



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

September 23, 2021

Dear Hospital and Nursing Home Leaders:

The Maryland Department of Health (MDH) and our partner state agencies, including the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and the Maryland Higher Education Commission (MHEC), have worked together and with you throughout the COVID-19 pandemic to ensure that Marylanders have access to healthcare.

With the end of certain health occupation scope of practice-related COVID-19 flexibilities in August, we have been working with the Maryland Hospital Association and individual hospitals, as well as the nursing home associations, to review staffing flexibilities based on what is permitted by law and regulation. As part of our review of licensure flexibilities, please see the following:

**1. Out of State Registered Nurses (RNs)/Licensed Practical Nurses (LPNs)**

[COMAR 10.27.01.03 \(A\) \(3\)](#) allows RNs and LPNs with current active licenses in any state to practice in Maryland "[d]uring an emergency situation."

The Maryland Department of Health has determined that for the duration of the federal COVID-19 public health emergency declaration, an emergency situation under COMAR 10.27.01.03 (A)(3) exists such that registered nurses or licensed practical nurses who hold a current active license in any other state or jurisdiction may render nursing care. We thank the Maryland Board of Nursing for their consideration and support at their September 22, 2021 meeting on this determination. (Please see attached Notice.)

**2. Nursing Graduates:** MHEC will request that the leaders of all state nursing programs once again work to allow the earliest graduation possible for qualified nursing students.

**3. Nursing Students:** We encourage all hospital leaders to work with their local nursing programs to ensure that the hospitals can use student nurses to the maximum extent feasible. *See [Section 8-301\(c\)\(1\) of the Health Occupations Article.](#)*

**4. Nurse Licensure Compact State Nurses**

MDH encourages all hospital leaders to actively recruit nursing staff from Nurse Licensure Compact states to increase the supply of nursing personnel.

See map at this link for the current status of compact participation: [Compact Nursing States List 2021 | Licensure Map \(nurse.org\)](#)

**5. Certified Nursing Assistants (CNA)**

A. Under [Section 8-6A-02\(b\)\(3\) of the Health Occupations Article](#), nursing students may perform CNA tasks under supervision of faculty or preceptor.

B. Under [Section 8-6A-02\(b\)\(4\) of the Health Occupations Article](#), a student in a board-approved nursing assistant program may practice under the direct supervision of a faculty or preceptor.

**6. Unlicensed Persons Under Supervision of a Physician**

[Section 14-306\(a\) of the Health Occupations Article](#) allows physicians to delegate tasks to unlicensed individuals "[t]o the extent permitted by the rules, regulations, and orders of the Board." [COMAR 10.32.12](#) contains the regulations governing delegation. MDH encourages you to speak to the Board of Physicians or physicians about implementation of this flexibility.

**7. Physician Assistants (PA)**

[Section 15-301\(f\)\(1\) of the Health Occupations Article](#) allows PA students to practice without a license.

We thank you for your commitment to providing critical healthcare needs to Marylanders and for the continuing dedication of your healthcare staff. Thank you to our healthcare heroes.

Please do not hesitate to contact me or Assistant Secretary for Health Policy Webster Ye at [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov).

Sincerely,



Dennis R. Schrader  
Secretary



**NOTICE - OUT OF STATE REGISTERED NURSES & LICENSED PRACTICAL NURSES  
(EFFECTIVE SEPTEMBER 23, 2021)**

The Maryland Department of Health (MDH) has determined that, for the duration of the [federal COVID-19 public health emergency declaration](#), as renewed by the Secretary of the U.S. Department of Health and Human Services, and in light of the continuing impact of COVID-19 on Maryland's hospitals, **an emergency situation under [COMAR 10.27.01.03 \(A\) \(3\)](#) exists such that registered nurses or licensed practical nurses who hold a current active license in any other state or jurisdiction may render nursing care in any of the State's licensed healthcare facilities.**

At the September 22, 2021 Maryland Board of Nursing meeting, the following agenda item was considered and approved:

Request from MDH for consideration to the Board of Nursing

Request that Board of Nursing under COMAR 10.27.01.03 (A) (3) approve registered nurses or licensed practical nurses who hold a current active license in any other state or jurisdiction may render nursing care for the duration of the federal COVID-19 public health emergency declaration.

For more information, please contact the Maryland Board of Nursing at <https://mbon.maryland.gov/Pages/default.aspx>

This Notice is effective immediately and shall remain in effect until the federal COVID-19 public health emergency declaration is rescinded, or until this notice is rescinded, whichever is earlier.

  
Dennis R. Schrader  
Secretary