

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 13

(Senator Eckardt)

Education, Health, and Environmental Affairs

Health and Government Operations

Certified Nursing Assistants – Certificate Renewal – Training Program Requirements

This bill authorizes a certified nursing assistant (CNA) to renew a certificate if the certificate holder did not complete 16 hours of required active practice within the two-year period preceding renewal by instead providing satisfactory evidence of completion of an approved nursing assistant refresher training program. The State Board of Nursing (BON) must adopt regulations to specify (1) the circumstances under which a nursing assistant is required to complete an approved nursing assistant training program or refresher training program and (2) the number of didactic instruction hours and clinical training hours the nursing assistant training program or refresher training program must have to be approved. Regulations must be consistent with federal law.

Fiscal Summary

State Effect: BON special fund expenditures increase by \$44,500 beginning in FY 2022 for staff to oversee and approve nursing assistant refresher programs. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	44,500	50,500	51,900	53,800	55,800
Net Effect	(\$44,500)	(\$50,500)	(\$51,900)	(\$53,800)	(\$55,800)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In general, an individual must be certified by BON to practice as a nursing assistant in the State; a CNA routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse. CNAs can obtain additional certification as a geriatric nursing assistant, home health aide, certified medicine aide, or a dialysis technician.

To apply for a nursing assistant certificate, an individual must (1) submit an application; (2) provide evidence of successful completion of an approved nursing assistant training program or a portion of an approved nursing education program that meet the requirements of a nursing assistant training program; (3) pay an application fee; (4) be of good moral character; (5) be at least 16 years old; and (6) submit a criminal history records check.

Under Maryland regulations ([COMAR 10.39.01.07](#)), a nursing assistant certificate must be renewed every two years. A CNA may renew their certificate for an additional term, if the certificate holder:

- is otherwise entitled to be certified;
- submits a renewal application;
- pays a renewal fee; and provides satisfactory evidence of completion of (1) 16 hours of active nursing assistant practice within the two-year period immediately preceding the renewal; or (2) an approved nursing assistant training program.

BON must renew the certificate of each nursing assistant who meets renewal requirements.

Nursing Assistant Training Programs

Under Maryland regulations ([COMAR 10.39.02](#)), nursing assistant training programs are generally approved by BON. Training programs must provide a minimum of 60 hours of didactic instruction and classroom laboratory practice and 40 hours of clinical training in a clinical facility. Each training program must have an objective final examination that measures achievements of specified performance indicators. BON compiles a list of approved nursing assistant training programs on its [website](#). BON does not currently provide oversight to nursing assistant refresher programs.

Federal Training Program Requirements

Under federal regulations ([42 CFR § 483.152](#)), a nurse aid training and competency evaluation program must, at minimum (1) consist of no less than 75 hours of training; (2) include specified subjects; (3) include at least 16 hours of supervised practical training; (4) ensure students do not perform services they are not trained for and remain under the general supervision of a licensed nurse or registered nurse; (5) meet specified requirements for instructors; and (6) contain specified competency evaluation procedures.

State Expenditures: BON special fund expenditures increase by \$44,518 in fiscal 2022, which accounts for the bill’s October 1, 2021 effective date. This estimate reflects the cost of hiring one part-time nursing program consultant to review nursing assistant refresher program curriculum, process applications for program approval, and conduct site visits of programs. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	0.5
Salary and Fringe Benefits	\$39,182
Operating Expenses	5,336
Total FY 2022 State Expenditures	\$44,518

Future year expenditures reflect a full salary with annual increases and employee turnover and ongoing operating expenses.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1193 (Delegate Adams) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 22, 2021
rh/jc Third Reader - February 11, 2021

Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510