

HOUSE BILL 19

J2

(PRE-FILED)

5lr0258
CF SB 216

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Nursing – Loan Repayment, Education, and Sunset**
3 **Extension**
4 **(Building Opportunities for Nurses Act of 2025)**

5 FOR the purpose of altering the name of the Maryland Loan Assistance Repayment
6 Program for Nurses and Nursing Support Staff to be the Maryland Loan Assistance
7 Repayment Program for Nurses and altering the purpose of the Program; altering
8 certain education requirements for licensure in registered nursing and licensure by
9 endorsement in registered nursing; repealing a certain requirement that the State
10 Board of Nursing approve certain nursing assistant training program sites within a
11 certain period of time; continuing the Board in accordance with the provisions of the
12 Maryland Program Evaluation Act (Sunset Law) by extending to a certain date the
13 termination provisions relating to the statutory and regulatory authority of the
14 Board; extending the termination dates of certain preceptorship program tax credits;
15 extending the termination date of certain provisions of law governing the authority
16 of the Secretary of Health over certain staffing and infrastructure operations of the
17 Board; and generally relating to nursing.

18 BY repealing and reenacting, with amendments,
19 Article – Health – General
20 Section 24–1901 through 24–1904 and 24–1906 to be under the amended subtitle
21 “Subtitle 19. Maryland Loan Assistance Repayment Program for Nurses”
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2024 Supplement)

24 BY adding to
25 Article – Health – General
26 Section 24–1904.1
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 24–1905
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 8–101(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY adding to
Article – Health Occupations
Section 8–101(d–1)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–302, 8–307, 8–6A–14, 8–6B–30, 8–6C–26, and 8–802
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–739(b)(1) and 10–739.1(b)(1)
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Chapter 385 of the Acts of the General Assembly of 2016, as amended by Chapters
153 and 154 of the Acts of the General Assembly of 2021
Section 2

BY repealing and reenacting, with amendments,
Chapter 386 of the Acts of the General Assembly of 2016, as amended by Chapters
153 and 154 of the Acts of the General Assembly of 2021
Section 2

BY repealing and reenacting, with amendments,
Chapter 675 of the Acts of the General Assembly of 2022
Section 5

BY repealing and reenacting, with amendments,

Chapter 222 of the Acts of the General Assembly of 2023
Section 5

BY repealing and reenacting, with amendments,
Chapter 223 of the Acts of the General Assembly of 2023
Section 5

BY repealing
Article – Health Occupations
Section 8–6A–14(g)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)
(As enacted by Chapters 818 and 819 of the Acts of the General Assembly of 2024)

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

Article – Health – General

Subtitle 19. Maryland Loan Assistance Repayment Program for Nurses [and Nursing
Support Staff].

24–1901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Education loan” means any loan that is obtained for tuition, educational
expenses, or living expenses for State certification, undergraduate, or graduate study
leading to practice as a nurse [or nursing support staff].

(c) “Fund” means the Maryland Loan Assistance Repayment Program Fund for
Nurses [and Nursing Support Staff].

(d) “Nurse” includes:

(1) An advanced practice registered nurse, as defined in § 8–101(b) of the
Health Occupations Article certified to practice as a nurse midwife or clinical nurse
specialist;

(2) A licensed practical nurse, as defined in § 8–101(h) of the Health
Occupations Article;

(3) A nurse anesthetist, as defined in § 8–101(k) of the Health Occupations
Article;

(4) A registered nurse, as defined in § 8–101(p) of the Health Occupations

1 Article; and

2 (5) A registered nurse practitioner, as defined in § 8–101(q) of the Health
3 Occupations Article.

4 (e) [“Nursing support staff” includes:

5 (1) A certified medication technician, as defined in § 8–6A–01(j) of the
6 Health Occupations Article;

7 (2) A certified medicine aide, as defined in § 8–6A–01(k) of the Health
8 Occupations Article;

9 (3) A certified nursing assistant, as defined in § 8–6A–01(l) of the Health
10 Occupations Article; and

11 (4) A geriatric nursing assistant, as defined in § 8–6A–01(o) of the Health
12 Occupations Article.

13 (f)] “Program” means the Maryland Loan Assistance Repayment Program for
14 Nurses [and Nursing Support Staff].

15 24–1902.

16 (a) (1) There is a Maryland Loan Assistance Repayment Program Fund for
17 Nurses [and Nursing Support Staff].

