

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1241 (Delegate Kelly)
Health and Government Operations

Health Occupations - Nursing Home Administrator - Qualifications

This bill authorizes an individual who holds an active nursing home administrator (NHA) license in good standing in another state to practice in Maryland, if the individual has a minimum of 3 years of experience as a NHA, or 6 years of experience as an assistant NHA. The State Board of Examiners of Nursing Home Administrators (BENHA) *must* waive any education requirements for an individual who was licensed, *remains in good standing*, and practiced as a NHA for at least 3 years in another state. The bill authorizes an individual to satisfy the experience requirements for a NHA license if they have either completed *nine months* of full-time nursing home administration in a nursing home or have completed six months of full-time nursing home administration in a nursing home and (1) have completed an internship in a nursing home or assisted living program; (2) hold an active certification issued by the State Board of Nursing (BON) and have at least 10 years of experience at a nursing home; or (3) have at least 3 years of experience as a director of nursing.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources. BENHA general fund revenues decrease minimally beginning in FY 2023, as discussed below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Federal law requires that both nursing homes and NHAs in all states be regulated. BENHA is the licensing authority of NHAs in the State. BENHA regulates the

practice of NHAs, licenses qualified NHAs, establishes fees, enforces statute, and adopts regulations to promote quality health care in the field of long-term care.

In general, an individual must be licensed by BENHA to practice as a NHA in the State. To qualify for a NHA license, an individual must (1) submit to a criminal history records check; (2) be of good moral character; (3) be at least 21 years old; (4) complete specified education requirements; (5) have completed a board-approved administrator-in-training program or have completed one year of full-time nursing home administration training in a nursing home; and (6) have completed an examination administered by BENHA. NHA licenses expire after two years.

To meet the education requirements for licensure, an applicant must have (1) a baccalaureate or master's degree in health care administration from an accredited college or university or (2) have a baccalaureate or master's degree in a field other than health care administration from an accredited college or university and have satisfactorily completed a minimum of 100 hours in a board-approved course of study in health care administration. BENHA may waive any education requirement for an individual who was licensed and practiced as a NHA for at least three years in another state.

Nursing Requirements

In general, an individual must be licensed and/or certified by BON to practice specified nursing duties in the State. Individuals can receive certification to practice as a certified nursing assistant or a certified medication technician. Individuals who are otherwise licensed by BON may receive additional certification in an area of specified practice.

Under Maryland regulations (COMAR 10.07.02.20), each nursing home must provide for an organized nursing service under the direction of a full-time registered nurse. A director of nursing's responsibilities must include, among other things:

- planning to meet the total nursing needs of residents and recommending the assignment of a sufficient number of supervisory and support personnel;
- development and maintenance of nursing service policies and procedures;
- participation in the coordination of resident services;
- participation in planning and budgeting for nursing services;
- establishment of a procedure to ensure that nursing service personnel, including private duty nurses, have valid and current Maryland licenses; and
- supervision of certified medicine aides to ensure that the aides act within the limitations and restrictions placed on them.

State Revenues: Under current law, an individual licensed as a NHA in another state must seek licensure to practice in Maryland and pay a \$100 initial application fee, \$200 original license fee, and \$200 renewal license fee (collected every two years). Under the bill, an individual with an active NHA license in good standing in another state with specified experience may practice in Maryland without licensure from BENHA. For each individual who does not seek licensure under the bill, general fund revenues decrease by \$300 for initial licensure and application, and \$200 biennially for renewal. Therefore, BENHA general fund revenues decrease by a minimal amount beginning in fiscal 2023.

Additional Comments: There are 226 licensed nursing homes and approximately 944 licensed NHAs in the State.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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