

1982  
CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

HB 1483 Health Occupations -  
Information Practices (Kopp, Dept. 1.)

Hearing 4/6/82  
Vote 4/6/82 FAV  
PAR 4/8  
4/10-12/82 P3rdR



WITNESS NOTIFICATION RECORD

Bill No. HB 1483 Sponsor KOPP - DEPT'L  
TUES APR 6

HSE CONST. & ADMIN COM HEALTH OCCUPATIONS - INFO PRDCT.  
+ Contact BILL SOMERVILLE, STAFF COUN. Phone No. 3502 Location \_\_\_\_\_

Date 4/2/82 Time 4:05 Remarks: WINNIE FURNISHED WITNESSES BELOW!

Called by W.S.

GOVERNOR'S INFO. PRACTICES COMM.

+ Contact ARTHUR DREA Phone No. 9-565-7467 Location \_\_\_\_\_

Date 4/2/82 Time 4:20 Remarks: EVYLYN BALDWIN WILL PASS INFO.

Called by W.S.

GOVERNORS STAFF HENREDDI

+ Contact DENIS HANDED Phone No. 9-269-2810 Location \_\_\_\_\_

Date 4/2/82 Time 4:25 Remarks: HENREDDI INFO.

Called by W.S.

for.

MD. LEAGUE of NURSING

+ Contact JANE GALBRAITH Phone No. 9-539-0872 Location \_\_\_\_\_

Date 4/5/82 Time 12:20 Remarks: NO SUCH LISTING. MD. NURSES ASSOC.

ROSE WILL PASS INFO. WILL CALL BACK IF THEY HAVE INFO

THEY DID Called by W.S.

DHMH - FOR INFO ON NURSES ASSOCIATIONS.

+ Contact DONNA DORSEY Phone No. 8-222-2084 Location \_\_\_\_\_

Date 4/5/82 Time 11:00 Remarks: B. MISS NIVENS WILL PASS INFO.

11:15 B

NO INFORMATION ON NURSING ASSOC'S.

Called by W.S.

539-0872 - MD LEAGUE FOR NURSING.  
242-7300 - MD NURSES ASSOC.

WITNESS NOTIFICATION RECORD

Bill No. HB 1483 Sponsor KOPP-DEPT'L

TUES APR 6

MD. NURSES ASSOC. & HEALTH OCCUP. INFO PRACTICES.

+ Contact ALICE J. RILEY Phone No. 9-577-5766 Location \_\_\_\_\_

Date 4/5/82 Time 10:45 Remarks: LEFT MSG WITH RECORDER.

12:00

RECORDED MSG NOT CLEAR ABOUT WHAT ORGANIZATION THIS IS.

FINALLY GOT RIGHT PERSON - WHOA!! -> SUSAN WILL PASS INFO. Called by [Signature]

DHMH

8-224-2155

+ Contact PAM LINDSEY-LEGIS. LIAS. Phone No. 9-222-2970 Location \_\_\_\_\_

Date 4/2/82 Time 4:30 Remarks: NO. DISCONNECTED.

837-2970

837-2970

SEE BELOW



Called by \_\_\_\_\_

DHMH - OFFICE of GOV'T RELATIONS

+ Contact FRAN TRACY Phone No. 8-222-2843 Location \_\_\_\_\_

Date 4/5/82 Time 10:55 Remarks: PAT. WILL PASS INFO TO LINDSEY-

SINCE LINDSEY IS PART TIME - DIFFICULT TO CONTACT BY PHONE

Called by [Signature]

Contact: DONA DORSEY Phone No. 8-222-2084 Location \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Remarks: \_\_\_\_\_

Called by \_\_\_\_\_

JOHNS HOPKINS HOSPITAL

+ Contact \_\_\_\_\_ Phone No. 9-955-5000 Location \_\_\_\_\_

Date 4/5/82 Time 11:45 Remarks: WILL CALL BACK IF HAVE INFO

ON MD. LEAGUE of NURSING & MD. NURSING ASSOC.

Called by [Signature]

HOUSE BILL 1483

THIS BILL IS ANOTHER IN THE PACKAGE PROPOSED BY THE GOVERNOR'S INFORMATION PRACTICES COMMISSION. THE INTENT OF THIS BILL IS TO BRING THE DISCLOSURE POLICIES OF THE BOARD OF EXAMINERS OF NURSES IN LINE WITH THE POLICIES OF OTHER LICENSING BOARDS.

LINES 184 - 186 1/2 PROVIDE THAT THE NURSING BOARD SHALL DELETE THE NAME UPON REQUEST, OF ANYONE LICENSED BY THE BOARD FROM PUBLIC LISTINGS OF LICENSEES. SOME PEOPLE WISH TO BE DELETED SO THAT ANY NOT DELUGED BY MAIL ORDER OFFERS AND OTHER UNWELCOME ATTENTION. HOUSE BILL 1481 PROVIDES THIS TO OTHER OCCUPATIONAL LICENSING BOARDS BUT THE NURSE'S LAW REQUIRES THIS SPECIFIC AMENDMENT DUE TO THE WAY IT IS WRITTEN.

THE BILL ALSO REPEALS THE CURRENT LAW REGARDING WHICH RECORDS OF THE NURSING BOARD ARE CONFIDENTIAL AND WHICH ARE NOT. HOUSE BILL 1481 PROVIDES A UNIFORM LAW ON THIS SUBJECT.

THE BILL IS CONTINGENT ON HOUSE BILL 1481.

NO COMMITTEE AMENDMENTS



HOUSE BILL 1483

THIS BILL IS ANOTHER IN THE PACKAGE PROPOSED BY THE GOVERNOR'S INFORMATION PRACTICES COMMISSION. THE INTENT OF THIS BILL IS TO BRING THE DISCLOSURE POLICIES OF THE BOARD OF EXAMINERS OF NURSES IN LINE WITH THE POLICIES OF OTHER LICENSING BOARDS.

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THE BILL IS CONTINGENT ON HOUSE BILL 1481.

NO COMMITTEE AMENDMENTS

Marked-up Copy

HOUSE OF DELEGATES

21r1787

No. 1483

23

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By: Delegate Kopp (Departmental - Information Practices Commission)	28
Introduced and read first time: February 12, 1982	30
Assigned to: Constitutional and Administrative Law	32
-----	34
Committee Report: Favorable with amendments	35
House action: Adopted	36
Read second time: March 27, 1982	37
-----	38

CHAPTER \_\_\_\_\_ 41

AN ACT concerning 45

Health Occupations - Information Practices 48

FOR the purpose of providing that the State Board of Examiners of Nurses shall delete the name of a licensee from certain lists under certain circumstances; repealing certain provisions relating to the confidentiality of records maintained by the Board of Examiners of Nurses; and making this Act contingent on the passage of another Act. 52  
53  
54  
55  
56

BY repealing and reenacting, with amendments, 58

Article - Health Occupations 61  
Section 7-205 63  
Annotated Code of Maryland 65  
(1981 Volume and 1981 Supplement) 66

BY repealing 69

Article - Health Occupations 72  
Section 7-503 74  
Annotated Code of Maryland 76  
(1981 Volume and 1981 Supplement) 77

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland (as enacted by Chapter 437 of the Acts of the General Assembly of ~~1982~~ 1981) read(s) as follows: 81  
82  
83

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Article - Health Occupations	86
7-205.	89
(A) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:	92
(1) To adopt rules and regulations to carry out the provisions of this title;	96
(2) To set standards for the practice of registered nursing and licensed practical nursing;	99 100
(3) To adopt rules and regulations for the performance of delegated medical functions which are recognized jointly by the State Board of Medical Examiners and the State Board of Examiners of Nurses, under § 14-304(d) of this article;	103 104 105
(4) To adopt rules and regulations for the performance of additional nursing acts that:	108 109
(i) May be performed under any condition authorized by the Board, including emergencies; and	112 113
(ii) Require education and clinical experience;	116
(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:	119 120
(i) Require formal education and clinical experience; and	123
(ii) May be performed under any condition authorized by the Board, including emergencies;	126 127
(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:	130 131
(i) Require formal education and clinical experience;	134
(ii) May be performed under any condition authorized by the Board, including emergencies; and	137 138
(iii) Are recognized by the nursing Board as proper for licensed practical nurses to perform;	141 142
(7) To keep a record of its proceedings;	145

