

HOUSE BILL 758

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1lr1480
CF SB 684

By: **Delegate Bagnall**

Introduced and read first time: January 29, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Licensure of Certified Midwives Act**

3 FOR the purpose of establishing a licensing and regulatory system for the practice of
4 certified midwifery under the State Board of Nursing; altering the duties of the
5 Board to require the Board to set standards for the practice of certified midwifery
6 and keep a certain list of certain licensed midwives; altering the circumstances under
7 which the Board is required to require an applicant or licensee to submit to a certain
8 examination under certain circumstances; providing that an applicant or licensee is
9 deemed to have consented to submit to a certain examination and waived a certain
10 claim in return for the privilege to practice certified midwifery; including certain
11 midwives under the jurisdiction of a certain rehabilitation committee; requiring the
12 Board to give certain persons a hearing before taking certain actions; requiring
13 certain employers to report certain names and license numbers under certain
14 circumstances; requiring certain individuals to be licensed before practicing certified
15 midwifery in the State; specifying the qualifications for a license to practice certified
16 midwifery; establishing the application process for a license to practice certified
17 midwifery; requiring the Board to set certain fees in a certain manner for the
18 issuance and renewal of certain licenses and certain other services; requiring the
19 Board to pay certain fees to the Comptroller of the State; requiring the Comptroller
20 to distribute certain fees to the Board of Nursing Fund; requiring that the fees be
21 used to cover certain costs; requiring the Board to issue a license to practice certified
22 midwifery to certain individuals, record certain licenses in a certain manner, and
23 include a certain expiration date on certain licenses; requiring the Board to consider
24 certain factors on receipt of certain criminal history record information in making
25 certain determinations; prohibiting the Board, under certain circumstances, from

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.



issuing or renewing a license to practice midwifery; specifying the scope of a license issued under this Act; providing for the expiration, renewal, and reinstatement of a license to practice certified midwifery; requiring the Board to send to a licensee a certain renewal notice and, under certain circumstances, certain ~~documents for initiating a criminal records check at a certain time and in a certain manner~~ information; requiring certain licensees to notify the Board of certain changes of information within a certain period of time; requiring certain licensees to submit to additional criminal history records checks at specified intervals; prohibiting certified midwives from surrendering their licenses except under certain circumstances; authorizing the Board to deny certain licenses, grant certain licenses, reprimand or place on probation certain licensees, or suspend or revoke certain licenses under certain circumstances, subject to certain hearing provisions; authorizing the Board to impose certain penalties; authorizing the Board to reinstate a license under certain circumstances; requiring the Board to take certain actions regarding a certain license under certain circumstances; prohibiting certain individuals from making certain representations or using certain abbreviations or designations unless authorized to practice certified midwifery in the State; prohibiting certain licensees from advertising in a certain manner; requiring certified midwives to report certain actions or conditions of certain licensees or certificate holders to the Board under certain circumstances; authorizing certain persons aggrieved by certain Board decisions to petition for certain judicial review; prohibiting certain Board action from being stayed under certain circumstances; establishing a certain short title; providing for the authority of the Board under this Act; prohibiting a certain individual from practicing as a certified midwife unless licensed by the Board; authorizing the State or the Board to maintain certain action to enjoin certain conduct; providing that a violation of certain provisions of law is a misdemeanor and subject to certain penalties under certain circumstances; defining certain terms; altering certain definitions; making a conforming change; and generally relating to the licensing and regulation of certified midwives.

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 8–205(a)(2) and (10)(ix) and (x), ~~8–205.1~~, 8–208(a), (j)(1) and (4), and (m)(3) and (4), 8–317(a), 8–504, 8–701(e–1), (f), and (g), 8–708(a), and 8–710(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY adding to

Article – Health Occupations

Section 8–205(a)(10)(x); 8–6D–01 through ~~8–6D–14~~ 8–6D–15 to be under the new subtitle “Subtitle 6D. Licensed Certified Midwives”; and 8–701(g)

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–208(b)(1)

Annotated Code of Maryland
(2014 Replacement Volume and 2020 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.

