

HOUSE BILL 367

J2

5lr1739
CF SB 72

By: **Delegates Martinez, Acevero, ~~and Young~~ Young, Alston, Bagnall, Bhandari, Cullison, Guzzone, Hill, S. Johnson, Kaiser, Kerr, Lopez, Pena-Melnyk, Rosenberg, Taveras, White Holland, Woods, and Woorman**

Introduced and read first time: January 16, 2025

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2025

CHAPTER _____

1 AN ACT concerning

2 **Health Occupations Boards – English Proficiency Requirements and Licensure**
3 **by Endorsement for Nursing**

4 FOR the purpose of prohibiting a health occupations board from requiring additional
5 evidence of English proficiency as a condition for licensure, certification, or
6 registration if an applicant holds a valid, unrestricted license, certification, or
7 registration from another state that requires evidence of English proficiency for
8 licensure, certification, or registration; requiring each health occupations board that
9 requires evidence of English proficiency as a condition for licensure, certification, or
10 registration to prominently maintain on their website a ~~list of states that meet~~
11 ~~certain requirements~~ statement that an applicant may not be required to provide
12 additional evidence of English proficiency under certain circumstances; adding
13 manners of acceptable proof of English proficiency for the State Board of Nursing;
14 altering the conditions of licensure by endorsement for the State Board of Nursing;
15 and generally relating to health occupations boards, English proficiency
16 requirements, and licensure by endorsement.

17 BY adding to
18 Article – Health Occupations
19 Section 1–230
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–302(e), 8–307, and 12–302(g)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Health Occupations

1–230.

(A) IF A HEALTH OCCUPATIONS BOARD REQUIRES EVIDENCE OF ENGLISH PROFICIENCY AS A CONDITION FOR LICENSURE, CERTIFICATION, OR REGISTRATION, THE HEALTH OCCUPATIONS BOARD MAY NOT REQUIRE AN APPLICANT WHO HOLDS A VALID, UNRESTRICTED LICENSE, CERTIFICATION, OR REGISTRATION FROM ANOTHER STATE THAT REQUIRES EVIDENCE OF ENGLISH PROFICIENCY FOR LICENSURE, CERTIFICATION, OR REGISTRATION TO PROVIDE ADDITIONAL EVIDENCE OF ENGLISH PROFICIENCY.

(B) EACH HEALTH OCCUPATIONS BOARD THAT REQUIRES EVIDENCE OF ENGLISH PROFICIENCY AS A CONDITION FOR LICENSURE, CERTIFICATION, OR REGISTRATION SHALL PROMINENTLY MAINTAIN ON ITS WEBSITE A ~~LIST OF OTHER STATES THAT HAVE AN ENGLISH PROFICIENCY REQUIREMENT THAT MEETS THE HEALTH OCCUPATION BOARD'S ENGLISH PROFICIENCY REQUIREMENT~~ STATEMENT THAT AN APPLICANT MAY NOT BE REQUIRED TO PROVIDE ADDITIONAL EVIDENCE OF ENGLISH PROFICIENCY IF THE APPLICANT HOLDS A VALID, UNRESTRICTED LICENSE, CERTIFICATION, OR REGISTRATION FROM ANOTHER STATE THAT REQUIRES EVIDENCE OF ENGLISH PROFICIENCY FOR LICENSURE, CERTIFICATION, OR REGISTRATION.

8–302.

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

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

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

(ii) Graduation from a recognized English-speaking professional school; [or]

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

(IV) PASSING AN ENGLISH PROFICIENCY EXAM APPROVED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; OR

(V) HOLDING A VALID, UNENCUMBERED MULTISTATE LICENSE UNDER THE NURSE LICENSURE COMPACT.

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

(4) The Board may not require that an applicant for a license to practice registered nursing or licensed practical nursing who **IS OR** was previously licensed in any other state to practice registered nursing or licensed practical nursing to demonstrate competency in the English language as part of its examination or licensing procedures if the other state has [a similar] **AN** English language competency component as part of its 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.

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) (i) 1. **HOLDS A VALID, UNENCUMBERED MULTISTATE LICENSE UNDER THE NURSE LICENSURE COMPACT; OR**

2. Provides adequate evidence that:

[(i)] A. 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 this State; **AND**

[(ii)] B. 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)] (ii) [The applicant meets] **MEETS** the qualifications otherwise required by this title.

12–302.

(g) (1) Except as otherwise provided in this subsection, the Board shall require, as part of its examination or licensing procedures, an applicant for a license to practice pharmacy to demonstrate an oral competency in the English language by passing a Board approved standardized test of oral competency.

(2) The Board shall adopt regulations that establish a procedure for testing an individual who because of the individual's speech or hearing impairment is unable to complete satisfactorily a Board approved standardized test of oral competency.

(3) If any disciplinary charge or action that relates to a problem with the oral communication of the English language is brought against a licensee under this title, the Board shall require the licensee to pass a Board approved standardized test of oral competency.

(4) The Board may not require an applicant for a license to practice pharmacy, who **IS OR** was previously licensed in another state to practice pharmacy, to demonstrate an oral competency in the English language, if the other state's examination and licensing procedures at the time the applicant was licensed in the other state included an oral competency component [similar to the oral competency component in this State's examination and licensing procedures].

1 (5) Graduation from a recognized English-speaking professional school
2 accredited by the Accreditation Council for Pharmacy Education is acceptable as proof of
3 proficiency in the oral communication of the English language under this subsection.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.