(8) To submit an annual report to the Governor and Secretary;	148
(9) To enforce the employment record requirements of this title;	151
(10) To keep separate lists, which lists are open to reasonable public inspection, of all:	154
(i) Registered nurses licensed under this title;	155
(ii) Licensed practical nurses licensed under this title;	158
(iii) Nurse midwives certified under this title;	161
(iv) Nurse practitioners certified under this title; and	164
(v) Other licensees with a nursing specialty that is certified under this title;	167
(11) To collect any funds of the Board;	170
(12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and	173
(13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title.	176
(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER PARAGRAPH (A)(10) OF THIS SECTION, UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE BOARD.	180
SECTION 2. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland read(s) as follows:	184
Article - Health Occupations	185
17-503	186
(a) (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant.	189
(2) "Confidential record" does not include a record:	190

examination;	(i) Of the successful completion of an	206
	(ii) Of a license issuance or renewal;	209
not licensed or was not licensed at a particular time; or	(iii) That indicates that an individual is	212
		213
under §§ 7-312 or 7-605 of this title.	(iv) Of a final decision of the Board	216
	(b) A confidential record is exempt from:	219
	(1) Process; and	222
"Act", Article 76A, § 1 et seq. of the Code.	(2) Disclosure under the "Public Information	225
		226
	(c) A confidential record is available to:	229
employees;	(1) The members of the Board or its authorized	232
an authorized agent of that individual;	(2) The individual to whom the record relates or	235
		236
and copying it; and	(3) The parties to a proceeding held under §§	239
	7-312 or 7-605 of this title for the purpose of inspecting	240
the Board in a proceeding under §§ 7-312 or 7-605 of this	(4) A court for judicial review of a decision of	243
title.		244
	(d) By written statement, an individual may waive the	247
confidentiality provided for that individual under this		248
section as to any designated record that relates to the		249
individual[ ]		
SECTION 3. AND BE IT FURTHER ENACTED, That this Act		252
shall take effect on July 1, 1982, contingent on the passage		253
of H.B. (2r1714) of 1982. Should that measure fail of		254
enactment, the provisions of this Act are null and void		255
without the need of further action by the General Assembly.		

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.

DEPARTMENT OF FISCAL SERVICES

MARYLAND GENERAL ASSEMBLY  
 LEGISLATIVE SERVICES BUILDING  
 ANNAPOLIS, MARYLAND 21401

Telephone  
 (301) 841-3710

FISCAL NOTE

House Bill 1483 (Delegate Kopp) (Departmental - Information Practices Commission)  
 Referred to Constitutional & Public Law Committee  
 Referred to Senate Finance Committee  
 Constitutional and Administrative Law

FUNDS AFFECTED: <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SEE TEXT FOR _____					
FISCAL IMPACT SUMMARY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
State Revenues	0	0	0	0	0
State Expenditures	0	0	0	0	0
Net Increase/(Decrease) in State Funds	0	0	0	0	0
SOURCE OF ESTIMATE: <input type="checkbox"/> Agency/DFS Concurrs <input checked="" type="checkbox"/> DFS <input type="checkbox"/> DFS & Agency		LOCAL IMPACT: <input checked="" type="checkbox"/> None <input type="checkbox"/> Revenues <input type="checkbox"/> Expenditures Net Local Effect: _____ (1st FY)			

Summary of Legislation

This bill, contingent upon the passage of House Bill 1481 (Public Information Act -- Access and Disclosure) requires the State Board of Examiners of Nurses to delete the name of a licensee from any list maintained by and purchased from the Board. This bill further repeals certain provisions relating to the confidentiality of records maintained by the Board.

State Revenues and Expenditures

This bill is procedural in nature and will not affect State revenues or expenditures.

Per: E. Kenneth Henschen <sup>K.H.</sup>  
 lmr  
 March 4, 1982

  
 R. Lee Benson, Director  
 Division of Fiscal Research



HARRY HUGHES  
GOVERNOR

STATE OF MARYLAND  
EXECUTIVE DEPARTMENT  
GOVERNOR'S INFORMATION PRACTICES COMMISSION

ARTHUR S. DREA, JR.  
CHAIRMAN

April 5, 1982

HOUSE BILL 1483

House Bill 1483 represents part of the Information Practices Commission's overall effort to improve the record-keeping practices of government agencies. The intent of the bill is to bring the disclosure policies of the Board of Examiners of Nurses in line with the policies of other licensing boards.

Currently, the great majority of personally identifiable licensing data maintained by licensing boards is available for public inspection. This includes not only information which appropriately should be disclosed, such as name, business address and occupational background, but also data such as detailed physical description, age, sex, social security number, race, marital status, and so forth. After a thorough examination of this issue, the Information Practices Commission proposed in House Bill 1481 that the following licensing information should be made available in response to Public Information Act requests: name, business address, business telephone number, educational and occupational background, professional qualifications, orders and findings that result from formal disciplinary actions and evidence provided to the custodian in order to satisfy a statutory requirement of financial responsibility. Other data could be released by the custodian, but only if disclosure is necessary for a compelling public purpose and is provided by rule or regulation. Finally, a custodian would be required to delete a licensee's name from lists purchased from the custodian, upon written request from the licensee.

The enactment of House Bill 1481 will result in increased privacy protection for licensees as varied as dentists, physical therapists, barbers and plumbers. This is because, at the present time, virtually all records pertinent to these licensees is subject to public inspection.

In contrast to the situation just described, Title 7 of the Health Occupations Article contains a very strict confidentiality section which prevents the Board of Examiners of Nurses from releasing virtually all personally identifiable licensing data. All licensing data regarding nurses is nondisclosable to the public, with the exception of the following information: 1) the successful completion of an examination by a licensee or applicant; 2) a license issuance or renewal; 3) an indication that an individual is or is not licensed at a particular time; and 4) a final decision of the Board of Examiners of Nurses in cases involving potential license revocations.

The Information Practices Commission does not believe it is appropriate that the records of the Board of Examiners of Nurses be treated differently from the records of other licensing boards. Therefore, the Commission proposes in House Bill 1483 the repeal of the confidentiality statute of the Board of Examiners of Nurses. If this is done, the Board will be subject to the specific licensing language in House Bill 1481, along with all other licensing boards. It should be noted that House Bill 1481 is contingent on the passage of House Bill 1483. Therefore, it will be impossible to have a situation where the nurses' confidentiality provision was repealed without the concurrent enactment of the Commission's proposals for the protection of licensing information.

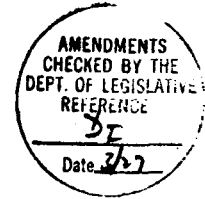
As noted earlier, House Bill 1481 states that a custodian would be required to delete a licensee's name from lists purchased from the custodian, upon written request from the licensee. Many licensees are extremely annoyed about the practice

of mailing lists and have complained to their respective boards. Currently, however, boards do not have any authority to delete the names of those individuals from their lists. While the proposal contained in House Bill 1481 will address this problem for nearly all licensing boards, specific language must be added to Title 7 of the Health Occupations Article in order to grant the Board of Examiners of Nurses the authority to delete names from lists. This is necessary because Article 7-205 (10) requires the Board of Examiners of Nurses "to keep separate lists, which lists are open to reasonable public inspection, of all." Thus, House Bill 1483 contains the identical provision regarding deletion of licensees' names as that found in House Bill 1481.

BY: THE COMMITTEE ON CONSTITUTIONAL AND ADMINISTRATIVE LAW

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982" AND  
SUBSTITUTE "1981".



**ADOPTED**  
**BY THE HOUSE**  
3/27/82  
DATE

APR - 5 1982



## SENATE OF MARYLAND

JAMES CLARK, JR.  
PRESIDENT

STATE HOUSE  
ANNAPOLIS, MARYLAND 21401

### MEMORANDUM

TO: Chairman, Finance Committee  
FROM: James Clark, Jr., President

In accordance with Rule 39, you are hereby requested to return to the Office of the Secretary of the Senate, the following legislation for assignment as indicated below:

Bill Number (s)

HB 1483

Reassignment

CPL

A handwritten signature in cursive script, reading "James Clark, Jr.", written over a horizontal line.  
President

JC/ph

cc: Office of the Secretary of the Senate (2)  
Department of Legislative Reference (2)  
Sponsor(s)  
Delegate Kopp  
Chairman, CPL Committee

Support HB 1483

Alvée Neily

Md Nurses Assoc.