(a) In addition to the powers and duties set forth elsewhere in this title, the Board has the following powers and duties:

(2) To set standards for the practice of registered nursing, advanced practice registered nursing, licensed practical nursing, certified nursing assistants, certified medication technicians, electrology, [and] direct–entry midwifery, **AND CERTIFIED MIDWIFERY**;

(10) To keep separate lists, which lists are open to reasonable public inspection, of all:

(ix) Direct–entry midwives licensed under this title; [and]

(X) CERTIFIED MIDWIVES LICENSED UNDER THIS TITLE; AND

[(x)] (XI) Other licensees with a nursing specialty that is certified under this title;

8–205.1.

(a) If the Board, while reviewing an application for licensure or investigating an allegation brought against a licensee under this title, has reason to believe and objective evidence that the applicant or licensee may cause harm to individuals affected by the applicant’s or licensee’s practice of nursing OR CERTIFIED MIDWIFERY, the Board shall require the applicant or licensee to submit to an appropriate examination by a health care provider designated by the Board.

(b) In return for the privilege to practice nursing OR CERTIFIED MIDWIFERY in the State, the applicant or 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 applicant or licensee to submit to an examination required under subsection (b) of this section is prima facie evidence of the applicant's or licensee's inability to practice nursing OR CERTIFIED MIDWIFERY 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.

8–208.

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant” means an individual who has submitted an application to the Board to be licensed as a registered nurse, licensed practical nurse, electrologist, [or] licensed direct–entry midwife, **OR LICENSED CERTIFIED MIDWIFE** or to be certified as an advanced practice registered nurse, a nursing assistant, or medication technician in this State.

(3) “Participant” means a registered nurse, an advanced practice registered nurse, a licensed practical nurse, a nursing assistant, a medication technician, an electrologist, a licensed direct–entry midwife, **A LICENSED CERTIFIED MIDWIFE**, or an applicant enrolled in the safe practice program.

(4) “Program” means the safe practice program.

(5) “Substance use disorder” means a disorder that occurs when an individual exhibits a pattern of behaviors ranging from the misuse of, dependence on, or addiction to drugs, alcohol, or other chemicals.

(b) (1) There is a Safe Practice Committee in the Board.

(j) In addition to the powers set forth elsewhere in this subtitle, the Committee may:

(1) Evaluate those registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants, medication technicians, electrologists, licensed direct–entry midwives, **LICENSED CERTIFIED MIDWIVES**, or applicants who request participation in the program according to the guidelines prescribed by the Board and consider the recommendations for admission into the program;

(4) Have meetings as necessary to consider the requests of registered nurses, advanced practice registered nurses, licensed practical nurses, nursing assistants, medication technicians, electrologists, licensed direct–entry midwives, **LICENSED CERTIFIED MIDWIVES**, or applicants to participate in the program, and consider reports regarding participants.

(m) (3) (i) The Committee shall report to the Board the name and license number of a registered nurse, licensed practical nurse, electrologist, [or] licensed direct-entry midwife, **OR LICENSED CERTIFIED MIDWIFE**, the name and certificate number of an advanced practice registered nurse, a nursing assistant, or medication technician, or the name of an applicant who is expelled from the program for failure to comply with the conditions of a plan or agreement.

(ii) The program shall transfer to the Board all records of any participant expelled from the program.

(4) If a participant is expelled from the program, the Board may:

(i) Initiate disciplinary action in accordance with the provisions of §§ 8-316 and 8-317, §§ 8-6A-10 and 8-6A-10.1, §§ 8-6B-18 and 8-6B-19, [or §§ 8-6C-20 and 8-6C-20.1] **§ 8-6C-20, OR § 8-6D-10** of this title; and

(ii) Summarily suspend the license or certificate of any licensee or certificate holder in accordance with Title 10, Subtitle 2 of the State Government Article.

