

Article - Health Occupations

Section 8-205.1 and 8-316(a)(29) and (30)

Annotated Code of Maryland

(1994 Replacement Volume and 1997 Supplement)

BY repealing and reenacting, with amendments,

Article - Health Occupations

Section 8-316(a)(3), (27), and (28) and 8-317(f)

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(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

8-205.1.

(A) IF THE BOARD, WHILE INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS TITLE, HAS REASON TO BELIEVE THAT THE LICENSEE MAY CAUSE HARM TO INDIVIDUALS AFFECTED BY THE LICENSEE'S PRACTICE OF NURSING, THE BOARD SHALL REQUIRE THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE NURSING IN THE STATE, THE LICENSEE IS DEEMED TO HAVE:

(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND

(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR EXAMINATION REPORTS OF THE EXAMINING HEALTH CARE PROFESSIONAL.

(C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA FACIE EVIDENCE OF THE LICENSEE'S INABILITY TO PRACTICE NURSING COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.

(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER THIS SECTION.

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:

(3) Is disciplined by a licensing, MILITARY, or disciplinary authority in this State or in any other state or country or convicted or disciplined by a court in this