

Chapter 314

(Senate Bill 696)

AN ACT concerning

Maryland Loan Assistance Repayment for Nurses and Nursing ~~Workers~~ Support Staff – Program Establishment and Funding

FOR the purpose of establishing the Maryland Loan Assistance Repayment Program ~~or for~~ for Nurses and Nursing ~~Workers~~ Support Staff to assist certain nurses and nursing ~~workers~~ support staff with the repayment of certain education loans; establishing the Maryland Loan Assistance Repayment Program Fund for Nurses and Nursing ~~Workers~~ Support Staff; ~~requiring the Comptroller to distribute a certain amount of money of certain fees received by the State Board of Nursing to make certain grants for the Program under certain circumstances in certain years;~~ requiring the Maryland Department of Health to convene a certain stakeholder workgroup for a certain purpose; and generally relating to the Maryland Loan Assistance Repayment Program for Nurses and Nursing ~~Workers~~ Support Staff.

BY adding to

Article – Health – General

Section 24-1801 through ~~24-1807~~ 24-1806 to be under the new subtitle “Subtitle 18.

Maryland Loan Assistance Repayment Program for Nurses and Nursing ~~Workers~~ Support Staff”

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Health Occupations~~

~~Section 8-206~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume)~~

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

Section 6-226(a)(2)(i)

Annotated Code of Maryland

(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

Section 6-226(a)(2)(i)144. and 145.

Annotated Code of Maryland

(2021 Replacement Volume)

BY adding to

*Article – State Finance and Procurement**Section 6-226(a)(2)(ii)146.**Annotated Code of Maryland**(2021 Replacement Volume)*

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

Article – Health – General

**SUBTITLE 18. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES
AND NURSING ~~WORKERS~~ SUPPORT STAFF.**

24-1801.

(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 ~~WORKER~~ SUPPORT STAFF.

(C) “FUND” MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FUND FOR NURSES AND NURSING ~~WORKERS~~ 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 ARTICLE; AND

(5) A REGISTERED NURSE PRACTITIONER, AS DEFINED IN § 8-101(Q) OF THE HEALTH OCCUPATIONS ARTICLE.

(E) “NURSING ~~WORKER~~ SUPPORT STAFF” INCLUDES:

(1) A CERTIFIED MEDICATION TECHNICIAN, AS DEFINED IN § 8-6A-01(H) OF THE HEALTH OCCUPATIONS ARTICLE;

(2) A CERTIFIED MEDICINE AIDE, AS DEFINED IN § 8-6A-01(I) OF THE HEALTH OCCUPATIONS ARTICLE;

(3) A CERTIFIED NURSING ASSISTANT, AS DEFINED IN § 8-6A-01(J) OF THE HEALTH OCCUPATIONS ARTICLE; AND

(4) A GERIATRIC NURSING ASSISTANT, AS DEFINED IN § 8-6A-01(M) OF THE HEALTH OCCUPATIONS ARTICLE.

~~(F) “PRIMARY CARE” INCLUDES:~~

~~(1) PRIMARY CARE;~~

~~(2) FAMILY MEDICINE;~~

~~(3) INTERNAL MEDICINE;~~

~~(4) OBSTETRICS;~~

~~(5) PEDIATRICS;~~

~~(6) GERIATRICS;~~

~~(7) EMERGENCY MEDICINE;~~

~~(8) WOMEN’S HEALTH;~~

~~(9) PSYCHIATRY; AND~~

~~(10) PREVENTIVE MEDICINE.~~

~~(G)~~ **(F) “PROGRAM” MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING ~~WORKERS~~ SUPPORT STAFF.**

24-1802.

(A) (1) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FUND FOR NURSES AND NURSING ~~WORKERS~~ SUPPORT STAFF.

(2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(5) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(B) THE FUND CONSISTS OF:

(1) REVENUE GENERATED THROUGH A PERMANENT FUNDING STRUCTURE RECOMMENDED TO THE GENERAL ASSEMBLY BY A STAKEHOLDER WORKGROUP CONVENED BY THE DEPARTMENT;

(2) ANY AVAILABLE FEDERAL FUNDS; ~~AND~~

(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.

24-1803.

THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING ~~WORKERS~~ SUPPORT STAFF.

24-1804.

(A) (1) IN THIS SECTION, “ELIGIBLE FIELD OF EMPLOYMENT” MEANS 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.

(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 WITH THE FUNDS TRANSFERRED TO THE DEPARTMENT BY THE COMPTROLLER UNDER § 8-206 OF THE HEALTH OCCUPATIONS ARTICLE OF THE AMOUNT OF EDUCATION LOANS OWED BY A NURSE OR NURSING WORKER SUPPORT STAFF WHO:

(1) PRACTICES ~~PRIMARY CARE~~ IN AN ELIGIBLE FIELD OF EMPLOYMENT ~~IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN FEDERALLY DESIGNATED;~~ 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 ~~FROM THE BOARD OF NURSING FUND ESTABLISHED UNDER § 8-206 OF THE HEALTH OCCUPATIONS ARTICLE~~ 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.

24-1805.