8-317.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 8-312 or § 8-316 of this subtitle or § 8-404 [or], § 8-6C-20, **OR § 8-6D-10** of this title, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

8-504.

(a) (1) In this section, “employer” means:

(i) A public employer;

(ii) A private employer; or

(iii) An employment agency.

(2) “Employer” does not include a private employer who employs a licensee for personal or family use.

(b) On the request of the Board, an employer shall report the name and license number of each licensee employed or placed to practice registered nursing [or], licensed practical nursing, **OR CERTIFIED MIDWIFERY**.

SUBTITLE 6D. LICENSED CERTIFIED MIDWIVES.

8-6D-01.

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “ACME” MEANS THE ACCREDITATION COMMISSION FOR MIDWIFERY
4 EDUCATION, OR A SUCCESSOR ORGANIZATION THAT IS AN ACCREDITING AGENCY
5 FOR MIDWIFERY EDUCATION PROGRAMS AND INSTITUTIONS AND IS APPROVED BY
6 THE UNITED STATES DEPARTMENT OF EDUCATION.

7 (C) “AMCB” MEANS THE AMERICAN MIDWIFERY CERTIFICATION BOARD,
8 OR A SUCCESSOR ORGANIZATION THAT IS A CERTIFYING AGENCY FOR MIDWIFERY
9 EDUCATION PROGRAMS AND IS APPROVED BY THE NATIONAL COMMISSION FOR
10 CERTIFYING AGENCIES.

11 (D) “APPLICANT” MEANS AN INDIVIDUAL WHO HAS SUBMITTED AN
12 APPLICATION TO THE BOARD TO BE LICENSED AS A CERTIFIED MIDWIFE.

13 (E) “BOARD” MEANS THE STATE BOARD OF NURSING.

14 (F) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
15 LICENSE ISSUED BY THE BOARD TO PRACTICE CERTIFIED MIDWIFERY.

16 (G) (1) “LICENSED CERTIFIED MIDWIFE” MEANS AN INDIVIDUAL WHO
17 HAS BEEN ISSUED A LICENSE BY THE BOARD UNDER THIS SUBTITLE TO PRACTICE
18 CERTIFIED MIDWIFERY.

19 (2) “LICENSED CERTIFIED MIDWIFE” DOES NOT INCLUDE A LICENSED
20 DIRECT-ENTRY MIDWIFE OR A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE
21 UNDER THIS TITLE.

22 (H) (1) “PRACTICE CERTIFIED MIDWIFERY” MEANS THE MANAGEMENT
23 AND CARE OF ESSENTIALLY NORMAL NEWBORNS AND OF ESSENTIALLY NORMAL
24 WOMEN ANTEPARTALLY, INTRAPARTALLY, AND POSTPARTALLY.

25 (2) “PRACTICE CERTIFIED MIDWIFERY” INCLUDES:

26 (I) FAMILY PLANNING AND WELL WOMAN REPRODUCTIVE
27 CARE;

28 (II) THE PRESCRIBING OF SUBSTANCES COMMONLY USED IN
29 THE PRACTICE OF MIDWIFERY;

(III) THE PRESCRIBING OF SCHEDULE II, SCHEDULE III, SCHEDULE IV, AND SCHEDULE V CONTROLLED DANGEROUS SUBSTANCES COMMONLY USED IN THE PRACTICE OF MIDWIFERY; AND

(IV) THE DISPENSING OF THE SUBSTANCES PRESCRIBED IN ACCORDANCE WITH THE PROVISIONS OF ITEMS (II) AND (III) OF THIS PARAGRAPH IN THE COURSE OF TREATING A PATIENT AT:

1. A MEDICAL FACILITY OR CLINIC THAT IS OPERATED ON A NONPROFIT BASIS;

2. A HEALTH CENTER THAT OPERATES ON A CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION; OR

3. A PUBLIC HEALTH FACILITY, A MEDICAL FACILITY UNDER CONTRACT WITH A STATE OR LOCAL HEALTH DEPARTMENT, OR A FACILITY FUNDED WITH PUBLIC FUNDS.

