

VETOES

I have received numerous letters from nurses, nursing staff agencies, the Maryland Nurses Association, and the Association of Independent Health Care Owners urging me to veto House Bill 405. Opponents argue that the liability provisions in this bill would create two classes of nurses, those with insurance and those without. Some opponents also fear that the bill represents "a first step in seeking to regulate these agencies out of business".

Nursing staff agencies provide important services to health care facilities, which I believe should be regulated. As was pointed out by the Environmental Matters Committee study, the increased reliance on temporary nursing personnel make it necessary that these agencies be held accountable and meet certain minimum standards.

I am troubled, however, by amendments to the bill which would create a bifurcated system of State responsibility for nursing staff agencies. As amended, House Bill 405 would require the Secretary of Health and Mental Hygiene to adopt regulations to require registration of nursing staff agencies. However, the State Board of Nursing could issue a written directive to the Secretary requiring her to comply with an order to deny, revoke, or suspend the registration of an agency. On receipt of a complaint, it is the State Board of Nursing who conducts the investigation to determine whether the nursing staff agency has complied with the regulations adopted by the Secretary.

It is unclear under this bifurcated system who is ultimately held accountable for the regulation of nursing staff agencies. While other health boards advise the Secretary on matters within their expertise, the Secretary is responsible for making the decisions based upon the Board's recommendation. I believe enactment of House Bill 405 would create a dangerous administrative precedent in which the Secretary of a Department would be required to comply with a directive of an occupational board. Furthermore, amendments to the bill would require that fees be set in a manner which will produce funds sufficient to cover the costs of maintaining the registration program, yet all funds collected would go to the State Board of Nursing for the purpose of conducting hearings and investigations.

Because of these inconsistencies, I have decided to veto House Bill 405.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 405

AN ACT concerning

Nursing Staff Agency Registration

FOR the purpose of establishing a registration program for nursing staff agencies that procure, furnish, or refer nursing personnel for temporary employment at health care facilities ~~or personal residences~~; requiring the Secretary of Health and Mental Hygiene to adopt certain regulations in consultation with a certain advisory