

~~(D) (3) IF THE BOARD SENDS A LETTER OF EDUCATION OR THE ISSUANCE OF AN ADVISORY LETTER UNDER THIS SECTION, THE ACTION SUBSECTION MAY NOT;~~

~~(I) BE CONSIDERED A DISCIPLINARY ACTION BY THE BOARD UNDER §§ 8-316 AND 8-6A-10 OF THIS TITLE; AND~~

~~(II) AND MAY NOT BE REPORTED TO ANY LICENSING ENTITY, EMPLOYER, OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.~~

8-6A-02.

(a) Except as otherwise provided in this subtitle, an individual shall be certified by the Board to practice as a nursing assistant or medication technician before the individual may practice as a nursing assistant or medication technician in the State.

(b) This subtitle does not apply to an individual who:

(1) Practices a health occupation that the individual is authorized to practice under this article;

(2) Provides for the gratuitous care of friends or family members;

(3) Performs nursing assistant tasks while a nursing student enrolled in an accredited nursing program and practicing under the direct supervision of qualified faculty or preceptors;

(4) Performs nursing assistant tasks as a student while:

(i) Enrolled in a Board-approved nursing assistant training program; OR

(ii) Practicing under the direct supervision of qualified faculty or preceptors; [or

(iii) Practicing under the direct supervision of a licensed nurse while working as a nursing assistant;]

(5) Performs medication technician tasks as a student while practicing under the direct supervision of qualified faculty; or

(6) Works as a principal or school secretary, does not administer medication as a routine part of the position, and has completed training by the delegating nurse for the occasion where the individual may need to administer medication in the absence of the nurse or medication technician.

(c) Nothing in this section shall preclude a registered nurse or licensed practical nurse from delegating a nursing task to an unlicensed individual provided that acceptance of delegated nursing tasks does not become a routine part of the unlicensed individual's job duties.

[(d) Nothing in this subtitle may be construed as creating a scope of practice for nursing assistants.]