8-6D-02.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE CERTIFIED MIDWIFERY IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL WHO ASSISTS AT A BIRTH IN AN EMERGENCY;

(2) AN INDIVIDUAL WHO IS LICENSED AS A HEALTH CARE PRACTITIONER WHOSE SCOPE OF PRACTICE ALLOWS THE INDIVIDUAL TO PRACTICE CERTIFIED MIDWIFERY; OR

(3) A STUDENT WHO IS PRACTICING CERTIFIED MIDWIFERY WHILE ENGAGED IN AN APPROVED CLINICAL MIDWIFERY EDUCATION EXPERIENCE UNDER THE SUPERVISION OF A LICENSED CERTIFIED MIDWIFE OR A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE.

8-6D-03.

(A) IN ADDITION TO THE CERTIFICATION AND EDUCATION REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR A LICENSE, AN APPLICANT MUST:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE.

(B) AN APPLICANT MUST:

(1) HOLD A CURRENT, VALID CERTIFICATION AS A CERTIFIED MIDWIFE FROM AMCB;

(2) HAVE GRADUATED FROM A GRADUATE-LEVEL ACCREDITED PROGRAM FOR MIDWIFERY EDUCATION APPROVED BY ACME;

(3) HAVE COMPLETED COURSEWORK IN HEALTH AND SCIENCES:

(I) BEFORE COMMENCING A MIDWIFERY PROGRAM DESCRIBED IN ITEM (2) OF THIS SUBSECTION; OR

(II) AS PART OF A MIDWIFERY PROGRAM DESCRIBED IN ITEM (2) OF THIS SUBSECTION; AND

(4) HAVE PASSED ~~AN~~ THE AMCB EXAMINATION ~~APPROVED BY AMCB.~~

8-6D-04.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS TITLE;

(2) SUBMIT TO THE BOARD:

(I) AN APPLICATION ON THE FORM THAT THE BOARD REQUIRES, INCLUDING A CURRENT ADDRESS;

(II) WRITTEN, VERIFIED EVIDENCE THAT THE REQUIREMENT OF ITEM (1) OF THIS SECTION IS BEING OR HAS BEEN MET; AND

(III) WRITTEN, VERIFIED EVIDENCE OF SATISFYING THE REQUIREMENTS IN § 8-6D-03(B) OF THIS SUBTITLE; AND

(3) PAY TO THE BOARD A FEE SET BY THE BOARD AS REQUIRED IN § 8-6D-05 OF THIS SUBTITLE.

8-6D-05.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO LICENSED CERTIFIED MIDWIVES ~~THAT ARE EQUIVALENT TO:~~

~~(1) INITIAL AND RENEWAL LICENSURE FEES FOR A REGISTERED NURSE; AND~~

~~(2) INITIAL AND RENEWAL CERTIFICATION FEES FOR A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE.~~

(2) THE FEES CHARGED SHALL BE SET TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSING PROGRAM AND THE OTHER SERVICES TO LICENSED CERTIFIED MIDWIVES.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE BOARD OF NURSING FUND.

(C) THE FEES COLLECTED UNDER THIS SECTION SHALL BE USED EXCLUSIVELY TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THIS SUBTITLE.

8-6D-06.

(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) THE BOARD SHALL:

(I) ISSUE EACH NEW LICENSEE A LICENSE NUMBER THAT INDICATES THAT THE INITIAL LICENSE WAS ISSUED BY THE BOARD; AND

(II) ELECTRONICALLY RECORD EACH LICENSE IN THE BOARD'S DATABASE AND ON THE BOARD'S WEBSITE.

(2) EACH LICENSE SHALL INCLUDE AN EXPIRATION DATE.

(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORDS INFORMATION OF AN APPLICANT FOR LICENSURE IN ACCORDANCE WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(IV) SUBSEQUENT WORK HISTORY;

(V) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORDS INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS NOT BEEN RECEIVED.