18 (2) The Fund is a continuing, nonlapsing fund that is not subject to §
19 7–302 of the State Finance and Procurement Article.

20 (3) The State Treasurer shall hold the Fund separately, and the
21 Comptroller shall account for the Fund.

22 (4) The Fund shall be invested and reinvested in the same manner as other
23 State funds.

24 (5) Any investment earnings of the Fund shall be paid into the Fund.

25 (b) The Fund consists of:

26 (1) Revenue generated through a permanent funding structure
27 recommended to the General Assembly by a stakeholder workgroup convened by the
28 Department;

29 (2) Any available federal funds;

(3) Interest earnings; and

(4) Any other money from any other source accepted for the benefit of the Fund.

(c) Expenditures from the Fund shall be made by an appropriation in the annual State budget or by an approved budget amendment as provided under § 7–209 of the State Finance and Procurement Article.

(d) The money in the Fund shall be used by the Office of the Comptroller to administer the Program.

24–1903.

There is a Maryland Loan Assistance Repayment Program for Nurses [and Nursing Support Staff].

24–1904.

(a) (1) In this section, “eligible field of employment” means [employment]:

(I) EMPLOYMENT by an organization, an institution, an association, a society, or a corporation that is exempt from taxation under § 501(c)(3) or (4) of the Internal Revenue Code of 1986; **OR**

(II) FOR-PROFIT EMPLOYMENT IN AN AREA OF THE STATE IDENTIFIED BY THE DEPARTMENT AS HAVING A HEALTH CARE WORKFORCE SHORTAGE OR PUBLIC HEALTH NEED.

(2) “Eligible field of employment” includes employment by the State or a local government in the State.

(b) The Department shall use the Fund to assist in the repayment of the amount of education loans owed by a nurse [or nursing support staff] who:

(1) Practices in an eligible field of employment; or

(2) Meets any other requirements established by the Department.

(c) Any unspent portions of the money that is transferred to the Department for use under this subtitle may not be transferred to or revert to the General Fund of the State, but shall remain in the Fund maintained by the Department to administer the Program.

24–1904.1.

(A) IN ADDITION TO THE ASSISTANCE PROVIDED UNDER § 24–1904 OF THIS

SUBTITLE, THE DEPARTMENT MAY, SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND, ASSIST IN THE REPAYMENT OF AN EDUCATION LOAN OWED BY A NURSE WHO:

(1) PRACTICES A MEDICAL SPECIALTY THAT HAS BEEN IDENTIFIED BY THE DEPARTMENT AS BEING IN SHORTAGE IN THE GEOGRAPHIC AREA OF THE STATE WHERE THE NURSE PRACTICES THAT SPECIALTY; AND

(2) COMMITS TO PRACTICING IN THE AREA FOR A PERIOD OF TIME DETERMINED BY THE DEPARTMENT.

(B) THE DEPARTMENT SHALL PRIORITIZE FUNDING FOR THE REPAYMENT OF EDUCATION LOANS THROUGH THE PROGRAM IN THE FOLLOWING ORDER:

(1) NURSES WHO MEET THE REQUIREMENTS UNDER § 24–1904(B)(1) OF THIS SUBTITLE;

(2) NURSES PRACTICING IN PRIMARY CARE IN A GEOGRAPHIC AREA WHERE THE DEPARTMENT HAS IDENTIFIED A SHORTAGE OF NURSES; AND

(3) NURSES PRACTICING IN A MEDICAL SPECIALTY OTHER THAN PRIMARY CARE IN A GEOGRAPHIC AREA WHERE THE DEPARTMENT HAS IDENTIFIED A SHORTAGE OF THAT SPECIALTY.

24–1905.

The Department shall adopt regulations to carry out the provisions of this subtitle, including regulations that:

(1) With advice from a stakeholder workgroup convened by the Department, establish priorities for funding the repayment of education loans through the Program;

(2) Establish the maximum number of participants in the Program each year in each priority area established under item (1) of this section; and

(3) Establish the minimum and maximum amount of loan repayment assistance awarded under this subtitle in each priority area established under item (1) of this section.

24–1906.

