

SENATE BILL 82

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2lr0388

(PRE-FILED)

By: **Senator Eckardt**

Requested: August 17, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Certified Nursing Assistants – Licensing Requirements**

3 FOR the purpose of requiring a certified nursing assistant to meet certain federal
4 requirements and pass a competency exam; requiring the Maryland Department of
5 Health to establish a program to assist certified nursing assistants in meeting
6 licensing requirements established by this Act; and generally relating to the
7 licensing of certified nursing assistants.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 19–1410(b)(2)(vi) and 19–1410.2
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section 8–6A–01, 8–6A–05, 8–6A–08(c), and 8–6A–14
16 Annotated Code of Maryland
17 (2021 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 19–1410.

22 (b) (2) Each nursing home shall establish a quality assurance committee and
23 shall include at least the following members:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(vi) A [geriatric] **CERTIFIED** nursing assistant.

19–1410.2.

(a) In this section, “workplace safety” means the prevention of any physical assault or threatening behavior against an employee in a nursing home.

(b) This section applies to nursing homes that are licensed for 45 beds or more.

(c) Each nursing home shall assign to an appropriate committee the task of:

(1) Conducting an annual assessment of workplace safety issues; and

(2) Making recommendations to the nursing home for reducing workplace injuries.

(d) In conducting an annual assessment of workplace safety issues, the committee assigned to conduct the assessment under subsection (c)(1) of this section shall consult with [geriatric] **CERTIFIED** nursing assistants and other employees of the nursing home who are involved in assisting residents with activities of daily living.

Article – Health Occupations

8–6A–01.

(a) In this subtitle the following words have the meanings indicated.

(b) “Applicant” means, unless the context requires otherwise:

(1) An individual applying for an initial certificate by examination or endorsement;

(2) A certificate holder applying for renewal of a certificate; or

(3) An individual applying for reinstatement of a certificate in accordance with § 8–6A–10 of this subtitle.

(c) “Approved medication technician training program” means a course of training approved by the Board that meets the basic medication technician core curriculum and the medication technician content training specific to the setting in which the medication technician will work.

(d) “Approved nursing assistant training program” means a course of training that meets the basic nursing assistant curriculum prescribed and approved by the Board.

(e) “Board” means the State Board of Nursing.

(f) “Certificate” means a certificate issued by the Board to practice as a certified nursing assistant or a certified medication technician in the State.

(g) “Certificate holder” means a certified nursing assistant or medication technician who has:

(1) An active certificate;

(2) An inactive certificate;

(3) A temporary certificate;

(4) An expired temporary certificate;

(5) An expired certificate;

(6) A lapsed certificate;

(7) A suspended certificate; or

(8) A certificate subject to a reprimand, probation, or suspension.

(h) “Certified medication technician” means an individual who:

(1) Has completed a Board–approved medication technician training program; and

(2) Is certified by the Board as a medication technician.

(i) “Certified medicine aide” means a certified nursing assistant who has completed a Board–approved course in medication administration.

(j) **(1)** “Certified nursing assistant”[:

(1) Means] **MEANS** an individual regardless of title who [routinely]:

(I) ROUTINELY performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation; and

(II) HAS SUCCESSFULLY COMPLETED THE REQUIREMENTS MANDATED UNDER FEDERAL LAW AND THE REGULATIONS OF THE BOARD.

(2) [Does] **“CERTIFIED NURSING ASSISTANT” DOES** not include a certified medication technician.

(k) “Department” means the Maryland Department of Health.

(l) “Expired certificate” means a certificate that was not renewed before the expiration date of the certificate as established under § 8–6A–08(a) of this [title] SUBTITLE.

[(m) “Geriatric nursing assistant” means a certified nursing assistant who has successfully completed the requirements for geriatric nursing assistant mandated under federal law and the regulations of the Board.]

[(n)] (M) “Lapsed certificate” means a certificate that was not renewed because a certificate holder failed to renew the certificate or otherwise did not meet the renewal requirements of this subtitle.

8–6A–05.

(a) The Board shall adopt regulations establishing:

(1) Categories of certified nursing assistants, including [geriatric nursing assistants,] home health aides, school health aides, dialysis technicians, individuals working in developmental disabilities administration facilities, and medicine aides;

(2) Qualifications for each category of certified nursing assistant;

(3) Qualifications for certified medication technicians; and

(4) Standards for qualification of applicants for certification, including the applicant’s criminal history, work record, and prohibitions against behavior which may be potentially harmful to patients.

