

State of

Maryland

**MEDICAL CARE POLICY ADMINISTRATION
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201

Parris N. Glendening
Governor

George C. Benjamin, M.D.
Secretary

**MARYLAND MEDICAL ASSISTANCE PROGRAM
Nurse Practitioner Transmittal No. 14**

June 4, 1999

TO: Nurse Practitioners

FROM: Susan J. Tucker *SJT*
Acting Director

NOTE: Please ensure that appropriate staff members in your organization are informed about the contents of this transmittal.

RE: Adoption of Proposed Amendments to COMAR 10.09.01
Nurse Practitioner Services

ACTION: Proposed Regulation (Permanent Status) **Effective Date:** May 31, 1999

PROGRAM CONTACT PERSON:
Robert Zielaskiewicz (410) 767-1481

Amendments to Regulations .01, .02, .05 and .06 under COMAR 10.09.01 Nurse Practitioner Services were adopted as proposed in the Maryland Register on January 15, 1999 (Vol. 26, Issue 2, Pages 116-117) with the attached nonsubstantive changes. These amendments represent definition and language changes only. *

SJT:rz

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DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 12 DIVISION OF LABOR AND INDUSTRY

09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-§12(b), Annotated Code of Maryland

Notice of Final Action

[99-234-F]

On May 11, 1999, amendments relating to Powered Industrial Truck Operation Training as codified in 29 CFR 1910.16: 1910.178, together with Appendix A; and 29 CFR 1926.602 and published in 63 Federal Register No. 230 (December 1, 1998), were adopted by the Commissioner of Labor and Industry under COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards.

This action, which was proposed for adoption in 26:7 Md. R. 551 — 554 (March 26, 1999), has been adopted as proposed.

Effective Date: May 31, 1999.

JOHN P. O'CONNOR,
Commissioner of Labor and Industry

Subtitle 16 BOARD OF BARBERS

09.16.01 General Regulations

Authority: Business Occupations and Professions Article, §§4-206 and 4-404, Annotated Code of Maryland

Notice of Final Action

[98-234-F]

On December 14, 1998, amendments to Regulation .05 under COMAR 09.16.01 General Regulations were adopted by the State Board of Barbers. This action was taken at a public meeting, notice of which was given pursuant to State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 25:15 Md. R. 1203 (July 17, 1998), has been adopted as proposed.

Effective Date: May 31, 1999.

JOHN O. GATTON,
President
State Board of Barbers

Subtitle 16 BOARD OF BARBERS

Authority: Business Occupations and Professions Article, §§4-206 and 4-511, Annotated Code of Maryland

Notice of Final Action

[98-282-F]

On December 14, 1998, the State Board of Barbers adopted amendments to Regulations .02 and .04 under COMAR 09.16.02 Barbering and Regulation .03 under COMAR 09.16.03 Barbering Schools. This action was taken at a public meeting, notice of which was given pursuant to State Government Article, §10-506, Annotated Code of Maryland. This action, which was proposed for adoption in 25:17 Md. R. 1370 — 1372 (August 14, 1998), has been adopted as proposed.

Effective Date: May 31, 1999.

JOHN O. GATTON, SR.
President
State Board of Barbers

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.01 Nurse Practitioner Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[99-025-F]

On May 6, 1999, amendments to Regulations .01, .02, .05, and .06 under COMAR 10.09.01 Nurse Practitioner Services were adopted by the Secretary of Health and Mental Hygiene. This action, which was proposed for adoption in 26:2 Md. R. 116 — 117 (January 15, 1999), has been adopted with the following nonsubstantive changes.

Effective Date: May 31, 1999.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .01B(7): Delete the word "medical." Comments received raised concerns about inserting this word in the definition because it is not used similarly in Health Occupations Article, Title 8, Annotated Code of Maryland, or in the Board of Nursing regulations. Deleting the word "medical" does not in any way change the definition as proposed. The definition contains the functions which constitute practice as a nurse practitioner. The definition is consistent with the Board of Nursing regulations which refer to nursing duties without the use of the word "medical." The change does not in any way add any burden or cause any adverse condition of any kind, therefore it is considered a nonsubstantive change.

