

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 43, § 299(a) and (d).

While present Art. 43, § 299 applies only to registered nurses and licensed practical nurses, the Commission to Revise the Annotated Code has extended these provisions to cover licensed nurse midwives. Licensed nurse midwives are included in light of the use in present Art. 43, § 299 of the broad term "nursing" and because, as a prerequisite, a licensed nurse midwife must be a registered nurse. This revision is called to the attention of the General Assembly.

In subsection (a) of this section, the specific references to "registered nursing", "licensed practical nursing", and "midwifery" are substituted for the broader, more vague term "nursing" for clarity.

In the introductory language of subsection (a) of this section, the present statement that the Board may "refuse to renew any license" for the specified reasons is deleted as needless and misleading. Under Art. 41, § 250A(b) of the Administrative Procedure Act, if a licensee makes timely application for renewal, the license does not expire until the Board has acted on the application and the time for appeal has run. Under both Art. 41, § 250A(c) and § 7-313 of this subtitle ordinarily the Board must give the licensee an opportunity for a hearing before taking disciplinary action under this section. If the Board finds grounds for disciplinary action it may suspend or revoke the license, and there is no need for a power to refuse renewal.

Subsection (a)(2) of this section is new language added to conform to similar provisions governing other health occupations in present Art. 43. It states a fundamental ground for disciplining a licensee. For an example of this provision in the present law, see present Art. 43, § 130(h)(1), as to physicians.

In subsection (a)(3) of this section, the reference to a "registration" to practice registered nursing or licensed practical nursing in any other state or country is added to conform to similar references in § 7-306 of this subtitle.

Also in subsection (a)(3) of this section, the reference to "any other state or country" is substituted for "another jurisdiction" for clarity and in light of the definition of "state" in § 1-101 of this article.