YES/NO/DC

BEING FOR INFO

ENTERED TO SEE YOU

MAILS TO SEE YOU

INTERVIEWED

1481  
 tabs car of this.  
 just what Ferguson  
 that nurse had

SEARCHED

OK

OK

OK

OK



HARRY HUGHES  
GOVERNOR

STATE OF MARYLAND  
EXECUTIVE DEPARTMENT  
GOVERNOR'S INFORMATION PRACTICES COMMISSION

ARTHUR S. DREA, JR.  
CHAIRMAN

April 5, 1982

HOUSE BILL 1483

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HB 1483

When this comes up  
for vote, call

Art Drea

565-7467

HOUSE OF DELEGATES

2lr1787

No. 1483

23

-----  
 By: Delegate Kopp (Departmental - Information Practices Commission) 26  
 Introduced and read first time: February 12, 1982 28  
 Assigned to: Constitutional and Administrative Law 30  
 ----- 32

A BILL ENTITLED 35

AN ACT concerning 39

Health Occupations - Information Practices 42

FOR the purpose of providing that the State Board of 46  
 Examiners of Nurses shall delete the name of a licensee 47  
 from certain lists under certain circumstances;  
 repealing certain provisions relating to the 48  
 confidentiality of records maintained by the Board of 49  
 Examiners of Nurses; and making this Act contingent on  
 the passage of another Act. 50

BY repealing and reenacting, with amendments, 52

Article - Health Occupations 55  
 Section 7-205 57  
 Annotated Code of Maryland 59  
 (1981 Volume and 1981 Supplement) 60

BY repealing 63

Article - Health Occupations 66  
 Section 7-503 68  
 Annotated Code of Maryland 70  
 (1981 Volume and 1981 Supplement) 71

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 75  
 MARYLAND, That section(s) of the Annotated Code of Maryland 76  
 (as enacted by Chapter 437 of the Acts of the General 77  
 Assembly of 1982) read(s) as follows:

1981 Article - Health Occupations 80

7-205. 83

-----  
 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
 [Brackets] indicate matter deleted from existing law.  
 Numerals at right identify computer lines of text.

(A) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:	86 87
(1) To adopt rules and regulations to carry out the provisions of this title;	90
(2) To set standards for the practice of registered nursing and licensed practical nursing;	93 94
(3) To adopt rules and regulations for the performance of delegated medical functions which are recognized jointly by the State Board of Medical Examiners and the State Board of Examiners of Nurses, under § 14-304(d) of this article;	97 98 99
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(i) May be performed under any condition authorized by the Board, including emergencies; and	106 107
(ii) Require education and clinical experience;	110
(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:	113 114
(i) Require formal education and clinical experience; and	117
(ii) May be performed under any condition authorized by the Board, including emergencies;	120 121
(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:	124 125
(i) Require formal education and clinical experience;	128
(ii) May be performed under any condition authorized by the Board, including emergencies; and	131 132
(iii) Are recognized by the nursing Board as proper for licensed practical nurses to perform;	135 136
(7) To keep a record of its proceedings;	139
(8) To submit an annual report to the Governor and Secretary;	142
(9) To enforce the employment record requirements of this title;	145

(10) To keep separate lists, which lists are open to reasonable public inspection, of all:	148
	149
(i) Registered nurses licensed under this title;	152
(ii) Licensed practical nurses licensed under this title;	155
(iii) Nurse midwives certified under this title;	158
(iv) Nurse practitioners certified under this title; and	161
(v) Other licensees with a nursing specialty that is certified under this title;	164
(11) To collect any funds of the Board;	167
(12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and	170
	171
(13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title.	174
	175
(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER PARAGRAPH (A)(10) OF THIS SECTION, UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE BOARD.	178
	179
SECTION 2. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland read(s) as follows:	183
	184
Article - Health Occupations	187
[7-503.	190
(a) (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant.	193
	194
(2) "Confidential record" does not include a record:	197
(i) Of the successful completion of an examination;	200
(ii) Of a license issuance or renewal;	203

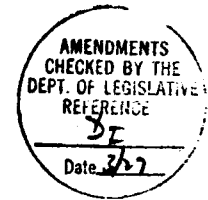
(iii) That indicates that an individual is not licensed or was not licensed at a particular time; or	206 207
(iv) Of a final decision of the Board under §§ 7-312 or 7-605 of this title.	210
(b) A confidential record is exempt from:	213
(1) Process; and	216
(2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code.	219 220
(c) A confidential record is available to:	223
(1) The members of the Board or its authorized employees;	226
(2) The individual to whom the record relates or an authorized agent of that individual;	229 230
(3) The parties to a proceeding held under §§ 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and	233 234
(4) A court for judicial review of a decision of the Board in a proceeding under §§ 7-312 or 7-605 of this title.	237 238
(d) By written statement, an individual may waive the confidentiality provided for that individual under this section as to any designated record that relates to the individual.]	241 242 243
SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 1982, contingent on the passage of H.B.____ (2r1714) of 1982. Should that measure fail of enactment, the provisions of this Act are null and void without the need of further action by the General Assembly.	246 247 248 249



BY: THE COMMITTEE ON CONSTITUTIONAL AND ADMINISTRATIVE LAW

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982" AND  
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HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND

Constitutional and Administrative Law

KOPP

SPONSOR/SPONSORS

SPEAKERS AND APPEARANCES

March 8

DATE OF HEARING

BILL NO. & SHORT TITLE: HB 1483 - Health Occupations - Information Practices

PROponents

Del. Kopp
NAME (please print) AFFILIATION

Check box and/or boxes:

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

Arthur S. Drea
NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

Dennis HARRATTY
NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

Jane Galbraith
NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

Donna Dorsey
NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

Alice J. Reby
ADDRESS

OPponents

[Crossed out name]
NAME (please print) AFFILIATION

Check box and/or boxes:

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

[Blank name field]
NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

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NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

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WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

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NAME (please print) AFFILIATION

- ORAL TESTIMONY
WRITTEN STATEMENT FILED
RECORD OF APPEARANCE ONLY

BY: THE CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE  
(OFFERED BY THE CHAIRMAN)

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982"  
AND SUBSTITUTE "1981".

Dist 3-2-2

BY: THE CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE  
(OFFERED BY THE CHAIRMAN)

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982"  
AND SUBSTITUTE "1981".

HB 1483 - Kopp (Information Practices Commission)

Health Occupations - Information Practices

Amends Health Article, §7-205

Repeals Health Article, §7-503

Provides that health occupation licensees may have their names deleted from the lists made available to the public.

Repeals provisions relating to "confidential records" inasmuch as they would be covered pursuant to the HB 1481 amendments to the Public Information Act.

Comment

Contingent on 1982 HB 1481

HISTORY

To a certain extent, 1982 HB 1368 - Toth (unfavorable report)

This is a product of the Information Practices Commission.

CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE

FIA/S  
Hold off  
report

H.B. 1483

Vote Tally  
3-22

S.B. \_\_\_\_\_

H.J.R. \_\_\_\_\_

Date

S.J.R. \_\_\_\_\_

MOTION:  Favorable  Amended  Re-refer to \_\_\_\_\_  
 Unfavorable  Hold  Other \_\_\_\_\_

	YEAS	NAYS	ABSTAIN	ABSENT
KOSS, CHAIRMAN				
CURRAN, VICE-CHAIRMAN				
MIEDUSIEWSKI				✓
CUMISKEY				
ROBERTSON				
SCHMINCKE				
SHANDROWSKY				
PHILLIPS				✓
MURPHY				
BROMWELL				✓
HUGHES				
WHITE				✓
WOODS				✓
BAKER				
BOOTH				
COLLINS				
CAMPBELL				
REDDING				
BIRD				
FICKER				✓
SIMMONS				✓
O'MALLEY				
TOTAL	15			7

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.  
 COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Signature]*  
 Committee Reporter

BY: THE CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE  
(OFFERED BY THE CHAIRMAN)

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982"  
AND SUBSTITUTE "1981".

*Nelan*

BY: THE CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE  
(OFFERED BY THE CHAIRMAN)

AMENDMENT TO HOUSE BILL NO. 1483  
(FIRST READING FILE BILL)

IN THE UNNUMBERED LINE FOLLOWING LINE 77 ON PAGE 1, STRIKE "1982"  
AND SUBSTITUTE "1981".

State of  Maryland

BILL NO: HB 1483

OFFICE OF THE SECRETARY  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

COMMITTEE: CAL

SUBJECT: Health Occupations - Information Practices

DHMH POSITION: Support with amendment

EXPLANATION:

The Department of Health and Mental Hygiene and State Board of Examiners of Nurses support the bill with amendments.