8-6D-07.

A LICENSE ISSUED UNDER THIS SUBTITLE AUTHORIZES THE LICENSEE TO PRACTICE CERTIFIED MIDWIFERY WHILE THE LICENSE IS ACTIVE.

8-6D-08.

(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

(B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

(C) (1) AT LEAST 3 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE A RENEWAL NOTICE BY:

(I) FIRST-CLASS MAIL TO THE LAST KNOWN MAILING ADDRESS OF THE LICENSEE; OR

(II) ELECTRONIC MEANS TO THE LAST KNOWN E-MAIL ADDRESS OF THE LICENSEE.

(2) A RENEWAL NOTICE SHALL STATE:

(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(II) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(III) THE AMOUNT OF THE RENEWAL FEE.

(3) IF A LICENSEE IS REQUIRED TO HAVE A CRIMINAL HISTORY RECORDS CHECK BEFORE A LICENSE MAY BE RENEWED, THE BOARD SHALL SEND THE LICENSEE ~~THE DOCUMENTS NECESSARY FOR INITIATING THE CRIMINAL HISTORY RECORDS CHECK WITH THE RENEWAL NOTICE~~ INFORMATION REGARDING HOW THE LICENSEE MAY COMPLETE THE REQUIRED CRIMINAL HISTORY RECORDS CHECK.

(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM IF THE LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD AS REQUIRED BY § 8-6D-05 OF THIS SUBTITLE; AND

(3) SUBMITS TO THE BOARD, BY PAPER OR ELECTRONIC SUBMISSION:

(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(II) SATISFACTORY EVIDENCE OF CURRENT CERTIFICATION AS A CERTIFIED MIDWIFE BY AMCB.

(E) THE BOARD MAY GRANT A 30-DAY EXTENSION, BEYOND A LICENSE'S EXPIRATION DATE, TO A LICENSEE SO THAT THE LICENSEE MAY RENEW THE LICENSE BEFORE IT EXPIRES.

(F) SUBJECT TO SUBSECTION (I) OF THIS SECTION, THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(G) (1) EACH LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF ANY CHANGE IN THE NAME OR ADDRESS OF THE LICENSEE WITHIN 60 DAYS AFTER THE CHANGE OCCURRED.

(2) IF A LICENSEE FAILS TO NOTIFY THE BOARD WITHIN THE TIME REQUIRED UNDER THIS SUBSECTION, SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE BOARD MAY IMPOSE AN ADMINISTRATIVE PENALTY OF \$100.

(H) THE BOARD SHALL REINSTATE THE LICENSE OF A LICENSEE WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE LICENSEE MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION.

(I) (1) (I) A CRIMINAL HISTORY RECORDS CHECK IS REQUIRED IN ACCORDANCE WITH § 8-303 OF THIS TITLE ON:

1. SELECTED ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

2. EACH LICENSEE WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (H) OF THIS SECTION AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(II) AN ADDITIONAL CRIMINAL HISTORY RECORDS CHECK SHALL BE PERFORMED EVERY 12 YEARS THEREAFTER.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO INITIATE A DISCIPLINARY ACTION AGAINST A LICENSEE BASED ON THE INFORMATION RECEIVED, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(IV) SUBSEQUENT WORK HISTORY;

(V) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW A LICENSE WITHOUT WRITTEN DOCUMENTATION THAT THE APPLICANT HAS SUBMITTED TO A CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 8-303 OF THIS TITLE.

8-6D-09.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED CERTIFIED MIDWIFE MAY NOT SURRENDER THE LICENSE.

(B) THE BOARD MAY REQUIRE TERMS AND CONDITIONS ON AN AGREEMENT WITH THE LICENSED CERTIFIED MIDWIFE TO ACCEPT SURRENDER OF THE LICENSE.

(C) AN AGREEMENT TO ACCEPT THE SURRENDER OF A LICENSE IS A FINAL ORDER OF THE BOARD AND IS A PUBLIC RECORD.