Regulation .02C(2): The language limiting nursing privileges to the service area in which the nurse practitioner practices was new and was being proposed for the first time. Concerns arose that this language was not consistent with the Board of Nursing regulations. There was no similar restriction in the Board's regulations. After a thorough review, the drafter concluded that this requirement was not necessary and the language should be retracted. The change does not add any burden or cause adverse conditions of any kind, therefore it is considered a nonsubstantive change.

Both changes from the proposed text could reasonably have been anticipated by participants in the rule making. The proposed changes do not decrease, in any significant way, the benefits that would have been achieved by the regulations as proposed. The proposed changes do not increase, in any significant way, the burden, that would have been imposed by the regulations as proposed originally.

.01 Definitions.

A. (proposed text unchanged)

B. Terms Defined.

(1) — (6) (proposed text unchanged)

(7) "Practice as a nurse practitioner" means the following *[(medical)]* functions that a nurse practitioner may perform independently under the terms and conditions set forth in the written agreement between the nurse practitioner and a licensed physician:

(a) — (g) (proposed text unchanged)

(8) — (11) (proposed text unchanged)

.02 License and Certification Requirements.

A. — B. (proposed text unchanged)

C. A physician having a written agreement with a nurse practitioner shall:

(1) (proposed text unchanged)

[(2) Have privileges in a hospital in the service area in which the nurse practitioner practices;]

[(3)] (2) — [(10)] (9) (proposed text unchanged)

D. (proposed text unchanged)

GEORGES C. BENJAMIN, M.D.
Secretary of Health and Mental Hygiene

~~Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION~~

~~10.37.09 Fee Assessment for Financing Hospital Uncompensated Care~~

~~Authority: Health-General Article, §§19-20, 19-207.1, and 19-207.3, Annotated Code of Maryland~~

~~Notice of Final Action~~

~~On May 5, 1999, amendments to Regulations .01, .04, and .05 under COMAR 10.37.09 Fee Assessment for Financing Hospital Uncompensated Care were adopted by the Health Services Cost Review Commission. This action, which was proposed for adoption in 26:6 Md. R. 497.498 (March 12, 1999), has been adopted as proposed.~~

~~Effective Date: May 31, 1999.~~

~~Health Services Cost Review Commission~~

~~Subtitle 45 MARYLAND PHARMACY ASSISTANCE PROGRAM~~

~~10.45.01 Eligibility~~

~~Authority: Health-General Article, §§104(b) and 15-124, Annotated Code of Maryland~~

~~Notice of Final Action~~

~~On May 4, 1999, amendments to Regulation .03 under COMAR 10.45.01 Eligibility were adopted by the Secretary of Health and Mental Hygiene. This action, which was proposed for adoption in 26:6 Md. R. 501 (March 12, 1999), has been adopted as proposed.~~

~~Effective Date: May 31, 1999.~~

~~MARTIN P. WASSERMAN, M.D.
Secretary of Health and Mental Hygiene~~

~~Subtitle 11 MATERNAL AND CHILD HEALTH~~

~~10.11.03 Children's Medical Services Program~~

~~Authority: Health-General Article, §§15-125, Annotated Code of Maryland~~

~~Notice of Final Action~~

~~On May 6, 1999, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .03 and .08, repealed Regulation .30, adopted new Regulations .30 and .31, and reclassified Regulation .31 to Regulation .32 under COMAR 10.11.03 Children's Medical Services Program. This action, which was proposed for adoption in 26:5 Md. R. 300 (February 26, 1999), has been adopted as proposed.~~

~~Effective Date: May 31, 1999.~~

~~GEORGES C. BENJAMIN, M.D.
Secretary of Health and Mental Hygiene~~

~~Subtitle 58 BOARD OF EXAMINERS~~

~~10.58.06 Licensure by Waiver~~

~~Authority: Health Occupations Article, §§17-3A-01 — 17-3A-08, 17-3A-10, and 17-3A-11; Courts and Judicial Proceedings Article, §9-109.1(a) and (b); Annotated Code of Maryland~~

~~Notice of Final Action~~

~~On May 6, 1999, new Regulations .01 — .03 under a new chapter, COMAR 10.58.06 Licensure by Waiver were adopted by the Secretary of Health and Mental Hygiene. This action, which was proposed for adoption in 26:1 Md. R. 42 — 44 (January 4, 1999), has been adopted as proposed.~~

~~Effective Date: May 31, 1999.~~

~~GEORGES C. BENJAMIN, M.D.
Secretary of Health and Mental Hygiene~~