(b) To qualify for certification as a nursing assistant, a nursing assistant in a specific category, or a medication technician, an applicant shall meet the requirements set by the Board.

(c) (1) An applicant for a certificate shall:

(i) Submit an application to the Board on the form that the Board requires;

(ii) Provide evidence, as required by the Board, of successful completion of:

1. An approved nursing assistant training program;

2. An approved course in medication administration; or

1 3. A portion of an approved nursing education program that
2 the Board determines meets the requirements of a nursing assistant training program or
3 medication administration course;

4 (iii) Pay to the Board an application fee set by the Board;

5 (iv) Be of good moral character;

6 (v) Be at least 16 years old to apply for certification as a nursing
7 assistant; and

8 (vi) Be at least 18 years old to apply for certification as a medication
9 technician.

10 (2) Subject to paragraph (1) of this subsection, an applicant for certification
11 as a certified nursing assistant shall submit to the Board:

12 (i) A criminal history records check in accordance with § 8–303 of
13 this title and § 8–6A–08(k) of this subtitle; [and]

14 (ii) On the form required by the Board, written, verified evidence
15 that the requirement of item (i) of this paragraph is being met or has been met; AND

16 **(III) ON OR AFTER OCTOBER 1, 2023, EVIDENCE OF PASSING A**
17 **NURSING ASSISTANT COMPETENCY EVALUATION WHICH MEETS FEDERAL**
18 **REQUIREMENTS AND IS APPROVED BY THE BOARD.**

19 (3) An applicant for certification as a certified medicine aide, in addition to
20 the requirements under paragraph (1) of this subsection, shall submit an additional
21 application to that effect to the Board on the form that the Board requires.

22 (4) An applicant for a certificate may not:

23 (i) Have committed any act or omission that would be grounds for
24 discipline or denial of certification under this subtitle; and

25 (ii) Have a record of abuse, negligence, misappropriation of a
26 resident's property, or any disciplinary action taken or pending in any other state or
27 territory of the United States against the certification of the nursing assistant or
28 medication technician in the state or territory.

29 8–6A–08.

30 (c) Before a certificate expires, a nursing assistant periodically may renew it for
31 an additional term, if the certificate holder:

(1) Otherwise is entitled to be certified;

(2) Submits to the Board a renewal application on the form that the Board requires;

(3) Pays to the Board a renewal fee set by the Board; [and]

(4) Provides satisfactory evidence of completion of:

(i) 16 hours of active nursing assistant practice within the 2-year period immediately preceding the date of renewal; or

(ii) If the nursing assistant did not complete 16 hours of active practice as required under item (i) of this item, an approved nursing assistant training program or an approved nursing assistant refresher training program as required in regulations adopted by the Board in accordance with subsection (m) of this section; **AND**

(5) ON OR AFTER OCTOBER 1, 2023, UNLESS SUBMITTED AT THE TIME OF INITIAL CERTIFICATION, PROVIDES EVIDENCE OF PASSING A NURSING ASSISTANT COMPETENCY EVALUATION APPROVED BY THE BOARD.

8–6A–14.

(a) The Board, in conjunction with the Maryland Higher Education Commission, shall approve each nursing assistant training program prior to its implementation and provide periodic survey of all programs in the State.

(b) The Board in conjunction with the Department, Maryland Higher Education Commission, and the affected industry shall develop regulations for nursing assistant training programs.

(c) The curriculum content for an approved nursing assistant training program shall include:

(1) Content consistent with State licensing requirements in the Health – General Article and all federal requirements;

(2) All basic skills required of a nursing assistant regardless of the setting of the practice; and

(3) Any skills required for certification in a specific category.

(d) Any additional clinical practice skills specific to a setting of practice shall be taught in that setting as a part of the employment training process in that setting.

1 (e) The Board may make survey visits from time to time, without prior notice, to
2 all certified nursing assistant training programs.

3 (f) The provisions of this section may not be interpreted to impose additional
4 requirements for [geriatric] **CERTIFIED** nursing assistants beyond those required under
5 federal law.

6 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2022,
7 the State Board of Nursing shall:

8 (1) adopt regulations for the licensing of certified nursing assistants that
9 are consistent with the requirements of 42 C.F.R. §§ 483.151 through 483.156; and

10 (2) develop procedures to assist individuals licensed as certified nursing
11 assistants prior to October 1, 2022, in achieving compliance with the licensing
12 requirements established by this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
14 effect October 1, 2022.

15 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
16 3 of this Act, this Act shall take effect June 1, 2022.