On or before October 1, 2023, and each October 1 thereafter, the Department shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on:

(1) The eligible nurses [and nursing support staff] who applied for the Program, including information on:

- (i) The practice of the nurse [or nursing support staff];
- (ii) The type and location of the site in which the nurse [or nursing support staff] provided services; and
- (iii) The geographic area served by the nurse [or nursing support staff]; and

(2) The nurses [and nursing support staff] who participated in the Program, including information on:

- (i) The amount of assistance provided to each participant;
- (ii) The practice of the participant;
- (iii) The type and location of the site in which the participant provided services; and
- (iv) The geographic area served by the participant.

Article – Health Occupations

8–101.

(a) In this title the following words have the meanings indicated.

(D–1) (1) “ENTRY–LEVEL REGISTERED NURSING EDUCATION PROGRAM” MEANS A REGISTERED NURSING EDUCATION PROGRAM THAT IS THE INITIAL ENTRY POINT FOR FORMAL REGISTERED NURSING EDUCATION THAT, ON SUCCESSFUL COMPLETION, QUALIFIES AN INDIVIDUAL WITH NO PRIOR REGISTERED NURSING EDUCATION TO OBTAIN LICENSURE AS A REGISTERED NURSE.

(2) “ENTRY–LEVEL REGISTERED NURSING EDUCATION PROGRAM” DOES NOT INCLUDE DEGREE COMPLETION PROGRAMS, INCLUDING:

(I) ASSOCIATE OF APPLIED SCIENCE DEGREE IN NURSING TO BACCALAUREATE OF SCIENCE DEGREE IN NURSING (AAS–BSN);

(II) ASSOCIATE DEGREE IN NURSING TO BACCALAUREATE OF SCIENCE DEGREE IN NURSING (ADN–BSN);

(III) ASSOCIATE OF APPLIED SCIENCE DEGREE IN NURSING TO
MASTER OF SCIENCE DEGREE IN NURSING (AAS-MSN);

(IV) ASSOCIATE DEGREE IN NURSING TO MASTER OF SCIENCE
DEGREE IN NURSING (ADN-MSN);

(V) BACCALAUREATE OF SCIENCE DEGREE IN NURSING TO
MASTER OF SCIENCE DEGREE IN NURSING (BSN-MSN);

(VI) BACCALAUREATE OF SCIENCE DEGREE IN NURSING TO
DOCTOR OF PHILOSOPHY (BSN-PHD);

(VII) BACCALAUREATE OF SCIENCE DEGREE IN NURSING TO
DOCTOR OF EDUCATION (BSN-EDD);

(VIII) BACCALAUREATE OF SCIENCE DEGREE IN NURSING TO
DOCTOR OF NURSING PRACTICE (BSN-DNP);

(IX) MASTER OF SCIENCE DEGREE IN NURSING TO DOCTOR OF
PHILOSOPHY (MSN-PHD);

(X) MASTER OF SCIENCE DEGREE IN NURSING TO DOCTOR OF
EDUCATION (MSN-EDD);

(XI) MASTER OF SCIENCE DEGREE IN NURSING TO DOCTOR OF
NURSING PRACTICE (MSN-DNP); AND

(XII) MASTER OF SCIENCE DEGREE IN NURSING TO POST
MASTERS CERTIFICATE/POST GRADUATE CERTIFICATE.

8-302.

(a) Except as otherwise provided in this title, to qualify for a license, an applicant shall be an individual who submits to a criminal history records check in accordance with § 8-303 of this subtitle and meets the requirements of this section.

(b) An applicant for a license to practice registered nursing shall complete satisfactorily and meet all requirements for a diploma or degree from:

(1) [A] AN ENTRY-LEVEL registered nursing education program approved by the Board; or

(2) An ENTRY-LEVEL REGISTERED NURSING education program [in registered nursing] in any other state or country that the Board finds substantially

1 equivalent to the education program in this State at the time of the applicant's graduation.

2 (c) An applicant for a license to practice licensed practical nursing shall:

3 (1) Meet all requirements for a high school diploma or its equivalent; and

4 (2) Complete satisfactorily and meet all requirements for a diploma from:

5 (i) A licensed practical nursing education program or its equivalent
6 approved by the Board; or

7 (ii) An education program in licensed practical nursing in any other
8 state or country that the Board finds substantially equivalent to the education program in
9 this State at the time of the applicant's graduation.

10 (d) Except as otherwise provided in this title, the applicant shall pass an
11 examination developed by the National Council of State Boards of Nursing and
12 administered at a testing site approved by the National Council.