The Board opposes the repeal of Section 7-503 of the Nurse Practice Act which covers confidentiality of records. It is the Board's understanding that it is the intention to delete this section and bring the Board's record keeping activities under the Public Information Act.

The Board opposes this because the amendment to the Public Information Act would require that the Board make available information on non-pending complaints. Presently, all that is available to the public regarding complaints is the final order if a nurse is found guilty. The Board feels public access to non-pending complaints could endanger the confidentiality of patients and complainants as well as reduce reporting. There is no reason to provide information on nurses who have been cleared. Investigations are conducted in a confidential manner, and all activities are confidential unless a nurse is found guilty. It is this assurance that makes the reporting system work.

Other data required by the amendment is not collected by the Board, and the Board has no reason to collect such information.

The Amendments are as follows:

- I - Line 190 strike the bracket before {7-503
- II - The unnumbered line after Line 243 strike the bracket after the word individual.}

Bill has no fiscal impact on the Board.

*disc 3/8/82*

dist 3-8-82

Maryland League For Nursing, Inc.



March 8, 1982

HB 1483

The Maryland League for Nursing, Inc. supports the position of the Maryland State Board of Examiners of Nurses to amend HB 1483 by deleting lines 187 to 250. This amendment is necessary in order to maintain the confidentiality of licensees' records. At the present time the information which is made available concerns the outcome of the completion of the State Board Examinations, the renewal of license, and the final decision on anything pending on a record that pertains to disciplinary nature.

The support of this amendment will help to keep to a minimum the number of reports that must be produced by the Board of Examiners of Nurses. This will save time; the end result of this action will be cost effective since time is money.

Therefore, we urge you to support the amendment proposed by the Board of Nursing Examiners.

Signed by

*Jane Galbraith*

Jane Galbraith  
 Board Member and  
 Chairman, Public Affairs Committee,  
 Maryland League for Nursing, Inc.

DEPARTMENT OF FISCAL SERVICES

MARYLAND GENERAL ASSEMBLY  
LEGISLATIVE SERVICES BUILDING  
ANNAPOLIS, MARYLAND 21401

Telephone  
(301) 841-3710

FISCAL NOTE

House Bill 1483 (Delegate Kopp) (Departmental - Information Practices Commission)

Constitutional and Administrative Law

FUNDS AFFECTED: <input type="checkbox"/> GENERAL <input type="checkbox"/> SPECIAL <input type="checkbox"/> SEE TEXT FOR _____					
FISCAL IMPACT SUMMARY	FY 1983	FY 1984	FY 1985	FY 1986	FY 1987
State Revenues	0	0	0	0	0
State Expenditures	0	0	0	0	0
Net Increase/(Decrease) in State Funds	0	0	0	0	0
SOURCE OF ESTIMATE: <input type="checkbox"/> Agency/DFS Concur <input checked="" type="checkbox"/> DFS <input type="checkbox"/> DFS & Agency		LOCAL IMPACT: <input checked="" type="checkbox"/> None <input type="checkbox"/> Revenues <input type="checkbox"/> Expenditures Net Local Effect: _____ (1st FY)			

Summary of Legislation

This bill, contingent upon the passage of House Bill 1481 (Public Information Act -- Access and Disclosure) requires the State Board of Examiners of Nurses to delete the name of a licensee from any list maintained by and purchased from the Board. This bill further repeals certain provisions relating to the confidentiality of records maintained by the Board.

State Revenues and Expenditures

This bill is procedural in nature and will not affect State revenues or expenditures.

Per: E. Kenneth Henschen <sup>2-K-H</sup>  
Imr  
March 4, 1982



R. Lee Benson, Director  
Division of Fiscal Research



HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

HELEN L. KOSS

CHAIRMAN

CONSTITUTIONAL AND ADMINISTRATIVE LAW

HOME ADDRESS:

3416 HIGHVIEW COURT

WHEATON, MARYLAND 20902

NOTICE OF HEARING

February 24, 1982

To: Delegate Kopp

HB 1483, Health Occupations -  
Information Practices,  
is scheduled for public hearing on Monday, March 8,  
at 4:00 p.m.. Will you please inform the  
CAL staff on extension 3502 if you plan to testify and the  
telephone number where you might be reached at the time of  
the hearing. If you are not in the hearing room when the  
bill is about to be heard, we will notify you at the number  
you have indicated.

The order on the hearing schedule is not  
necessarily the order in which bills will be heard. Every  
effort will be made to accomodate your special time constraints  
to recognize your simultaneously scheduled responsibilities  
on the standing committee of which you are a member.

Very truly yours,

Helen L. Koss

HLK:KS

REGULAR SESSION

ROLL CALL NUMBER 1128

1982 LEGISLATURE

MARYLAND HOUSE OF DELEGATES

*S-30-82  
HB 483  
3rd Reading  
passed*

YEAS N-V NAYS

- Mr. Speaker
- Parlett
- Quade
- Mitchell
- Hagner
- Winegrad
- Burkhead
- Jimeno
- Shandrowsky
- Athey
- Scannello
- Schmincke
- Lighthizer
- Neall
- Smith, E. S.
- Rymer
- Sprague
- Sauerbrey
- Collins
- Connelly
- Weir
- Depazzo
- Minnick
- Staab
- Bromwell
- Burgess, W.
- Rush
- Hughes
- Kernan
- Medairy
- Booth
- Chamberlain
- Kach
- Alperstein
- Hollinger
- Levin

YEAS N-V NAYS

- Kountz
- Masters
- Morsberger
- Horne
- Long, R. C.
- Thomas
- Mackie
- Bienen
- Menes
- Maloney
- Cicoria
- Mooney
- Palumbo
- Bird
- Pesci
- Redding
- Devlin
- Pitkin
- Ryan
- Exum
- Santangelo
- Woods
- Donaldson
- Sheehan
- White
- Blumenthal
- Jones
- Rummage
- McCaffrey
- Vallario
- Wolfgang
- Hickman, C. M.
- Pilchard
- Delphay
- McClellan
- Smith, C. E.

YEAS N-V NAYS

- Amoss
- Adams
- Cox
- Riley, C.
- Hargreaves
- Avara
- O'Malley
- Weisengorf
- Dixon
- Lee
- Young
- Brown
- Campbell
- Perkins
- Brailev
- Conaway
- Rawlings
- Dean
- Murphy
- Phillips
- Cardin
- Shapiro
- Sklar
- Burns
- Hergenroeder
- Pica
- Curran
- McCoy
- Robey
- Chester
- Douglass
- Harrison
- DiPietro
- Cavallaro
- McDonough
- Dietrich

YEAS N-V NAYS

- Dypski
- Miedusiewski
- Hoffman
- Munson
- Muldowney
- Chasnoff
- Hyatt
- Ficker
- Toth
- Goldwater
- Kopp
- Morella
- Forehand
- Owens
- Simmons
- Robertson
- Boergers
- Sher
- Garrott
- Koss
- Maurer
- Bainum
- Hixson
- Ruben
- Byrnes
- Cumiskey
- Taylor
- Beck
- Harchenhorn
- Matthews
- Baker
- Burgess, H.
- Riley, L. R.
- Bolden

YEAS

N-V

NAYS

100-200

100-200

100-200

0	0
1	1
2	2
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4	4
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7	7
8	8
9	9

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2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

BILL NUMBER

HOUSE  
SENATE

BILL  
RESO.

