not taught in English;

(2) Repeal the waiver for a clinical nursing education requirement for a nurse applying for a license by endorsement in this State;

(3) Define competency in reading, speaking, writing, and listening in accordance with the Nurse Licensure Compact.

(4) Define the minimal passing scores for the two English language competency tests that the Board recognizes; and

(5) Repeal, in accordance with the Sunset Provision, effective September 30, 2018, for Health Occupations Article, §8-307(c), Annotated Code of Maryland, the requirement that the Board waive the supervised clinical learning experience requirement for nurse endorsement applicants who attended a nursing program without a supervised clinical learning experience requirement.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

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

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jake Whitaker, Acting Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through December 7, 2020. A public hearing has not been scheduled.

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)―(11) (text unchanged)

(12) “English language competency examination” means **[**a Board*-*approved**]***an*examination **[**with a certain minimum score recognized by the Board for the purpose ofdetermining proficiency in the oral and writtencommunication of**]** *that tests an individual’s* *written and oral competency in*the English language.

(13)―(17) (text unchanged)

(18) “Substantially equivalent” has the meaning stated in **[**§C**]** *§§C and D*of this regulation.

(19) (text unchanged)

*(20) “Written and oral competency in the English language” means the ability to demonstrate proficiency in listening, reading, speaking, and writing the English language.*

C. (text unchanged)

*D. “Substantially equivalent” does not mean a registered nurse or licensed practical nursing education program in another state or country that does not have a supervised clinical learning experience requirement.*

**.05 Qualifications of Applicants for Examination.**

A.—B. (text unchanged)

C. Applicants who are unable to prove **[**proficiency**]** *written and oral competency*in the English language in accordance with Health Occupation Article, **[**§8-302(e)**]** *§8-302(e)(2) or (4)*, Annotated Code of Maryland, **[**maybe required to**]***shall* submit evidence of **[**competency**]** *proficiency in listening, reading, speaking, and writing the English language* by obtaining a minimum passing score on **[**a**]***one of**the* *following* Board*-*approved English language competency **[**examination of**]***examinations*:

**[**(1) 26 or higher on the spoken and written sections of the Test of English as a Foreign Language — Internet Based Test (TOEFL IBT); or

(2) For the International English Language Testing System (IELTS):

(a) 7 or higher on the speaking and 6 or higher an all other modules;and

(b) 6.5 or higher on the overall score.**]**

*(1) Test of English as a Foreign Language Internet Based Test (TOEFL iBT) with minimum passing scores of:*

*(a) Listening — 22;*

*(b) Reading — 22;*

*(c) Speaking — 26; and*

*(d) Writing —24; or*

*(2) International English Language Testing System (IELTS) with minimum passing scores of:*

*(a) Listening — 6;*

*(b) Reading — 6;*

*(c) Speaking — 7;*

*(d) Writing — 6; and*

*(e) Overall score of at least 6.5.*

D. (text unchanged)

**.10 Licensure by Endorsement.**

A. An applicant licensed to practice registered nursing or practical nursing in another state, territory, or country is eligible for licensure without examination if the applicant:

(1)―(2) (text unchanged)

(3) Submits the following verifications directly to the Board from the appropriate authority:

(a)―(d) (text unchanged)

(e) Proof of **[**oral and written**]** *written and oral*competency in the English language *in accordance with Regulation .05C of this chapter*.

**[**B. Supervised Clinical Learning Experience Requirement.

(1) A nursing education program approved in another state or country that does not have a supervised clinical learning experience requirement is not substantially equivalent to an approved nursing education program in this State.

(2) An applicant who graduated from a nursing education program in another state or country that did not have a supervised clinical learning requirement does not meet the educational qualifications required by the laws of this State.

(3) The Board may waive the supervised clinical learning experience requirement required by this State for an applicant for licensure by endorsement as a registered nurse who:

(a) Has an active unencumbered license to practice registered nursing from another state or country;

(b) Has graduated from a registered nursing program accredited by a nursing accreditation agency recognized by the Board;

(c) Submits to the Board evidence of completing 1,000 hours of active practice as a registered nurse within the 12-month period immediately preceding the date of the application; and

(d) Otherwise meets the requirements for licensure by endorsement as a registered nurse.

(4) The Board may waive the supervised clinical learning experience requirement required by this State for an applicant for licensure by endorsement as a licensed practical nurse who:

(a) Has an active unencumbered license to practice licensed practical nursing from another state or country;

(b) Has graduated from a licensed practical nursing program accredited by a nursing accreditation agency recognized by the Board;

(c) Submits to the Board evidence of 1,000 hours of active practice as a licensed practical nurse within the 12-month period immediately preceding the date of the application; and

(d) Otherwise meets the requirements for licensure by endorsement as a licensed practical nurse.

(5) The Board shall accept the following documentation as evidence of completing 1,000 hours of active practice as a registered nurse or licensed practical nurse within the 12-month period immediately preceding the date of the application:

(a) A letter from an employer on the facility’s letterhead, signed and mailed by the employer to the Board of Nursing that states the:

(i) Applicant’s name and license number;

(ii) Dates of employment;

(iii) Job description; and

(iv) Number of hours worked within the previous 12-month period immediately preceding the date of the application; and

(b) Pay stubs that indicate the hours of employment within the 12-month period immediately preceding the date of the application.

(6) The Board will accept pay stubs by mail from the applicant.**]**

**[**C.**]***B.*―**[**D.**]***C.* (text unchanged)

ROBERT R. NEALL
Secretary of Health