13 (e) (1) Except as otherwise provided in this subsection, the Board shall require
14 as part of its examination or licensing procedures that an applicant for a license to practice
15 registered nursing or licensed practical nursing demonstrate a written and oral competency
16 in the English language.

17 (2) Acceptable proof of proficiency in the communication of the English
18 language under this section includes:

19 (i) After at least 3 years of enrollment, graduation from a recognized
20 English-speaking undergraduate school;

21 (ii) Graduation from a recognized English-speaking professional
22 school; or

23 (iii) Completion of at least 5 years of practicing nursing in another
24 state or English-speaking territory of the United States.

25 (3) If any disciplinary charge or action that involves a problem with
26 communicating in the English language is brought against a licensee under this title, the
27 Board shall require the licensee to take and pass a Board approved standardized test of
28 English language competency.

29 (4) The Board may not require that an applicant for a license to practice
30 registered nursing or licensed practical nursing who was previously licensed in any other
31 state to practice registered nursing or licensed practical nursing to demonstrate
32 competency in the English language as part of its examination or licensing procedures if
33 the other state has a similar English language competency component as part of its
34 examination or licensing procedures.

(5) (i) The Board may issue a temporary license to any applicant for a license to practice registered nursing or licensed practical nursing who was previously licensed in any other state to practice registered nursing or licensed practical nursing and who, except for the competency in the English language component, is otherwise qualified for a license.

(ii) A temporary license issued under this subsection is valid only until the date when the next test to demonstrate competency in the English language is given.

(f) An applicant for a license under this section shall be good moral character.

8–307.

(a) Subject to the provisions of this section, the Board may issue a license by endorsement and waive any appropriate examination requirement of this title for an applicant who has an active unencumbered license to practice registered nursing or licensed practical nursing in any other state or country.

(b) The Board may issue a license by endorsement under this section only if the applicant:

(1) Submits to the Board an application on the form that the Board requires;

(2) Submits to a criminal history records check in accordance with § 8–303 of this subtitle;

(3) Pays the application fee set by the Board under § 8–304 of this subtitle; and

(4) **[Provides] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, PROVIDES** adequate evidence that:

(i) At the time the applicant graduated from a nursing education program approved in the other state or country, the **[applicant met the educational qualifications then required by the laws of] PROGRAM WAS SUBSTANTIALLY EQUIVALENT TO THE EDUCATION PROGRAM APPROVED IN** this State;

(ii) At the time the applicant became licensed or registered in the other state or country, the applicant passed in that or any other state or country an examination that was similar to the examination that then was given in this State; and

(iii) The applicant meets the qualifications otherwise required by this title.

(C) (1) AN APPLICANT FOR LICENSURE AS A REGISTERED NURSE BY ENDORSEMENT WHO CANNOT PROVIDE THE EVIDENCE REQUIRED UNDER SUBSECTION (B)(4)(I) OF THIS SECTION MAY QUALIFY FOR LICENSURE AS A REGISTERED NURSE BY ENDORSEMENT IF THE APPLICANT MEETS THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION.

(2) AN APPLICANT MAY QUALIFY FOR LICENSURE AS A REGISTERED NURSE BY ENDORSEMENT IF THE APPLICANT HAS:

(I) COMPLETED SATISFACTORILY AND MET ALL REQUIREMENTS FOR A BACCALAUREATE DEGREE IN REGISTERED NURSING FROM A COLLEGE OR UNIVERSITY THAT, AT THE TIME OF THE APPLICANT'S GRADUATION, IS:

1. ACCREDITED BY A NATIONAL OR REGIONAL NURSING ACCREDITATION AGENCY THAT IS RECOGNIZED BY THE SECRETARY OF THE U.S. DEPARTMENT OF EDUCATION OR THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION; AND

2. APPROVED BY THE BOARD OF NURSING OR OTHER APPLICABLE STATE REGULATOR IN THE STATE IN WHICH THE PROGRAM IS LOCATED; AND

(II) COMPLETED A MINIMUM NUMBER OF DIRECT PATIENT CARE PRACTICE HOURS AS REQUIRED BY REGULATIONS ADOPTED BY THE BOARD.

8-6A-14.

(a) The Board, in conjunction with the Maryland Higher Education Commission, shall approve each nursing assistant training program prior to its implementation and provide periodic survey of all programs in the State.