8-6D-10.

(A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE, THE BOARD MAY DENY A LICENSE OR GRANT A LICENSE, INCLUDING A LICENSE SUBJECT TO A REPRIMAND, PROBATION, OR SUSPENSION, 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:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS DISCIPLINED BY A LICENSING, MILITARY, OR DISCIPLINARY AUTHORITY IN THIS STATE OR IN ANY OTHER STATE OR COUNTRY OR IS CONVICTED OR DISCIPLINED BY A COURT IN THIS STATE OR IN ANY OTHER STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

(5) WILLFULLY AND KNOWINGLY:

(i) FILES A FALSE REPORT OR RECORD OF AN INDIVIDUAL UNDER THE LICENSEE'S CARE;

(ii) GIVES ANY FALSE OR MISLEADING INFORMATION ABOUT A MATERIAL MATTER IN AN EMPLOYMENT APPLICATION;

1 (III) FAILS TO FILE OR RECORD ANY HEALTH RECORD THAT IS
2 REQUIRED BY LAW;

3 (IV) OBSTRUCTS THE FILING OR RECORDING OF ANY HEALTH
4 RECORD AS REQUIRED BY LAW; OR

5 (V) INDUCES ANOTHER INDIVIDUAL TO FAIL TO FILE OR
6 RECORD ANY HEALTH RECORD AS REQUIRED BY LAW;

7 (6) KNOWINGLY COMMITS ANY ACT THAT HAS BEEN DETERMINED BY
8 THE BOARD, IN ITS REGULATIONS, TO EXCEED THE SCOPE OF PRACTICE
9 AUTHORIZED TO THE INDIVIDUAL UNDER THIS SUBTITLE;

10 (7) PROVIDES PROFESSIONAL SERVICES WHILE:

11 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

12 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
13 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
14 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
15 INDICATION;

16 (8) COMMITS AN ACT THAT IS INCONSISTENT WITH GENERALLY
17 ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF CERTIFIED
18 MIDWIFERY;

19 (9) IS GROSSLY NEGLIGENT IN THE PRACTICE OF CERTIFIED
20 MIDWIFERY;

21 (10) HAS VIOLATED ANY PROVISION OF THIS TITLE;

22 (11) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

23 (12) IS PHYSICALLY OR MENTALLY INCOMPETENT;

24 (13) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
25 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

26 (14) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
27 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
28 SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER
29 BECAUSE THE INDIVIDUAL IS HIV-POSITIVE;

1 (15) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION
2 WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS
3 FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON UNIVERSAL
4 PRECAUTIONS;

5 (16) HAS A SUBSTANCE USE DISORDER;

6 (17) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR
7 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
8 LAW ARTICLE;

9 (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION
10 CONDUCTED BY THE BOARD;

11 (19) IS EXPELLED FROM THE SAFE PRACTICE PROGRAM ESTABLISHED
12 IN ACCORDANCE WITH § 8-208 OF THIS TITLE FOR FAILURE TO COMPLY WITH THE
13 CONDITIONS OF THE PROGRAM;

14 (20) ENGAGES IN CONDUCT THAT VIOLATES THE PROFESSIONAL CODE
15 OF ETHICS;

16 (21) IS PROFESSIONALLY INCOMPETENT;

17 (22) PRACTICES CERTIFIED MIDWIFERY WITHOUT A LICENSE BEFORE
18 OBTAINING OR RENEWING A LICENSE, INCLUDING ANY PERIOD WHEN PRACTICING
19 CERTIFIED MIDWIFERY ON AN EXPIRED LICENSE OR A LAPSED LICENSE;

20 (23) WHEN HOLDING AN EXPIRED LICENSE OR A LAPSED LICENSE,
21 COMMITS ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER
22 THIS SECTION;

