



Board of Examiners of Nursing Home Administrators

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

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2022 SESSION POSITION PAPER

BILL NO: SB 909
COMMITTEE: Senate Finance
POSITION: OPPOSE

TITLE: Health Occupations – Nursing Home Administrator – Qualifications

BILL ANALYSIS: Senate Bill (SB) 909 establishes an exception to the requirement that an individual be licensed by the State Board of Examiners of Nursing Home Administrators before the individual may practice in this State for a person who holds a license in another state and has certain experience, while waiving certain education requirements; and alters the qualifications for applicants for a license to practice as a nursing home administrator.

POSITION AND RATIONALE: The State Board of Examiners of Nursing Home Administrators (the Board) opposes SB 909. The mission of the Board is to protect the citizens of Maryland and to promote quality health care in the field of long term care by:

1. Licensing and certifying nursing home administrators;
2. Receiving and resolving complaints from the public, courts, employers, insurance companies, other licensees regarding nursing home administrators who may have violated the Board's statute (Health Occupations Article, Title 9, Annotated Code of Maryland) and its regulations found under COMAR 10.33.01; and
3. Setting standards for the practice of nursing home administrators that reflect new and emergent developments in the practice of long term care through regulations and legislation.

SB 909 will allow an out-of-state licensed nursing home administrator candidate to be eligible for licensure in Maryland, while potentially having less professional experience as a Maryland nursing home administrator with knowledge of the State nursing home regulations. Decreasing one of the requirements of eligibility to apply for a nursing home administrator license in Maryland, from having **one (1) year** of full-time nursing home administration in a nursing home to only **nine (9) months**, does not correlate with the professional standard that Maryland upholds to protect its citizens. Essentially, this leaves opportunity for severe long term care facility deficiencies to emerge, contradicts the mission of the Board, and promotes unsuccessful operations leading to professional failure for a nursing home administrator candidate once licensed. This bill could potentially negatively affect the quality of care being provided to Maryland's nursing home residents.

It is noteworthy to highlight that there are various states that require more than **one (1) year** of nursing home administrator of record experience as a licensure eligibility requirement for out-of-state applicants. The Board of Long-Term Care Administration in Washington, D.C. requires an out-of-state licensee to have at least **three (3) years** of current practice as a nursing home administrator to be eligible to qualify for reciprocity and endorsement licensure (two (2) years more than Maryland's current requirement). In addition, the New York Board of Examiners of Nursing Home Administrators requires applicants holding an out-of-state nursing home administrator license to demonstrate verification that they have full-time (at least 35 hours per week) experience of **at least two (2) years in the preceding five (5) years** prior to submission of their application, as the administrator of record in an out-of-state nursing home; in which must be operated in full compliance with applicable state and federal laws.

In conclusion, the Board believes that out-of-state licensed nursing home administrators should adhere to the current provisions provided to become licensed in Maryland. Obtaining the appropriate credentials and experience to ethically serve the long term care population in the state is paramount. This bill minimizes the expectation and standards for nursing home administrator licensure applicants in Maryland, and weakens crucial protection of residents. Furthermore, the intention of the establishment of the exception and modified qualifications outlined in the bill are not explicitly stated to determine whether the purpose of the bill is to assist with adversities such as staffing and workforce shortages during the COVID-19 pandemic. For the above reasons, the Board is requesting an unfavorable report for SB 909.

For more information, please contact Ciara J. Lee, Executive Director for the Maryland Board of Examiners of Nursing Home Administrators, at 410-764-4749 or ciaraj.lee1@maryland.gov.

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