

[(h)](G) (1) A nursing staff agency may not knowingly provide or refer a licensed practical nurse who is not authorized to practice licensed practical nursing under **[this title] TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE** to a health care facility to render temporary nursing services.

(2) A nursing staff agency may not knowingly provide or refer a registered nurse who is not authorized to practice registered nursing under **[this title] TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE** to a health care facility to render temporary nursing services.

~~(3) A NURSING STAFF AGENCY MAY NOT KNOWINGLY PROVIDE OR ONLY REFER A CERTIFIED NURSING ASSISTANT WHO IS CERTIFIED UNDER TITLE 8, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE TO PERFORM DELEGATED NURSING FUNCTIONS TO PRACTICE CERTIFIED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE TO A HEALTH CARE FACILITY TO RENDER TEMPORARY DELEGATED NURSING SERVICES.~~

(3) A NURSING STAFF AGENCY MAY NOT KNOWINGLY PROVIDE OR REFER A CERTIFIED NURSING ASSISTANT WHO IS NOT AUTHORIZED TO PRACTICE AS A CERTIFIED NURSING ASSISTANT UNDER TITLE 8, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE TO A HEALTH CARE FACILITY TO RENDER DELEGATED NURSING SERVICES.

[(i)] (H) (1) Except as provided in paragraph (2) of this subsection:

(i) If a nursing staff agency knows of an action or condition performed by a licensed practical nurse [or], registered nurse, OR CERTIFIED NURSING ASSISTANT provided or referred by that nursing staff agency that might be grounds for action under § 8-316 of **[this title] THE HEALTH OCCUPATIONS ARTICLE**, the nursing staff agency shall report the action or condition to the Board; and

(ii) An individual shall have immunity from liability described under § 5-709 of the Courts and Judicial Proceedings Article for making a report as required under this paragraph.

(2) A nursing staff agency is not required under this subsection to make any report that would be in violation of any federal or State law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

[(j)] (I) (1) Subject to the provisions of Title 10, Subtitle 2 of the State Government Article, the **[Board] OFFICE** may impose a penalty of up to \$2,000 for a violation of any provision of this section:

(I) FOR A FIRST OFFENSE, UP TO \$2,500 PER VIOLATION OR UP TO \$2,500 PER DAY UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE;

(II) FOR A SECOND OFFENSE, UP TO \$5,000 PER VIOLATION OR UP TO \$5,000 PER DAY UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE; AND