

EMERGENCY PROPOSAL
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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)—(6) and 8-301, Annotated Code of Maryland

Notice of Emergency Action

[22-189-E]

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

Emergency status began: September 7, 2022.

Emergency status expires: March 5, 2023.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

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 registered 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)—[(12)] (13) (text unchanged)

(14) *“Former licensee” means an individual who once had an active license with the Board that is no longer active.*

[(13)] (15)—[(14)] (16) (text unchanged)

(17) *“Nursing assistant” means either:*

(a) A certified nursing assistant, defined as an individual, regardless of title, who routinely performs nursing tasks delegated by a registered nurse or a licensed practical nurse for compensation, and who is not a certified medication technician; or

(b) A geriatric nursing assistant, defined as a certified nursing assistant who has successfully completed the requirements for geriatric nursing assistant mandated under federal law and the regulations of the Board.

[(15)] (18)—[(20)] (23) (text unchanged)

C.—D. (text unchanged)

.03 Licensure Exceptions.

A.—B. (text unchanged)

C. Nursing Graduate.

(1) (text unchanged)

(2) *Beginning July 1, 2022, [A] 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; 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 [immediately]:*

(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 initial NCLEX examination.*

(4)—(7) (text unchanged)

.17 Reinstatement.

A.—B. (text unchanged)

C. *Beginning July 1, 2022, 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