1000	100
2000	200
3000	300
4000	400
Joint	500
2nd R	600
3rd R	700
Que.	800
Mot.	900
000	000

10	1
20	2
30	3
40	4
50	5
60	6
70	7
80	8
90	9
00	0

DATE

JAN	2
FEB	3
MAR	1
APR	2
MAY	3
JUN	4
JUL	5
AUG	6
SEP	7
OCT	8
NOV	9
DEC	0

STEPHEN H. SACHS  
ATTORNEY GENERAL  
ELEANOR M. CAREY  
DEPUTY ATTORNEY GENERAL  
PAUL F. STRAIN  
DEPUTY ATTORNEY GENERAL



ROBERT A. ZARNOCH  
ASSISTANT ATTORNEY GENERAL  
COUNSEL TO THE GENERAL ASSEMBLY  
RICHARD E. ISRAEL  
ASSISTANT ATTORNEY GENERAL  
LINDA H. LAMONE  
ASSISTANT ATTORNEY GENERAL

## THE ATTORNEY GENERAL

104 LEGISLATIVE SERVICES BUILDING  
90 STATE CIRCLE  
ANNAPOLIS, MARYLAND 21401-1991  
AREA CODE 301  
BALTIMORE & LOCAL CALLING AREA 841-3889  
WASHINGTON METROPOLITAN AREA 858-3889  
TTY FOR DEAF - ANNAPOLIS 841-3814 - D.C. METRO 858-3814

May 11, 1982

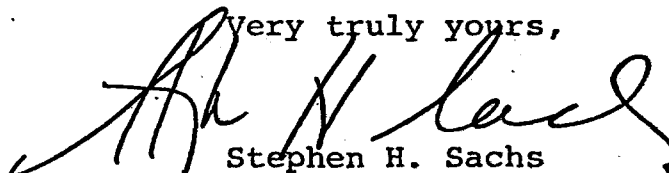
Honorable Harry Hughes  
Governor of Maryland  
State House  
Annapolis, Maryland 21401

Dear Governor Hughes:

As requested, we have examined the following bills and hereby approve them for constitutionality and legal sufficiency:

<u>House Bills</u>		<u>Senate Bills</u>	
182	1132	135	482
275	1410	192	767
351	1481	262	990*
402	1483	281	1089**
421	1783**	418	
583*	1858		

Very truly yours,

  
Stephen H. Sachs  
Attorney General

SHS:mar

cc: Carl Eastwick, Esquire  
F. Carvel Payne  
Hon. Fred L. Wineland

\* House Bill 583 is identical to Senate Bill 990.

\*\* House Bill 1783 and Senate Bill 1089 are identical bills.

F/A/S

CONSTITUTIONAL AND ADMINISTRATIVE LAW COMMITTEE

H.B. 1483

Vote Tally  
3/22/82  
Date

S.B. \_\_\_\_\_

H.J.R. \_\_\_\_\_

S.J.R. \_\_\_\_\_

MOTION:  Favorable  Amended  Re-refer to \_\_\_\_\_  
 Unfavorable  Hold  Other \_\_\_\_\_

	YEAS	NAYS	ABSTAIN	ABSENT
KOSS, CHAIRMAN				
CURRAN, VICE-CHAIRMAN				
MIEDUSIEWSKI				✓
CUMISKEY				
ROBERTSON				
SCHMINCKE				
SHANDROWSKY				
PHILLIPS				✓
MURPHY				
BROMWELL				✓
HUGHES				
WHITE				✓
WOODS				✓
BAKER				
BOOTH				
COLLINS				
CAMPBELL				✓
REDDING				
BIRD				
FICKER				
SIMMONS				✓
O'MALLEY				
TOTAL	15			7

NOTE: Comments, if any, must be made known to the members BEFORE the Vote.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Laura Jones*  
Committee Reporter

MARYLAND STATE SENATE

YEA N-V NAY

Mr. President \_\_\_\_\_

Abrams \_\_\_\_\_

Baker \_\_\_\_\_

Blount \_\_\_\_\_

Bonvegnc \_\_\_\_\_

Boozer \_\_\_\_\_

Broadwater \_\_\_\_\_

Cade \_\_\_\_\_

Connell \_\_\_\_\_

Conroy \_\_\_\_\_

Crawford \_\_\_\_\_

YEA N-V NAY

Curran \_\_\_\_\_

Cushwa \_\_\_\_\_

Denis \_\_\_\_\_

Donovan \_\_\_\_\_

Dorman \_\_\_\_\_

Douglass \_\_\_\_\_

Dypski \_\_\_\_\_

Garrity \_\_\_\_\_

Helton \_\_\_\_\_

Hickman \_\_\_\_\_

Kelly \_\_\_\_\_

King \_\_\_\_\_

Komenda \_\_\_\_\_

YEA N-V NAY

Kramer \_\_\_\_\_

Lapides \_\_\_\_\_

Levitan \_\_\_\_\_

Long \_\_\_\_\_

Malkus \_\_\_\_\_

Mason \_\_\_\_\_

McGuirk \_\_\_\_\_

Miller \_\_\_\_\_

Mitchell \_\_\_\_\_

Murphy \_\_\_\_\_

O'Reilly \_\_\_\_\_

YEA N-V NAY

Rasmusse \_\_\_\_\_

Schafer \_\_\_\_\_

Schweinhaut \_\_\_\_\_

Shore \_\_\_\_\_

Simpson \_\_\_\_\_

Smelser \_\_\_\_\_

Steinberg \_\_\_\_\_

Stone \_\_\_\_\_

Stroble \_\_\_\_\_

Thomas \_\_\_\_\_

Welcome \_\_\_\_\_

Welsh \_\_\_\_\_

YEAS	N-V	NAYS
32	15	
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9	9	9

BILL NUMBER			DATE: 1
HOUSE	BILL	RESO.	
SENATE			
1000	100	10	JAN 2
2000	200	20	FEB 3
3000	300	30	MAR 1
4000	400	40	APR 2
Joint	500	50	MAY 3
2nd R	600	60	JUN 4
3rd R	700	70	JUL 5
Que.	800	80	AUG 6
Mot	900	90	SEP 7
	000	00	OCT 8
			NOV 9
			DEC 0

MARYLAND STATE SENATE

YEA N-V NAY

Mr. President \_\_\_\_\_

Abrams  \_\_\_\_\_

Baker  \_\_\_\_\_

Blount \_\_\_\_\_

Bonvegna \_\_\_\_\_

Boozer \_\_\_\_\_

Broadwater \_\_\_\_\_

Cade \_\_\_\_\_

Connell \_\_\_\_\_

Conroy  \_\_\_\_\_

Crawford \_\_\_\_\_

YEA N-V NAY

Curran \_\_\_\_\_

Cushwa \_\_\_\_\_

Denis \_\_\_\_\_

Donovan \_\_\_\_\_

Dorman  \_\_\_\_\_

Douglass  \_\_\_\_\_

Dypski \_\_\_\_\_

Garrity  \_\_\_\_\_

Helton \_\_\_\_\_

Hickman \_\_\_\_\_

Kelly \_\_\_\_\_

King  \_\_\_\_\_

Komenda  \_\_\_\_\_

YEA N-V NAY

Kramer \_\_\_\_\_

Lapides \_\_\_\_\_

Levitan \_\_\_\_\_

Long \_\_\_\_\_

Malkus \_\_\_\_\_

Mason \_\_\_\_\_

McGuirk \_\_\_\_\_

Miller \_\_\_\_\_

Mitchell  \_\_\_\_\_

Murphy \_\_\_\_\_

O'Reilly \_\_\_\_\_

YEA N-V NAY

Rasmussen \_\_\_\_\_

Schafer \_\_\_\_\_

Schweinhaut \_\_\_\_\_

Shore \_\_\_\_\_

Simpson \_\_\_\_\_

Smelser \_\_\_\_\_

Steinberg \_\_\_\_\_

Stone \_\_\_\_\_

Stroble \_\_\_\_\_

Thomas \_\_\_\_\_

Welcome  \_\_\_\_\_

Welsh \_\_\_\_\_

YEAS			N-V			NAYS			BILL NUMBER			DATE: 1												
HOUSE	SENATE		HOUSE	SENATE		HOUSE	SENATE		HOUSE	SENATE	BILL	RESO.	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
0	0		0	0		0	0		1000	100	10	1	JAN	2										
1	1		1	1		1	1		2000	200	20	2	FEB	3										
2	2		2	2		2	2		3000	300	30	3	MAR	1										
3	3		3	3		3	3		4000	400	40	4	APR	2										
4	4		4	4		4	4		Joint	500	50	5	MAY	3										
5	5		5	5		5	5		2nd R	600	60	6	JUN	4										
6	6		6	6		6	6		3rd R	700	70	7	JUL	5										
7	7		7	7		7	7		Quo.	800	80	8	AUG	6										
8	8		8	8		8	8		Mo	900	90	9	SEP	7										
9	9		9	9		9	9			000	00	0	OCT	8										
													NOV	9										
													DEC	0										

CONSTITUTIONAL AND PUBLIC LAW COMMITTEE

Date 4/6/82

SB \_\_\_\_\_

HB 1483

SJR \_\_\_\_\_

HJR \_\_\_\_\_

SR \_\_\_\_\_

Favorable

Favorable with amendments \_\_\_\_\_

Re-refer \_\_\_\_\_

Unfavorable \_\_\_\_\_

Hold \_\_\_\_\_

Other \_\_\_\_\_

	Yeas	Nays
CONROY, Chairman.....	<input checked="" type="checkbox"/>	
STONE, Vice Chairman.....	<input checked="" type="checkbox"/>	
DONOVAN.....	<input checked="" type="checkbox"/>	
DYPSKI.....	<input checked="" type="checkbox"/>	
HICKMAN.....	<input checked="" type="checkbox"/>	
KING.....	<input checked="" type="checkbox"/>	
LONG.....	<input checked="" type="checkbox"/>	
SHORE.....		
TOTAL.....	8	0