~~(A) IN ADDITION TO THE ASSISTANCE PROVIDED UNDER § 24-1804 OF THIS SUBTITLE, THE DEPARTMENT MAY, SUBJECT TO THE AVAILABILITY OF MONEY IN THE FUND AND SUBJECT TO APPLICABLE REGULATIONS, ASSIST IN THE REPAYMENT OF AN EDUCATION LOAN OWED BY A NURSE OR NURSING WORKER WHO:~~

~~(1) PRACTICES A MEDICAL SPECIALTY OR IN A SETTING THAT HAS BEEN IDENTIFIED BY THE DEPARTMENT AS BEING IN SHORTAGE IN THE GEOGRAPHIC AREA OF THE STATE WHERE THE NURSE OR NURSING WORKER PRACTICES THAT SPECIALTY OR IN THAT SETTING; 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) NURSING WORKERS WHO MEET THE REQUIREMENTS UNDER § 24-1804(B) OF THIS SUBTITLE;~~

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

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

~~24-1806.~~

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;

~~(1) (2)~~ ESTABLISH THE MAXIMUM NUMBER OF PARTICIPANTS IN THE PROGRAM EACH YEAR IN EACH PRIORITY AREA ~~DESCRIBED UNDER § 24-1805 OF THIS SUBTITLE~~ ESTABLISHED UNDER ITEM (1) OF THIS SECTION; AND

~~(2) (3)~~ ESTABLISH THE MINIMUM AND MAXIMUM AMOUNT OF LOAN REPAYMENT ASSISTANCE AWARDED UNDER THIS SUBTITLE IN EACH PRIORITY AREA ~~DESCRIBED UNDER § 24-1805 OF THIS SUBTITLE~~ ESTABLISHED UNDER ITEM (1) OF THIS SECTION.

~~24-1807.~~ 24-1806.

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 ~~WORKERS~~ SUPPORT STAFF WHO APPLIED FOR THE PROGRAM, INCLUDING INFORMATION ON:

(I) THE ~~SPECIALTY~~ PRACTICE OF THE NURSE OR NURSING ~~WORKER~~ SUPPORT STAFF;

(II) THE TYPE AND LOCATION OF THE SITE IN WHICH THE NURSE OR NURSING ~~WORKER~~ SUPPORT STAFF PROVIDED SERVICES; AND

(III) THE GEOGRAPHIC AREA SERVED BY THE NURSE OR NURSING ~~WORKER~~ SUPPORT STAFF; AND

(2) THE NURSES AND NURSING ~~WORKERS~~ SUPPORT STAFF WHO PARTICIPATED IN THE PROGRAM, INCLUDING INFORMATION ON:

(I) THE AMOUNT OF ASSISTANCE PROVIDED TO EACH PARTICIPANT;

(II) THE ~~SPECIALTY~~ 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~~

~~§ 206.~~

~~(a) There is a Board of Nursing Fund.~~

~~(b) (1) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.~~

~~(2) The fees charged shall be set so as to produce funds to approximate the cost of maintaining the Board as provided in subsection (c) of this section.~~

~~(3) (i) In addition to the fee set by the Board under this title for the renewal of a nurse practitioner who holds an advanced practice registered nurse certification, the Board shall assess a separate \$15 fee for the renewal of the nurse practitioner, regardless of the number of certifications held by the nurse practitioner.~~

~~(ii) The Board shall pay the fee collected under subparagraph (i) of this paragraph to the Nurse Practitioner Preceptorship Tax Credit Fund established under § 10-739 of the Tax General Article.~~

~~(c) The Board shall publish in its rules and regulations the fees that it sets.~~

~~(d) (1) The Board shall pay all fees collected under the provisions of this title to the Comptroller of the State.~~

~~(2) The Comptroller shall distribute the fees received from the Board to the Board of Nursing Fund.~~

~~(E) (1) IN EACH OF FISCAL YEARS 2023 THROUGH 2025, IF THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF AT LEAST \$400,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING WORKERS UNDER TITLE 24, SUBTITLE 18 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:~~

~~(I) \$400,000 OF THE FEES RECEIVED FROM THE FEES RECEIVED, AN AMOUNT EQUIVALENT TO THE DIFFERENCE BETWEEN THE APPROPRIATION IN THE STATE BUDGET AND \$400,000 FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING WORKERS UNDER TITLE 24, SUBTITLE 18 OF THE HEALTH – GENERAL ARTICLE TO NURSES AND NURSING WORKERS ENGAGED IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND~~

~~(II) THE BALANCE OF THE FEES TO THE BOARD OF NURSING FUND.~~

~~(2) IN FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER, IF THE DEPARTMENT DOES NOT IMPLEMENT A PERMANENT FUNDING STRUCTURE UNDER § 24-1802(B) OF THE HEALTH – GENERAL ARTICLE AND THE GOVERNOR DOES NOT INCLUDE IN THE STATE BUDGET AN APPROPRIATION OF AT LEAST \$400,000 FOR THE OPERATION OF THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING WORKERS UNDER TITLE 24, SUBTITLE 18 OF THE HEALTH – GENERAL ARTICLE, AS ADMINISTERED BY THE DEPARTMENT, THE COMPTROLLER SHALL DISTRIBUTE:~~