23 (24) ~~PRACTICES CERTIFIED MIDWIFERY ON A NONRENEWED LICENSE~~
24 ~~FOR A PERIOD OF 16 MONTHS OR LONGER~~ ENGAGES IN UNPROFESSIONAL OR
25 IMMORAL CONDUCT;

26 (25) VIOLATES REGULATIONS ADOPTED BY THE BOARD OR AN ORDER
27 FROM THE BOARD;

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

30 (27) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
31 ACCORDANCE WITH § 8-303 OF THIS TITLE;

(28) HAS MISAPPROPRIATED THE PROPERTY OF A PATIENT OR A FACILITY; OR

(29) FAILS TO COMPLY WITH § 1-223 OF THIS ARTICLE.

(B) IF, AFTER A HEARING UNDER § 8-317 OF THIS TITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF THIS SECTION TO SUSPEND OR REVOKE A LICENSE TO PRACTICE CERTIFIED MIDWIFERY, TO REPRIMAND A LICENSEE, OR TO PLACE A LICENSEE ON PROBATION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE LICENSEE ON PROBATION.

(C) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, THE BOARD MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED TERMS AND CONDITIONS DETERMINED BY THE BOARD.

(D) (1) IF A LICENSE ISSUED UNDER THIS SUBTITLE WAS SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, OR IF A PERIOD OF MORE THAN 1 YEAR HAS PASSED SINCE A LICENSE WAS SURRENDERED, THE BOARD MAY REINSTATE THE LICENSE IF THE LICENSEE:

(I) APPLIES TO THE BOARD FOR REINSTATEMENT;

(II) MEETS THE REQUIREMENTS FOR RENEWAL UNDER § 8-6D-08 OF THIS SUBTITLE;

(III) MEETS ANY OTHER REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED BY THE BOARD IN REGULATIONS; AND

(IV) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 8-303 OF THIS SUBTITLE.

(2) IF A LICENSEE MEETS THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL:

(I) REINSTATE THE LICENSE;

(II) REINSTATE THE LICENSE SUBJECT TO TERMS AND CONDITIONS THAT THE BOARD CONSIDERS NECESSARY, INCLUDING A PERIOD OF PROBATION; OR

(III) DENY REINSTATEMENT OF THE LICENSE.

8-6D-11.

(A) UNLESS AUTHORIZED TO PRACTICE CERTIFIED MIDWIFERY UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF SERVICE, METHOD, PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE CERTIFIED MIDWIFERY IN THE STATE.

(B) A LICENSEE MAY NOT ADVERTISE IN A MANNER THAT IS UNREASONABLE, MISLEADING, OR FRAUDULENT.

(C) UNLESS AUTHORIZED TO PRACTICE CERTIFIED MIDWIFERY UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT USE THE ABBREVIATION "CM" OR USE THE DESIGNATION "CERTIFIED MIDWIFE" WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL PRACTICES CERTIFIED MIDWIFERY IN THE STATE.

(D) UNLESS AN INDIVIDUAL IS AUTHORIZED TO PRACTICE CERTIFIED MIDWIFERY UNDER THIS SUBTITLE OR IS A LICENSED NURSE CERTIFIED AS A NURSE-MIDWIFE OR AS A DIRECT-ENTRY MIDWIFE UNDER THIS TITLE, AN INDIVIDUAL MAY NOT USE THE DESIGNATION "MIDWIFE".

8-6D-12.

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FOLLOWING APPLIES:

(1) IF A LICENSED CERTIFIED MIDWIFE KNOWS OF AN ACTION OR CONDITION THAT MIGHT BE GROUNDS FOR ACTION UNDER § 8-316, § 8-6A-10, OR § 8-6C-20 OF THIS TITLE OR § 8-6D-10 OF THIS SUBTITLE, THE LICENSED CERTIFIED MIDWIFE SHALL REPORT THE ACTION OR CONDITION TO THE BOARD; AND

(2) AN INDIVIDUAL SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-709 OF THE COURTS ARTICLE FOR MAKING A REPORT REQUIRED UNDER ITEM (1) OF THIS SUBSECTION.