HB-1483

REQUEST FORM

1782  
OK

Sponsor Del. Kopp / Drafted by Somerville

Date Drafted 1/4

Requested by Hanraff

Request Date 12/29 Taken by WGS

For Bill-Drafting Use Only

Short Title: Public Information -

Subject: Health Occupations

~~Not a task~~ Rush

SPECIAL INSTRUCTIONS:

Sprint - Camera Ready - Return to Somerville

File Code

23  
17

Prior Introduction

No

Acknowledged:

by / date

Computer: To

From

1/14

TO Legislative Drafting Room Supervisor for Review

Comments:

Style

Reviewed style with drafter on 1-6-82 - J. Bernstein

Legislative Drafting Room Supervisor

Mo Day Yr

1 1

Comments Noted

WGS

TO Principal Analyst/Legislative Drafting for Review

Comments:

Principal Analyst

Mo Day Yr

11 6 82

Comments Noted

By or on Behalf of the Member

For purposes of consolidating duplicate bill requests:

(1) I (agree) (do not agree) to the disclosure of the concept of this bill drafting request to other members of the General Assembly.

(2) (Answer only if (1) is answered affirmatively.)

I (agree) (do not agree) to the disclosure of my identity to other members of the General Assembly.

*Handwritten notes and signatures are present throughout the form, including "W. R. ...", "Sommerville", and "Stigo".*

**ACKNOWLEDGED:** \_\_\_\_\_ by / date \_\_\_\_\_

**COMPUTER:** To \_\_\_\_\_ From \_\_\_\_\_

**FILE CODE:** \_\_\_\_\_

**INSTRUCTION:** \_\_\_\_\_

**PRIOR:** \_\_\_\_\_

**TO LEGISLATIVE DRAFTING FROM SUPERVISOR FOR REVIEW:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**TO PRINCIPAL ANALYST/LEGISLATIVE DRAFTING FOR REVIEW:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**LEGISLATIVE DRAFTING FROM SUPERVISOR NO DAY 17:** \_\_\_\_\_

**COMMENTS NOTED:** \_\_\_\_\_

**PRINCIPAL ANALYST:** \_\_\_\_\_

**COMMENTS NOTED:** \_\_\_\_\_

**NO DAY 17:** \_\_\_\_\_

BILL ORDER

(1b) AN ACT concerning

Health Occupations - ~~Confidentiality~~ Information Practices

FOR the purpose of providing that the State Board of Examiners of Nurses shall delete ~~on~~ the name of a licensee from certain lists under certain circumstances; and repealing certain provisions relating to the confidentiality of records maintained by the Board of Examiners of Nurses.

CIRCLE ONLY ONE

- (rr) By repealing and re-enacting, with amendments,
- or
- (nn) By adding to
- or
- (r) By repealing

Article Health Occupations  
Section 7-205

Annotated Code of Maryland  
(1980 Replacement Volume and 1981 Supplement)

Circle as appropriate

- (ed) - July 1 effective date
- (eed) - emergency effective date
- (aed) - abnormal effective date: \_\_\_\_\_

- (sev) - severability clause
- (sii) - salary increase not to affect incumbent

Office \_\_\_\_\_

SUPPLEMENTAL SHEETS

(rr) BY repealing and reenacting, with amendments,  
or

(an) BY adding to  
or

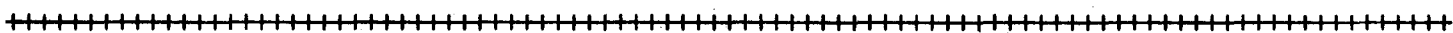
(r) BY repealing

Article Health Occupations

Section 7-503

Annotated Code of Maryland

(19~~8~~ Replacement Volume and 1981 Supplement)



(rr) BY repealing and reenacting, with amendments,  
or

(an) BY adding to  
or

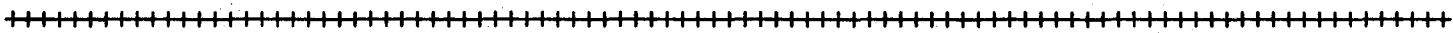
(r) BY repealing

Article \_\_\_\_\_

Section \_\_\_\_\_

Annotated Code of Maryland

(19\_\_ Replacement Volume and 198\_\_ Supplement)



(rr) BY repealing and reenacting, with amendments,  
or

(an) BY adding to  
or

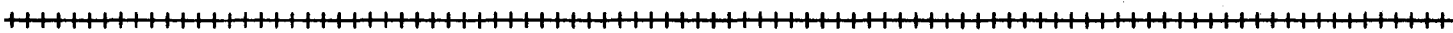
(r) BY repealing

Article \_\_\_\_\_

Section \_\_\_\_\_

Annotated Code of Maryland

(19\_\_ Replacement Volume and 198\_\_ Supplement)



# Health Occupations

## § 7-205. ~~Miscellaneous powers and duties.~~

(A) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(1) To adopt rules and regulations to carry out the provisions of this title;

(2) To set standards for the practice of registered nursing and licensed practical nursing;

(3) To adopt rules and regulations for the performance of delegated medical functions which are recognized jointly by the State Board of Medical Examiners and the State Board of Examiners of Nurses, under § 14-304 (d) of this article;

(4) To adopt rules and regulations for the performance of additional nursing acts that:

(i) May be performed under any condition authorized by the Board, including emergencies;

(ii) Require education and clinical experience;

(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:

(i) Require formal education and clinical experience; and

(ii) May be performed under any condition authorized by the Board, including emergencies;

(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:

(i) Require formal education and clinical experience;

(ii) May be performed under any condition authorized by the Board, including emergencies; and

(iii) Are recognized by the Nursing Board as proper for licensed practical nurses to perform;

(7) To keep a record of its proceedings;

(8) To submit an annual report to the Governor and Secretary;

(9) To enforce the employment record requirements of this title;

(10) To keep separate lists, which lists are open to reasonable public inspection, of all:

(i) Registered nurses licensed under this title;

(ii) Licensed practical nurses licensed under this title;

(iii) Nurse midwives certified under this title;

(iv) Nurse practitioners certified under this title; and

(v) ~~Other~~ <sup>Other</sup> licenses with a nursing specialty that is certified under this title; ~~and~~

(11) To collect any funds of the Board;

(12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and

(13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title. ~~(Am. Code 1957, art. 63,~~

~~(B) THE BOARD SHALL DELETE FROM~~  
(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER PARAGRAPH (A)(10) OF THIS SECTION, ~~UPON~~ UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE BOARD.

**§7-503. Confidentiality of records.**

(a) ~~Confidential record defined.~~ — (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant.

(2) "Confidential record" does not include a record:

- (i) Of the successful completion of an examination;
- (ii) Of a license issuance or renewal;
- (iii) That indicates that an individual is not licensed or was not licensed at a particular time; or
- (iv) Of a final decision of the Board under §§ 7-312 or 7-605 of this title.

(b) ~~Scope of confidentiality.~~ — A confidential record is exempt from:

- (1) Process; and
- (2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code.

(c) ~~Access to confidential records.~~ — A confidential record is available to:

- (1) The members of the Board or its authorized employees;
- (2) The individual to whom the record relates or an authorized agent of that individual;
- (3) The parties to a proceeding held under §§ 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and
- (4) A court for judicial review of a decision of the Board in a proceeding under §§ 7-312 or 7-605 of this title.

(d) ~~Waiver of confidentiality.~~ — By written statement, an individual may waive the confidentiality provided for that individual under this section as to any designated record that relates to the individual. ~~Mar. Code 1957, art. 43,~~

PROPOSED AMENDMENTS TO HEALTH OCCUPATIONS ARTICLE

Work Papers

7-205. Miscellaneous powers and duties.

