

HOUSE BILL 531

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CF 3lr2128

By: **Delegate Kerr**

Introduced and read first time: February 1, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Certified Nursing Assistants – Licensing Requirements and Administrative**
3 **Updates**

4 FOR the purpose of requiring a certified nursing assistant to successfully complete an
5 approved nursing assistant training program meeting certain requirements;
6 requiring the State Board of Nursing to provide certain notifications to geriatric
7 nursing assistants and nursing homes regarding certain provisions of this Act;
8 requiring the Board to update the title of geriatric nursing assistants on the renewal
9 of a license; and generally relating to the licensing of certified nursing assistants.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–1410(b)(2)(vi), 19–1410.2, and 24–1901(e)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Health – General
17 Section 24–1901(a)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Health Occupations
22 Section 8–6A–01 and 8–6A–14
23 Annotated Code of Maryland
24 (2021 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

19–1410.

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

(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.

24–1901.

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

(e) “Nursing support staff” includes:

(1) A certified medication technician, as defined in § 8–6A–01(h) of the Health Occupations Article;

(2) A certified medicine aide, as defined in § 8–6A–01(i) of the Health Occupations Article; **AND**

(3) A certified nursing assistant, as defined in § 8–6A–01(j) of the Health Occupations Article[; and

(4) A geriatric nursing assistant, as defined in § 8–6A–01(m) of the Health Occupations Article].

Article – Health Occupations

1 8-6A-01.

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

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

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

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

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

9 (c) (1) “Approved dialysis technician training program” means a course of
10 training approved by the Board that:

11 (i) Prepares the applicant for national certification;

12 (ii) Meets the requirements of 42 C.F.R. § 494.140(e)(3); and

13 (iii) Meets the requirements set by the Board in regulation.

14 (2) “Approved dialysis technician training program” includes the courses
15 required for national certification as:

16 (i) A Certified Clinical Hemodialysis Technician by the Nephrology
17 Nursing Certification Commission;

18 (ii) A Clinical Nephrology Technician by the National Nephrology
19 Certification Organization; or

20 (iii) A Certified Hemodialysis Technician by the Board of Nephrology
21 Examiners Nursing Technology.

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

26 (e) “Approved nursing assistant training program” means a course of training
27 that [meets]:

28 (1) **MEETS** the basic nursing assistant curriculum **REQUIRED UNDER**
29 **FEDERAL AND STATE LAW; AND**

(2) IS prescribed and approved by the Board.

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

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

(h) “Certificate holder” means a certified nursing assistant, dialysis technician, 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.

(i) “Certified dialysis technician” means an individual who:

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

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

(j) “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.

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

(l) “Certified nursing assistant”:

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

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

3 **(II) HAS SUCCESSFULLY COMPLETED AN APPROVED NURSING**
4 **ASSISTANT TRAINING PROGRAM; AND**

5 (2) Does not include a certified dialysis technician or a certified medication
6 technician.

7 [(m) “Department” means the Maryland Department of Health.]

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

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

13 [(p)] **(N)** “Lapsed certificate” means a certificate that was not renewed because
14 a certificate holder failed to renew the certificate or otherwise did not meet the renewal
15 requirements of this subtitle.

16 8–6A–14.

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

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

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

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

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

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

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

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

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

(g) The Board shall approve the use of a nursing assistant training site by a nursing assistant training program within 45 days after the nursing assistant training program applies for approval if the nursing assistant training program had previously been approved to use the training site by the Board.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2023, the State Board of Nursing shall:

(1) notify individuals who possess a nursing assistant certification with the designation of geriatric nursing assistant of the licensing requirements established under this Act;

(2) update, as necessary, the certification of individuals who possess a nursing assistant certification with the designation of geriatric nursing assistant on renewal;

(3) in consultation with the Office of Health Care Quality, update regulations to conform with this Act; and

(4) in consultation with the Office of Health Care Quality, send a notice to all licensed nursing homes in the State regarding the ability to employ nursing assistants who successfully complete an approved nursing assistant training program and are certified by the Board without the designation of geriatric nursing assistant to perform delegated tasks.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.