



Board of Nursing

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

March 23, 2021

The Honorable Dereck E. Davis
Chair, Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: SB 307 – Labor and Employment – Direct Care Workforce Innovation Program – Letter of Concern

Dear Chairman Davis and Committee Members:

The Maryland Board of Nursing (“the Board”) respectfully submits this letter of concern for Senate Bill (SB) 307 – Labor and Employment – Direct Care Workforce Innovation Program. This bill establishes the Direct Care Workforce Innovation Program in the Division of Workforce Development and Adult Learning (the Division) within the Maryland Department of Labor. This bill requires the Division to provide matching grants to eligible entities to create and expand on successful recruitment and retention strategies targeting the population of direct care workers. This bill additionally requires the Governor to include a \$250,000 appropriation in the annual budget bill for the Program.

The Board is in strong support of the general purpose and goal of SB 307 in allowing eligible entities to create and expand on recruitment and retention strategies to increase and ensure the availability of trained direct care workers across the State. The Board, however, is concerned with how the bill is written and the ambiguity that surrounds defining terms and processes the eligible entities must follow. The Board believes that eligible entities may be unintentionally burdened as there are strict regulations outside of the Division that must be followed.

First, the current definition of “direct care workers” includes two disciplines that are currently unregulated in the state of Maryland (the personal aide and psychiatric aide). The Board is concerned that with the passing of this bill, the personal and psychiatric aide disciplines will be placed under their authority, as the Board currently oversees and enforces certification of nursing assistants (CNA) and geriatric nursing assistants (GNA). This would pose a significant operational and fiscal impact.

In addition, the term “eligible entity” does not account for a large number of entities that currently provide CNA/GNA/Home Health Aide (HHA) training, i.e., for-profit businesses and educational institutions. Excluding for-profit businesses may be problematic as it is unclear whether there are any non-profit entities, labor organizations, or organizations with shared labor management oversight that currently provide CNA/GNA/HHA training.

SB 307 does not address how the Program will account for existing laws and regulations governing the minimum requirements for approved CNA/GNA/HHA training programs. Entities interested in creating new CNA/GNA/HHA training programs must receive approval from both the Maryland Higher Education Commission (MHEC) and the Board before being able to receive a matching grant. Additionally, each new CNA/GNA training program must abide by the federal requirements listed in 42 CFR § 483.152. All of these factors may unintentionally create a delay or inefficiency in the Program providing matching grants.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of concern for SB 307.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585-1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585-1953 (rhonda.scott2@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Hicks', with a stylized flourish extending to the right.

Gary N. Hicks
Board President

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.