In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

- (1) To adopt rules and regulations to carry out the provisions of this title;
- (2) To set standards for the practice of registered nursing and licensed practical nursing;
- (3) To adopt rules and regulations for the performance of delegated medical functions which are recognized jointly by the State Board of Medical Examiners and the State Board of Examiners of Nurses, under § 14-304 (d) of this article;
- (4) To adopt rules and regulations for the performance of additional nursing acts that:
  - (i) May be performed under any condition authorized by the Board, including emergencies;
  - (ii) Require education and clinical experience;
- (5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:
  - (i) Require formal education and clinical experience; and
  - (ii) May be performed under any condition authorized by the Board, including emergencies;
- (6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:
  - (i) Require formal education and clinical experience;
  - (ii) May be performed under any condition authorized by the Board, including emergencies; and
  - (iii) Are recognized by the Nursing Board as proper for licensed practical nurses to perform;
- (7) To keep a record of its proceedings;
- (8) To submit an annual report to the Governor and Secretary;
- (9) To enforce the employment record requirements of this title;
- (10) To keep separate lists, which lists are open to reasonable public inspection, of all:
  - (i) Registered nurses licensed under this title;
  - (ii) Licensed practical nurses licensed under this title;
  - (iii) Nurse midwives certified under this title;
  - (iv) Nurse practitioners certified under this title; and
  - (v) Other licensees with a nursing specialty that is certified under this title;
  - (vi) EXCEPT THAT, UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE, THE BOARD SHALL DELETE THAT PERSON'S NAME FROM LICENSEE LISTS PURCHASED FROM THE BOARD;
- (11) To collect any funds for the Board;
- (12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and
- (13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title.

§ 7-503. Confidentiality of records.

- [ (a) " Confidential record" defined. - (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant.
- (2) "Confidential record" does not include a record:
- (i) Of the successful completion of an examination;
  - (ii) Of a license issuance or renewal;
  - (iii) That indicates that an individual is not licensed or was not licensed at a particular time; or
  - (iv) Of a final decision of the Board under § § 7-312 or 7-605 of this title.
- (b) Scope of confidentiality. - A confidential record is exempt from:
- (1) Process; and
  - (2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code.
- (c) Access to confidential records. - A confidential record is available to:
- (1) The members of the Board or its authorized employees;
  - (2) The individual to whom the record relates or an authorized agent of that individual;
  - (3) The parties to a proceeding held under § § 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and
  - (4) A court for judicial review of a decision of the Board in a proceeding under § § 7-312 or 7-605 of this title.
- (d) Waiver of confidentiality. - By written statement, an individual may waive the confidentiality provided for that individual under this section as to any designated record that relates to the individual.]

Typed by Somerville/mk  
Proofread by WM-NB  
Corrected by \_\_\_\_\_  
Checked by NB/WM

By: Delegate Kopp 26

A BILL ENTITLED 29

AN ACT concerning 34

Health Occupations - Information Practices 37

FOR the purpose of providing that the State Board of 41

Examiners of Nurses shall delete the name of a licensee 42

from certain lists under certain circumstances; and

repealing certain provisions relating to the 43

confidentiality of records maintained by the Board of 44

Examiners of Nurses.

BY repealing and reenacting, with amendments, 46

Article - Health Occupations 49

Section 7-205 51

Annotated Code of Maryland 53

(1981 Volume and 1981 Supplement) 54

BY repealing 57

Article - Health Occupations 60

Section 7-503 62

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
Numerals at right identify computer lines of text.

Annotated Code of Maryland	64
(1981 Volume and 1981 Supplement)	65
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF	69
MARYLAND, That section(s) of the Annotated Code of Maryland	70
read(s) as follows:	
Article - Health Occupations	73
7-205.	77
(a) In addition to the powers and duties set forth	80
elsewhere in this title, the Board has the following powers	81
and duties:	
(1) To adopt rules and regulations to carry out	84
the provisions of this title;	
(2) To set standards for the practice of	87
registered nursing and licensed practical nursing;	88
(3) To adopt rules and regulations for the	91
performance of delegated medical functions which are	92
recognized jointly by the State Board of Medical Examiners	
and the State Board of Examiners of Nurses, under §	93
14-304(d) of this article;	
(4) To adopt rules and regulations for the	96
performance of additional nursing acts that:	97

(i) May be performed under any condition authorized by the Board, including emergencies; and 100  
101

(ii) Require education and clinical experience; 104

(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that: 107  
108

(i) Require formal education and clinical experience; and 111

(ii) May be performed under any condition authorized by the Board, including emergencies; 114  
115

(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that: 118  
119

(i) Require formal education and clinical experience; 122

(ii) May be performed under any condition authorized by the Board, including emergencies; and 125  
126

(iii) Are recognized by the nursing Board as proper for licensed practical nurses to perform; 129  
130

(7) To keep a record of its proceedings; 133

(8) To submit an annual report to the Governor and Secretary; 136

(9) To enforce the employment record requirements of this title; 139

(10) To keep separate lists, which lists are open to reasonable public inspection, of all: 142  
143

(i) Registered nurses licensed under this title; 146

(ii) Licensed practical nurses licensed under this title; 149

(iii) Nurse midwives certified under this title; 152

(iv) Nurse practitioners certified under this title; and 155

(v) Other licensees with a nursing specialty that is certified under this title; 158

(11) To collect any funds of the Board; 161

(12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and 164  
165

(13) In accordance with the State budget, to 168  
incur any necessary expense for prosecution of an alleged 169  
violation of this title.

(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER 171  
PARAGRAPH (A) (10) OF THIS SECTION, UPON WRITTEN REQUEST FROM 172  
AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT 173  
INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE  
BOARD.

[7-503. 176

(a) (1) In this section, "confidential record" means 179  
any record of the Board that concerns and identifies a 180  
licensee, former licensee, or license applicant.

(2) "Confidential record" does not include a 183  
record:

(i) Of the successful completion of an 186  
examination;

(ii) Of a license issuance or renewal; 189

(iii) That indicates that an individual is 192  
not licensed or was not licensed at a particular time; or 193

(iv) Of a final decision of the Board 196  
under §§ 7-312 or 7-605 of this title.

- (b) A confidential record is exempt from: 199
- (1) Process; and 202
  - (2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code. 205  
206
- (c) A confidential record is available to: 209
- (1) The members of the Board or its authorized employees; 212
  - (2) The individual to whom the record relates or an authorized agent of that individual; 215  
216
  - (3) The parties to a proceeding held under §§ 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and 219  
220
  - (4) A court for judicial review of a decision of the Board in a proceeding under §§ 7-312 or 7-605 of this title. 223  
224
- (d) By written statement, an individual may waive the confidentiality provided for that individual under this section as to any designated record that relates to the individual. ] 227  
228  
229

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982. 233

BILL ORDER - SPECIAL INSTRUCTIONS

Sponsor Dee Kopp  
Requested by Jennifer Riggs  
Date \_\_\_\_\_

Drafted by \_\_\_\_\_  
Date \_\_\_\_\_

1787  
OK

Therney  
Celia - Renee

PREPARE FOR INTRODUCTION

NOTE SPONSORSHIP

ONE SPRINT ONLY - TWO SPRINTS

CAMERA READY COPY: one - two

NO B & T

NOTE CHANGES

Mibby - Truly

Return to Carvel

OTHER \_\_\_\_\_

*if you have questions  
call Ben Bialek  
6-3336*

Typed by Somerville/mk  
Proofread by \_\_\_\_\_  
Corrected by \_\_\_\_\_  
Checked by \_\_\_\_\_

**DEPARTMENTAL -**  
**(INFORMATION PRACTICES COMMISSION)**

By: Delegate Kopp

26

A BILL ENTITLED

29

AN ACT concerning

33

Health Occupations - Information Practices

36

FOR the purpose of providing that the State Board of  
Examiners of Nurses shall delete the name of a licensee  
from certain lists under certain circumstances; ~~and~~  
repealing certain provisions relating to the  
confidentiality of records maintained by the Board of  
Examiners of Nurses; and making this Act contingent on the  
passage of another Act.

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41

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43

*changes 2/18/82  
JR PD  
stet*

~~BY repealing and reenacting, with amendments,~~

45

Article - Health Occupations

48

Section 7-205 ~~and~~

50

Annotated Code of Maryland

52

(1981 Volume and 1981 Supplement)

53

(AS enacted by Ch. 437 of Acts of the *General Assembly*  
of 1981)

*per BS  
12/28/82  
BF*

BY repealing

56

Article - Health Occupations

59

Section 7-503

61

Annotated Code of Maryland

63

(1981 Volume and 1981 Supplement)

64

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
MARYLAND, That section(s) of the Annotated Code of Maryland  
read(s) as follows:

68

69

Article - Health Occupations

*enacted by Chapter 437 of the  
Acts of the General Assembly  
of 1982*

72

7-205.

76

*Disregard  
Strike through*

(A)

~~(a) In addition to the powers and duties set forth  
elsewhere in this title, the Board has the following powers  
and duties:~~

79

80

*stet*

-----  
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
Numerals at right identify computer lines of text.

