

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 1125

(Delegate Kerr, *et al.*)

Health and Government Operations

Finance

Certified Nursing Assistants - Licensing Requirements and Administrative Updates

This bill alters the designation of and licensure requirements for a certified nursing assistant (CNA), creating new designations of “certified nursing assistant-I” (CNA-I) and “certified nursing assistant-II” (CNA-II). On or after October 1, 2025, a geriatric nursing assistant (GNA) and any CNA that has passed a specified nursing assistant training program and competency evaluation will be designated as a CNA-I. Those that do not meet these requirements will be designated as a CNA-II. By June 1, 2025, the State Board of Nursing (MBON) must (1) notify individuals with a nursing assistant certification of the bill’s requirements and (2) update regulations to confirm with the bill in consultation with the Office of Health Care Quality. The bill also alters exemptions from specified certification requirements and makes clarifying and conforming changes. **The bill generally takes effect October 1, 2025; provisions relating to the requirement for MBON to notify CNAs and update regulations take effect October 1, 2024.**

Fiscal Summary

State Effect: MBON special fund expenditures increase by \$209,900 in FY 2025 for staff and one-time only licensing system updates. Future years reflect annualization and elimination of one-time costs. Special fund revenues are not likely affected, as discussed below.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	209,900	103,600	108,200	112,900	117,900
Net Effect	(\$209,900)	(\$103,600)	(\$108,200)	(\$112,900)	(\$117,900)

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

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary:

New Designation of Certified Nursing Assistant Credentials

The bill alters the designation of CNA credentials to include CNA-I and CNA-II. “CNA-I” means a CNA who meets the requirements set by MBON and federal law to practice in any setting. CNA-I includes (1) a CNA who was certified as a GNA on September 30, 2025; (2) a certified medicine aide; and (3) a CNA-II certified as a CNA-I by MBON on or after October 1, 2025, as specified.

“CNA-II” means a CNA (1) who, on September 30, 2025, was certified as a nursing assistant and was not authorized to practice in a nursing facility or skilled nursing facility and (2) whose authority to practice in a nursing facility or skilled nursing facility continues to be restricted because the CNA has not been approved as a CNA-I.

The bill repeals the GNA credential and replaces it with CNA-I.

An individual who has met the requirements for a CNA credential by October 1, 2025, must be certified as a CNA-I. Beginning October 1, 2025, a CNA-II may be certified as a CNA-I by submitting an application to MBON and providing satisfactory evidence of (1) successful completion of an approved nursing assistant training program and (2) passing a “nursing assistant competency evaluation.” “Nursing assistant competency evaluation” means an examination approved by MBON that (1) determines the competency of the individual to practice as a CNA-I and (2) meets the requirements under federal law.

MBON, after consultation with relevant stakeholders, must adopt regulations establishing qualifications for CNAs, including medicine aides.

Certified Nursing Assistant Applications

The bill clarifies the training requirements an applicant must meet when applying for a nursing assistant certificate. An applicant must provide evidence of successful completion of (1) an approved nursing assistant training program *or approved acute care nursing assistant training program*; (2) an approved dialysis technician training program; (3) an approved course in medication administration; or (4) a portion of an approved nursing education program that meet the requirements of *an approved* nursing assistant training program or medication course. The bill repeals the requirement that a certified medicine aide submit an additional application to MBON.

An applicant for certification as a CNA must submit to MBON satisfactory evidence of passing a nursing assistant competency evaluation. An applicant who has completed an approved acute care nursing assistant training program must be deemed to have fulfilled the classroom and clinical standards to sit for the nursing assistant competency evaluation.

Exemptions from Certification Requirements

The bill alters current exemptions from the requirement to be certified by MBON to practice as a nursing assistant, dialysis technician, or medication technician. The bill adds three new exemptions from the certification requirement for an individual who:

- performs nursing assistant tasks as a student while enrolled in an acute care nursing assistant training program;
- performs nursing assistant tasks as a student while enrolled in an accredited nursing program after the successful completion of the portion of the approved nursing education program that MBON determines meets the requirements of an approved nursing assistant training program or medication administration course; or
- practices as a CNA-I for less than four months in accordance with federal regulations.

The exemptions do not preclude a registered nurse (RN) or licensed practical nurse (LPN) from delegating a nursing or other technical task to an unlicensed individual *if* acceptance of delegated nursing or other technical tasks does not become a routine part of the unlicensed individual's job duties.

Certification Renewal Requirements

When renewing a CNA certificate, a certificate holder must provide satisfactory evidence of completion of either (1) 16 hours of active *certified* nursing assistant practice within the immediately preceding two-year period or (2) successful completion of an approved nursing assistant training program or passing a nursing assistant competency evaluation.

