

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1140

(Delegate Kullen)

Health and Government Operations

Education, Health, and Environmental Affairs

Nurse Practitioners - Authority to Certify

This bill authorizes a nurse practitioner to • certify that a woman who is a minor and wishes to get married is pregnant or has given birth; • provide the date of birth and medical information required on a birth certificate; • witness a written or oral advance directive and document an oral one; • give an oral “do not resuscitate” order for emergency medical services purposes if physically on the scene and in an outpatient setting; • perform an initial consultant examination on an emergency evaluatee for purposes of reimbursement by the Department of Health and Mental Hygiene; • conduct educational training programs required of applicants seeking certification by the Insect Sting Emergency Treatment Program; and • certify an individual’s disability for the purpose of obtaining a special disability registration number and special disability registration vehicle plates. In addition, a nurse practitioner who has a collaborative agreement with a decedent’s attending physician is authorized to sign and fill in required information on a death certificate. A nurse midwife can also provide the date of birth and medical information required on a birth certificate.

Fiscal Summary

State Effect: The bill would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: A minor between the ages of 15 and 17 may not marry unless he or she has the consent of a parent or guardian and has provided a certificate from a licensed physician stating that the physician has examined the woman to be married and has found that she is pregnant or has given birth to a child.

The attending physician has to provide the date of birth and medical information required on a birth certificate within 72 hours after a birth. A death certificate has to be filled out and signed by a medical examiner or, if a medical examiner does not take charge of the body, the physician who last attended the deceased. Medical certification has to be completed within 24 hours after receipt of the death certificate by the physician in charge of the patient's care for the illness or condition which resulted in death, except when inquiry is required by the medical examiner.

Any competent individual can, at any time, make a written advance directive regarding the provision of health care to that individual, or the withholding or withdrawal of health care from that individual. A written advance directive has to be dated, signed by or at the direction of the declarant, and subscribed by two witnesses. Any competent individual can serve as a witness, including an employee of a health care facility or physician caring for the declarant if acting in good faith.

An oral advance directive has the same effect as a written directive if made in the presence of the attending physician and one witness and if the substance of the oral advance directive is documented as part of the individual's medical record. The documentation has to be dated and signed by the attending physician and the witness. An advance directive becomes effective with the declarant's attending physician and a second physician certify in writing that the patient is incapable of making an informed decision. However, if a patient is unconscious or unable to communicate by any means, the certification of a second physician is not required.

“Emergency medical services ‘do not resuscitate order’” means a physician's written order in a form established by protocol issued by the Maryland Institute for Emergency Medical Services in conjunction with the State Board of Physicians which, in the event of a cardiac or respiratory arrest of a particular patient, authorizes certified or licensed emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation including cardiac compression, endotracheal intubation, other advanced airway management techniques, artificial ventilation, defibrillation, and other related life-sustaining procedures.

In the case of an emergency evaluation for admission of an individual to a mental health facility, the Department of Health and Mental Hygiene has to pay if an emergency evaluatee cannot pay or does not have insurance that covers the following emergency services: (1) an initial consultant examination by a physician; (2) transportation to an emergency facility; and (3) an involuntary admission of the emergency evaluatee to an admitting facility.

The Insect Sting Emergency Treatment Program authorizes individuals to administer treatment to persons who have severe adverse reactions to insect stings when physician services or emergency medical services are not immediately available. Educational training programs required for program applicants have to be conducted by a physician.

An individual can apply to have his or her vehicle assigned a special disability registration number and special disability vehicle plates if a physician, chiropractor, optometrist, or podiatrist certifies that the applicant meets requirements that deem him or her eligible for special disability registration.

In Maryland, nurse practitioners are registered nurses who are certified by the Board of Nursing as having completed an approved nurse practitioner program and passed an exam. The Board of Nursing, jointly with the Board of Physicians, sets forth regulations for nurse practitioners' scope of practice. A nurse practitioner can perform the following functions independently under a written agreement: • comprehensive physical assessment of patients; • establishing medical diagnosis for common short-term or chronic stable health problems; • ordering, performing, and interpreting laboratory tests; • prescribing drugs; • performing therapeutic or corrective measures; • referring patients to appropriate licensed physicians or other health care providers; and • providing emergency care. A written agreement is developed between a licensed physician and nurse practitioner concerning the nurse practitioner's performance of the functions listed above. The Joint Committee on Nurse Practitioners, composed of an equal number of members appointed by the two boards, develops the written framework to be used in written agreements and makes recommendations regarding approval of written agreements.

Background: A nurse practitioner is a nurse with a graduate degree in advanced practice nursing. Nurse practitioners provide a broad range of health care services in a variety of settings with or without physician supervision. Their scope of practice varies from state to state. For example, while they are not authorized to write prescriptions in some states, nurse practitioners in Maryland are authorized to do so.

Additional Information

Prior Introductions: None.

Cross File: SB 889 (Senator Dyson) – Education, Health, and Environmental Affairs.

Information Source(s): Judiciary (Administrative Office of the Courts), Register of Wills, Department of Health and Mental Hygiene, Maryland Department of Transportation, National Institutes of Health, Department of Legislative Services

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