~~(I) \$400,000 OF THE FEES RECEIVED FROM THE FEES RECEIVED, AN AMOUNT EQUIVALENT TO THE DIFFERENCE BETWEEN THE APPROPRIATION IN THE STATE BUDGET AND \$400,000 FROM THE BOARD TO THE DEPARTMENT TO BE USED TO MAKE GRANTS UNDER THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR NURSES AND NURSING WORKERS UNDER TITLE 24, SUBTITLE 18 OF THE HEALTH – GENERAL ARTICLE TO NURSES AND NURSING WORKERS ENGAGED IN PRIMARY CARE WHO AGREE TO PRACTICE FOR AT LEAST 2 YEARS IN A GEOGRAPHIC AREA OF THE STATE THAT HAS BEEN DESIGNATED BY THE SECRETARY AS BEING MEDICALLY UNDERSERVED; AND~~

~~(II) THE BALANCE OF THE FEES TO THE BOARD OF NURSING FUND.~~

~~[(e)] (F) (1) The Board of Nursing Fund 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 the provisions of this title.~~

~~(2) (i) The Board of Nursing Fund is a continuing, nonlapsing fund, not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(ii) Any unspent portions of the Board of Nursing Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Board of Nursing Fund to be used for the purposes specified in this title.~~

~~(3) No other State money may be used to support the Board of Nursing Fund.~~

~~(4) AVAILABLE FEDERAL FUNDS MAY BE USED TO SUPPORT THE BOARD OF NURSING FUND.~~

~~[(f)] (G) (1) The Chairman of the Board or the designee of the Chairman shall administer the Board of Nursing Fund.~~

~~(2) Money in the Board of Nursing Fund may be expended only for any lawful purpose authorized by the provisions of this title.~~

~~[(g)] (H) The Legislative Auditor shall audit the accounts and transactions of the Board of Nursing Fund as provided in § 2-1220 of the State Government Article.~~

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

144. the Health Equity Resource Community Reserve Fund;

[and]

145. the Access to Counsel in Evictions Special Fund; AND

146. THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FUND FOR NURSES AND NURSING SUPPORT STAFF.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Department of Health shall convene a stakeholder workgroup to examine how the State can implement a program within or in addition to the Maryland Loan Assistance Program Fund for Nurses and Nursing ~~Workers~~ Support Staff to further incentivize nursing and nursing ~~worker~~ support staff students to practice in professional shortage areas and medically underserved areas in the State.

(b) The workgroup shall consist of the following members:

- (1) the Secretary of Health, or the Secretary's designee;
- (2) one representative of the State Board of Nursing;
- (3) one representative of the Maryland Nurses Association;
- (4) one representative of 1199 SEIU United Healthcare Workers East;
- (5) one representative of the Health Facilities Association of Maryland;
- (6) one representative of the Maryland Hospital Association; ~~and~~
- (7) one representative of the LifeSpan Network;
- (8) one representative of Leading Age Maryland;
- (9) one representative of AFSCME Maryland;
- (10) one representative of the Nurse Practitioner Association of Maryland;
- (11) one representative of the Maryland Association of County Health
Officers;
- (12) one representative from a community health center; and
- (13) any other stakeholder that the Department determines appropriate.

(c) The workgroup shall consult with the Department of Legislative Services when developing its recommendations.

(d) The workgroup shall:

(1) review nursing school debt experienced in the United States and in Maryland;

(2) examine other models for nurse and nursing ~~worker~~ *support staff* recruitment and retention that operate in other states, including how these models are funded and how to improve the Maryland Loan Assistance Repayment Program Fund for Nurses and Nursing ~~Workers~~ *Support Staff* to ensure that the Program is competitive with other states;

(3) examine and recommend methods to incentivize nursing and nursing ~~worker~~ *support staff* students to commit to practicing in medically underserved areas in the State before entering an educational program or on graduation from nursing school or a program focusing on training for nursing ~~workers~~ *support staff*; ~~and~~

(4) investigate the availability of other federal grants to further expand loan repayment and loan forgiveness for other nurses and nursing ~~workers~~ *support staff* in Maryland; *and*

(5) make recommendations to the Department on priorities for funding the repayment of education loans through the Maryland Loan Assistance Repayment Program Fund for Nurses and Nursing Support Staff, including priorities relating to practice settings other than an “eligible field of employment”, as defined by § 24-1804 of the Health – General Article, as enacted by Section 1 of this Act.

(e) (1) On or before December 1, 2022, the workgroup shall submit an interim report of its findings and recommendations, in accordance with § 2-1257 of the State Government Article, to the General Assembly.

(2) On or before December 1, 2023, the workgroup shall submit a final report of its findings and recommendations, including recommendations on the structure of a permanent advisory council and a permanent funding structure for the Maryland Loan Assistance Repayment Program Fund for Nurses and Nursing ~~Workers~~ *Support Staff*, to the General Assembly in accordance with § 2-1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, May 12, 2022.