MBON, after collaboration with relevant stakeholders, must adopt regulations to specify the circumstances under which a nursing assistant, as a condition of renewal, must complete an approved nursing assistant training program or pass a nursing assistant competency examination.

Nursing Assistant Training Programs

The bill alters the definition of “approved nursing assistant training program” to mean a course of training that (1) meets the *requirements under federal and State law* and (2) is

approved by MBON. “Approved acute care nursing assistant training program” means a course of training that meets the acute care nursing curriculum approved by MBON.

The curriculum content for an approved nursing assistant training program must include, among other things, content that meets all specified federal requirements and all basic skills required of a nursing assistant regardless of the setting of the practice.

Nursing assistant training program requirements may not be interpreted to impose additional requirements for a CNA-I beyond those required under federal law. A nursing assistant training program may continue to operate during the approval process.

Nursing Support Staff

The bill alters the definition of “nursing support staff” to remove GNAs from the list of professionals who are eligible to receive funds from the Maryland Loan Assistance Repayment Program for Nurses and Nursing Support Staff to repay their educational loans. This change in the bill is only technical in nature. An individual currently certified as a GNA should still be able to qualify for repayment assistance from the program as a CNA. Current law specifies that nursing support staff includes certified medication technicians, certified medicine aides, CNAs, and GNAs.

Current Law: Under current law, an individual must be certified by MBON to practice as a nursing assistant in the State. A CNA routinely performs nursing tasks delegated by an RN or an LPN. CNAs can obtain additional certification as a GNA, home health aide, certified medicine aide, or dialysis technician.

Geriatric Nursing Assistants

A GNA means a CNA who has successfully completed the requirements for a GNA mandated under federal law and MBON regulations. MBON must grant an applicant for certification as a GNA the status of GNA on their CNA certificate if the applicant is (1) certified as a CNA; (2) has successfully completed a CNA/GNA training program approved by MBON; and (3) has passed the GNA competency examination.

Nurse Aid Competency Training Programs

Federal regulations set requirements for nurse aid competency evaluations (42 CFR § 483.154). States must review and approve nurse aide training and competency evaluation programs (42 CFR § 483.151) and establish and maintain a registry of nurse aids (42 CFR § 483.156). MBON, in conjunction with the Maryland Higher Education Commission, must approve each nursing assistant training program prior to its implementation and provide periodic survey of all programs in the State.

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 RN; (5) meet specified requirements for instructors; and (6) contain specified competency evaluation procedures.

State Fiscal Effect: The bill requires MBON, by June 1, 2025, to adopt regulations to implement the bill’s requirements and notify individuals with a nursing assistant certification of the bill’s requirements. All GNAs and any CNA that has passed a nursing assistant training program that satisfies federal and State requirements, and a nursing assistant competency evaluation must be designated as a CNA-I by October 1, 2025. All other CNAs not authorized to practice in a nursing facility or skilled nursing facility must be designated as a CNA-II. Also beginning October 1, 2025, MBON must accept applications from any CNA-II who has successfully completed an approved nursing assistant training program and passed a nursing assistant competency evaluation and applies for a CNA-I credential. MBON must also approve specified nursing assistant training programs and ensure each training program complies with State and federal law. Although MBON currently approves nursing assistant training programs, MBON advises that existing staff cannot absorb the bill’s requirements.

Therefore, MBON special fund expenditures increase by \$209,901 in fiscal 2025, which accounts for a 90-day start up delay from the bill’s October 1, 2024 effective date. This estimate reflects the cost of hiring one nurse program administrator to provide guidance to approved nursing assistant training programs and review program compliance with specified federal standards. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses. MBON advises that one-time costs of approximately \$150,000 in fiscal 2025 only are necessary to update the board’s licensing software system to reflect the bill’s changes to CNA certification requirements and designations.

	<u>FY 2025</u>	<u>FY 2026</u>
Position	1.0	-
Salary and Fringe Benefits	\$52,915	\$102,503
Licensing System Update	150,000	-
Operating Expenses	<u>6,986</u>	<u>1,091</u>
Total FY 2025 State Expenditures	\$209,901	\$103,594

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

This analysis assumes that individuals currently certified by MBON will not be required to pay additional certification fees for redesignation as a CNA-I or CNA-II.

Additional Comments: MBON has previously advised that Maryland is the only state with both CNA and GNA certifications. Nationally, CNAs have the flexibility to work in a hospital, long-term residential facilities, nursing homes, rehabilitation centers, adult day care centers, and clinical facility settings. In Maryland, CNAs are only authorized to practice in acute-care settings. MBON noted that GNAs must meet additional requirements to be eligible for certification and are authorized to practice in all acute-care and long-term care settings (including nursing homes).

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 370 of 2023 and SB 82 of 2022.

Designated Cross File: SB 999 (Senator Beidle) - Finance.

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

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