11787

STET

(1) To adopt rules and regulations to carry out the provisions of this title;	83
(2) To set standards for the practice of registered nursing and licensed practical nursing;	86 87
(3) To adopt rules and regulations for the performance of delegated medical functions which are recognized jointly by the State Board of Medical Examiners and the State Board of Examiners of Nurses, under § 14-304(d) of this article;	90 91 92
(4) To adopt rules and regulations for the performance of additional nursing acts that:	95 96
(i) May be performed under any condition authorized by the Board, including emergencies; and	99 100
(ii) Require education and clinical experience;	103
(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:	106 107
(i) Require formal education and clinical experience; and	110
(ii) May be performed under any condition authorized by the Board, including emergencies;	113 114
(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:	117 118
(i) Require formal education and clinical experience;	121
(ii) May be performed under any condition authorized by the Board, including emergencies; and	124 125
(iii) Are recognized by the nursing Board as proper for licensed practical nurses to perform;	128 129
(7) To keep a record of its proceedings;	132
(8) To submit an annual report to the Governor and Secretary;	135

STET

- (9) To enforce the employment record requirements of this title; 138
- (10) To keep separate lists, which lists are open to reasonable public inspection, of all: 141
  - (i) Registered nurses licensed under this title; 142
  - (ii) Licensed practical nurses licensed under this title; 145
  - (iii) Nurse midwives certified under this title; 148
  - (iv) Nurse practitioners certified under this title; and 151
  - (v) Other licensees with a nursing specialty that is certified under this title; 154
- (11) To collect any funds of the Board; 157
- (12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and 160
- (13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title. 163

(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER PARAGRAPH (A)(10) OF THIS SECTION, UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE BOARD. 170

→ SECTION 2. Normal enacted, clause [7-503. 171

(a) (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant. 172

(2) "Confidential record" does not include a record: 175

(i) Of the successful completion of an examination; 178

(ii) Of a license issuance or renewal; 188

(iii) That indicates that an individual is not licensed or was not licensed at a particular time; or 191  
192

(iv) Of a final decision of the Board under §§ 7-312 or 7-605 of this title. 195

(b) A confidential record is exempt from: 198

(1) Process; and 201

(2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code. 204  
205

(c) A confidential record is available to: 208

(1) The members of the Board or its authorized employees; 211

(2) The individual to whom the record relates or an authorized agent of that individual; 214  
215

(3) The parties to a proceeding held under §§ 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and 218  
219

(4) A court for judicial review of a decision of the Board in a proceeding under §§ 7-312 or 7-605 of this title. 222  
223

(d) By written statement, an individual may waive the confidentiality provided for that individual under this section as to any designated record that relates to the individual.] 226  
227  
228

*this Act shall*

SECTION <sup>3</sup> ~~2~~ AND BE IT FURTHER ENACTED, That ~~this Act~~ <sup>take effect on July 1, 1982,</sup> 232

~~shall take effect on July 1, 1982,~~

*of this Act is contingent upon the passage of*

*H.B. — (LR 1714) of 1982. Should that*

*measure fail without the passage of this*

*of enactment, the provisions of this Act*

*are null and void without the need of*

*further action by the General Assembly.*

Typed by Somerville/mk  
 Proofread by \_\_\_\_\_  
 Corrected by \_\_\_\_\_  
 Checked by ES-PD-BF-ES  
 NP-BS

By: Delegate Kopp (Departmental - Information Practices Commission) 26

A BILL ENTITLED 29

AN ACT concerning 34

Health Occupations - Information Practices 37

FOR the purpose of providing that the State Board of 41

Examiners of Nurses shall delete the name of a licensee 42

from certain lists under certain circumstances;

repealing certain provisions relating to the 43

confidentiality of records maintained by the Board of 44

Examiners of Nurses; and making this Act contingent on

the passage of another Act. 45

BY repealing and reenacting, with amendments, 47

Article - Health Occupations 50

Section 7-205 52

Annotated Code of Maryland 54

(1981 Volume and 1981 Supplement) 55

(As enacted by Chapter 437 of the Acts of the 56

General Assembly of 1982) 57

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
 [Brackets] indicate matter stricken from existing law.  
 Numerals at right identify computer lines of text.

BY repealing	60
Article - Health Occupations	63
Section 7-503	65
Annotated Code of Maryland	67
(1981 Volume and 1981 Supplement)	68
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF	72
MARYLAND, That section(s) of the Annotated Code of Maryland	73
(as enacted by Chapter 437 of the Acts of the General	74
Assembly of 1982) read (s) as follows:	
Article - Health Occupations	77
7-205.	80
(A) In addition to the powers and duties set forth	83
elsewhere in this title, the Board has the following powers	84
and duties:	
(1) To adopt rules and regulations to carry out	87
the provisions of this title;	
(2) To set standards for the practice of	90
registered nursing and licensed practical nursing;	91
(3) To adopt rules and regulations for the	94
performance of delegated medical functions which are	95
recognized jointly by the State Board of Medical Examiners	
and the State Board of Examiners of Nurses, under §	96
14-304 (d) of this article;	

(4) To adopt rules and regulations for the performance of additional nursing acts that:	99
	100
(i) May be performed under any condition authorized by the Board, including emergencies; and	103
	104
(ii) Require education and clinical experience;	107
(5) To adopt rules and regulations for registered nurses to perform independent nursing functions that:	110
	111
(i) Require formal education and clinical experience; and	114
(ii) May be performed under any condition authorized by the Board, including emergencies;	117
	118
(6) To adopt rules and regulations for licensed practical nurses to perform additional acts in the practice of registered nursing that:	121
	122
(i) Require formal education and clinical experience;	125
(ii) May be performed under any condition authorized by the Board, including emergencies; and	128
	129
(iii) Are recognized by the nursing Board as proper for licensed practical nurses to perform;	132
	133

- (7) To keep a record of its proceedings; 136
- (8) To submit an annual report to the Governor and Secretary; 139
- (9) To enforce the employment record requirements of this title; 142
- (10) To keep separate lists, which lists are open to reasonable public inspection, of all: 145
  - (i) Registered nurses licensed under this title; 146
  - (ii) Licensed practical nurses licensed under this title; 149
  - (iii) Nurse midwives certified under this title; 152
  - (iv) Nurse practitioners certified under this title; and 155
  - (v) Other licensees with a nursing specialty that is certified under this title; 158
- (11) To collect any funds of the Board; 161
- (12) To report any alleged violation of this title to the State's attorney of the county where the alleged violation occurred; and 164

(13) In accordance with the State budget, to incur any necessary expense for prosecution of an alleged violation of this title.

(B) WITH REGARD TO ANY LIST KEPT BY THE BOARD UNDER PARAGRAPH (A) (10) OF THIS SECTION, UPON WRITTEN REQUEST FROM AN INDIVIDUAL LICENSEE THE BOARD SHALL DELETE THAT INDIVIDUAL'S NAME FROM ANY LICENSEE LIST PURCHASED FROM THE BOARD.

SECTION 2. <sup>AND FURTHER</sup> ~~BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~ That section(s) of the Annotated Code of Maryland read(s) as follows:

Article - Health Occupations

[7-503.

(a) (1) In this section, "confidential record" means any record of the Board that concerns and identifies a licensee, former licensee, or license applicant.

(2) "Confidential record" does not include a record:

(i) Of the successful completion of an examination;

(ii) Of a license issuance or renewal;

(iii) That indicates that an individual is not licensed or was not licensed at a particular time; or

(iv) Of a final decision of the Board under §§ 7-312 or 7-605 of this title.

(b) A confidential record is exempt from:

(1) Process; and

(2) Disclosure under the "Public Information Act", Article 76A, § 1 et seq. of the Code.

(c) A confidential record is available to:

(1) The members of the Board or its authorized employees;

(2) The individual to whom the record relates or an authorized agent of that individual;

(3) The parties to a proceeding held under §§ 7-312 or 7-605 of this title for the purpose of inspecting and copying it; and

(4) A court for judicial review of a decision of the Board in a proceeding under §§ 7-312 or 7-605 of this title.

(d) By written statement, an individual may waive the confidentiality provided for that individual under this

2lr1787

section as to any designated record that relates to the individual.]

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SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 1982, contingent on the passage of H.B. \_\_\_\_\_ (2r1714) of 1982. Should that measure fail of enactment, the provisions of this Act are null and void without the need of further action by the General Assembly.

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