

(1994 Replacement Volume and 1997 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Health Occupations**

8-316.

(a) Subject to the hearing provisions of § 8-317 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the applicant or licensee:

(27) Practices registered nursing or licensed practical nursing without a license before obtaining or renewing a license, including any period when the license or a temporary license of the applicant or licensee has lapsed; [or]

(28) After failing to renew a license or after a temporary license has lapsed, commits any act that would be grounds for disciplinary action under this section[.];

(29) PERFORMS AN ACT THAT IS BEYOND THE LICENSEE'S KNOWLEDGE, AND SKILLS, AND ABILITIES;

(30) WHEN ACTING IN A SUPERVISORY POSITION, DIRECTS ANOTHER NURSE TO PERFORM AN ACT THAT IS BEYOND THE NURSE'S KNOWLEDGE, AND SKILLS, AND ABILITIES; OR

(31) WHEN ACTING IN A SUPERVISORY POSITION, DIRECTS ANOTHER NURSE TO DELEGATE A NURSING TASK TO AN INDIVIDUAL WHEN THAT NURSE REASONABLY BELIEVES:

(I) THE INDIVIDUAL LACKS THE KNOWLEDGE, AND SKILLS, AND ABILITIES TO PERFORM THE TASK; OR

(II) THE PATIENT'S CONDITION DOES NOT ALLOW DELEGATION OF THE NURSING TASK.

8-701.

(C) A PERSON MAY NOT REQUIRE A LICENSEE TO PERFORM AN ACT THAT IS BEYOND THE LICENSEE'S KNOWLEDGE, AND SKILLS, AND ABILITIES.

(D) A PERSON MAY NOT DIRECT A LICENSEE TO DELEGATE A NURSING TASK TO A NURSE WHEN THE PERSON REASONABLY BELIEVES:

(1) THE NURSE LACKS THE KNOWLEDGE, AND SKILLS, AND ABILITIES TO PERFORM THE NURSING TASK; OR

(2) THE PATIENT'S CONDITION DOES NOT ALLOW DELEGATION OF THE NURSING TASK.