(b) The Board in conjunction with the Department, Maryland Higher Education Commission, and the affected industry shall develop regulations for nursing assistant training programs.

(c) The curriculum content for an approved nursing assistant training program shall include:

(1) Content consistent with State licensing requirements in the Health – General Article and all federal requirements;

(2) All basic skills required of a nursing assistant regardless of the setting of the practice; and

(3) Any skills required for certification in a specific category.

(d) Any additional clinical practice skills specific to a setting of practice shall be taught in that setting as a part of the employment training process in that setting.

(e) The Board may make survey visits from time to time, without prior notice, to all certified nursing assistant training programs.

(f) The provisions of this section may not be interpreted to impose additional requirements for geriatric nursing assistants beyond those required under federal law.

[(g) The Board shall approve the use of a nursing assistant training site by a nursing assistant training program within 45 days after the nursing assistant training program applies for approval if the nursing assistant training program had previously been approved to use the training site by the Board.]

8-6B-30.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, and subject to the termination of this title under § 8-802 of this title, this subtitle and all rules and regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2025] **2030**.

8-6C-26.

Subject to the evaluation and reestablishment provisions of the Maryland Program Evaluation Act, and subject to the termination of this subtitle under § 8-802 of this title, this subtitle and all regulations adopted under this subtitle shall terminate and be of no effect after July 1, [2025] **2030**.

8-802.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, the provisions of this title and of any rule or regulation adopted under this title shall terminate and be of no effect after July 1, [2025] **2030**.

Article – Tax – General

10-739.

(b) (1) Subject to the limitations of this section, a nurse practitioner or licensed physician may claim a credit against the State income tax in the amount stated on the tax credit certificate issued under subsection (c) of this section for the taxable year in which the nurse practitioner or licensed physician served without compensation as a preceptor in a preceptorship program approved by the State Board of Nursing and worked:

(i) a minimum of three rotations, each consisting of at least 100 hours of community-based clinical training; and

(ii) in an area of the State identified as having a health care workforce shortage by the Department, in consultation with the Governor's Workforce Development Board.

10-739.1.

(b) (1) Subject to the limitations of this section, a licensed practical nurse, advanced practice registered nurse, or registered nurse may claim a credit against the State income tax in the amount stated on the tax credit certificate issued under subsection (c) of this section for the taxable year in which the licensed practical nurse, advanced practice registered nurse, or registered nurse served without compensation as a preceptor in a preceptorship program approved by the State Board of Nursing and worked:

(i) a minimum of three rotations, each consisting of at least 100 hours of community-based clinical training; and

(ii) in an area of the State identified as having a health care workforce shortage by the Department, in consultation with the Governor's Workforce Development Board.

Chapter 385 of the Acts of 2016, as amended by Chapters 153 and 154 of the Acts of 2021

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015. It shall remain effective for a period of [10] 14 years and, at the end of June 30, [2026] 2030, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 386 of the Acts of 2016, as amended by Chapters 153 and 154 of the Acts of 2021

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015. It shall remain effective for a period of [10] 14 years and, at the end of June 30, [2026] 2030, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Chapter 675 of the Acts of 2022

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2022, and shall be applicable to all taxable years beginning after December 31, 2021, but before January 1, [2025] 2030. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, [2025] 2030, Section 2 of this Act, with no

further action required by the General Assembly, shall be abrogated and of no further force and effect.

Chapter 222 of the Acts of 2023

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through June 30, [2025] **2030**, and, at the end of June 30, [2025] **2030**, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Chapter 223 of the Acts of 2023

SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through June 30, [2025] **2030**, and, at the end of June 30, [2025] **2030**, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Health Occupations

8–6A–14.

[(g) (1) The Board shall approve the use of a nursing assistant training site by a nursing assistant training program within 45 days after the nursing assistant training program applies for approval if the nursing assistant training program had previously been approved to use the training site by the Board.]

(2) A nursing assistant training program under paragraph (1) of this subsection may continue to operate during the approval process.]

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2025, the effective date of Chapters 818 and 819 of the Acts of the General Assembly of 2024. If the effective date of Chapters 818 and 819 is amended, Section 2 of this Act shall take effect on the taking effect of Chapters 818 and 819.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions of Section 3 of this Act, this Act shall take effect June 1, 2025.