

# Title 10

## MARYLAND DEPARTMENT OF HEALTH

### Subtitle 27 BOARD OF NURSING

#### 10.27.01 Examination and Licensure

Authority: Health Occupations Article, §8-205 and 8-301, Annotated Code of Maryland

##### .01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
  - (1) (text unchanged)
  - (2) *“Advanced practice registered nurse” has the meaning stated in Health Occupations Article, §8-101, Annotated Code of Maryland.*
  - ~~[(2)] (3)—[(4)] (5)~~ (text unchanged)
  - (6) *Certified Nursing Assistant.*
    - (a) *“Certified nursing assistant” means an individual, regardless of title, who routinely performs nursing tasks delegated by a registered nurse or licensed practice nurse for compensation.*
    - (b) *“Certified nursing assistant” does not mean a certified medication technician.*
  - ~~[(5)] (7)—[(12)] (14)~~
  - (15) *“Geriatric nursing assistant” 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.*
  - (16) *“Former licensee” means an individual who once had an active license with the Board that is no longer active.*
  - ~~[(13)] (17)—[(14)] (18)~~ (text unchanged)
  - (19) *“Nursing assistant” means either:*
    - (a) *A certified nursing assistant; or*
    - (b) *A geriatric nursing assistant.*
  - ~~[(15)] (20)—[(20)] (25)~~ (text unchanged)
- C.—D. (text unchanged)

##### .03 Licensure Exceptions.

- A.—B. (text unchanged)
- C. Nursing Graduate.
  - (1) (text unchanged)
  - (2) A nursing graduate may practice as set forth in ~~[(B)(5)—(7)]~~ §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 exists:*
      - (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;*
      - (iii) *The nursing graduate has taken and passed the NCLEX examination but is waiting for the completion of the criminal history records check; or*
      - (iv) *The nursing graduate has taken and failed the NCLEX examination but has not failed the NCLEX examination more than one time within the 120 day period immediately following the submission of the application to the Board.*
  - (3) [A nursing graduate shall cease practice as a nursing graduate immediately if the nursing graduate fails the initial NCLEX examination.] *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 if the nursing graduate fails the second NCLEX examination.*
  - ~~(4)—(7)~~ (text unchanged)

##### .17 Reinstatement.

- A.—B. (text unchanged)
- C. Temporary License.
  - (1) *The Board shall issue a temporary license to a former licensee who:*
    - (a) *Applies for reinstatement in accordance with Health Occupations Article, §8-313, Annotated Code of Maryland;*
    - (b) *Meets the renewal requirements of Health Occupations Article, §8-312, Annotated Code of Maryland; and*
    - (c) *Is awaiting the completion of the criminal history records check.*
  - (2) *The temporary license issued pursuant to §C(1) of this regulation is effective until the earlier of 90 days after the date of issue or the date the Board issues an active license.*

MEENA SESHAMANI, M.D., Ph.D  
Secretary of Health