(B) IF A LICENSED CERTIFIED MIDWIFE HAS REASON TO KNOW THAT A LICENSEE OR CERTIFICATE HOLDER HAS COMMITTED AN ACTION OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSEE OR CERTIFICATE HOLDER OR SUSPENSION OR REVOCATION OF THE LICENSE OR CERTIFICATE UNDER § 8-316, § 8-6A-10, OR § 8-6C-20 OF THIS TITLE OR § 8-6D-10 OF THIS SUBTITLE BECAUSE THE LICENSEE OR CERTIFICATE HOLDER HAS A SUBSTANCE USE DISORDER, THE LICENSED CERTIFIED MIDWIFE IS NOT REQUIRED TO REPORT THE LICENSEE OR CERTIFICATE HOLDER TO THE BOARD IF:

(1) THE LICENSED CERTIFIED MIDWIFE KNOWS THAT THE LICENSEE OR CERTIFICATE HOLDER IS IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION, IS CERTIFIED BY THE DEPARTMENT, OR IS UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS COMPETENT AND CAPABLE OF DEALING WITH SUBSTANCE USE DISORDER;

(2) THE LICENSED CERTIFIED MIDWIFE IS ABLE TO VERIFY THAT THE LICENSEE OR CERTIFICATE HOLDER REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND

(3) THE ACTION OR CONDITION OF THE LICENSEE OR CERTIFICATE HOLDER HAS NOT CAUSED INJURY TO ANY INDIVIDUAL WHILE THE LICENSEE OR CERTIFICATE HOLDER IS PRACTICING.

(C) AN INDIVIDUAL IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION CONCERNING THE CONFIDENTIALITY OF PATIENT SUBSTANCE USE DISORDER RECORDS.

8-6D-13.

(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 8-6D-10 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 8-6D-10 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) A BOARD DECISION MAY NOT BE STAYED WHILE JUDICIAL REVIEW IS PENDING.

8-6D-14.

THE AUTHORITY OF THE BOARD ESTABLISHED UNDER THIS SUBTITLE:

(1) VESTS WITH THE BOARD AT THE TIME AN INDIVIDUAL APPLIES FOR CERTIFICATION;

(2) CONTINUES DURING PERIODS OF LICENSURE; AND

(3) INCLUDES AUTHORITY OVER AN INDIVIDUAL HOLDING AN EXPIRED LICENSE, A LAPSED LICENSE, OR A TEMPORARY LICENSE THAT HAS EXPIRED UNDER § 8-6D-08 OF THIS SUBTITLE.

~~8-6D-14.~~ **8-6D-15.**

THIS SUBTITLE MAY BE CITED AS THE MARYLAND LICENSURE OF CERTIFIED MIDWIVES ACT.

8-701.

[(e-1)] (F) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice as a licensed direct-entry midwife unless licensed by the Board to practice as a licensed direct-entry midwife.

(G) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A LICENSED CERTIFIED MIDWIFE UNLESS LICENSED BY THE BOARD TO PRACTICE AS A LICENSED CERTIFIED MIDWIFE.

[(f)] (H) An individual may not require a licensee to perform an act that is beyond the licensee's knowledge and skills.

[(g)] (I) An individual may not direct a licensee to delegate a nursing task to a nurse when the individual reasonably believes:

(1) The nurse lacks the knowledge and skills to perform the nursing task;
or

(2) The patient's condition does not allow delegation of the nursing task.

8-708.

(a) An action may be maintained in the name of the State or the Board to enjoin conduct:

(1) Prohibited under §§ 8-701 through 8-706 of this subtitle; or

(2) That is grounds for disciplinary action under § 8-316, § 8-6A-10, [or] § 8-6B-18, **OR § 8-6D-10** of this title.

8-710.

(a) A person who violates any provision of § 8-701(a) through **[(e-1)] (G)**, § 8-703, § 8-704, or § 8-705 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding 5 years or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.