

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 602

(Delegate Nathan-Pulliam, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

**State Board of Nursing - Nursing Assistants and Medication Technicians -
 Miscellaneous Provisions**

This bill requires the State Board of Nursing to certify medication technicians and repeals medication assistant registration requirements. The board must certify all medication assistants who are listed on its registry on or before October 1, 2004 as medication technicians. A person may not practice, attempt to practice, or offer to practice as a certified medication technician without board certification. The board must consult with any interested group when it develops the regulations implementing this bill. The bill also makes certain changes to certified nursing assistants' requirements, which are listed below, and allows for the creation of pilot programs to test proposed regulatory changes.

Fiscal Summary

State Effect: Special fund revenue for the State Board of Nursing could increase by \$559,100 in FY 2005 as the board begins certifying medication technicians and charging a fee. One-time special fund expenditure of \$50,000 in FY 2005 for the board to revise its database and online renewal system. Future years reflect biennial renewal, a 46% biennial renewal rate, and 8,000 new certifications annually. No effect on future year expenditures.

| (in dollars) | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|----------------|-----------|-----------|-----------|-----------|-----------|
| SF Revenue | \$559,100 | \$160,000 | \$545,700 | \$270,400 | \$447,900 |
| SF Expenditure | 50,000 | 0 | 0 | 0 | 0 |
| Net Effect | \$509,100 | \$160,000 | \$545,700 | \$270,400 | \$447,900 |

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill adds a registered nurse with demonstrated experience in pain management to the board's Rehabilitation Committee, expanding the committee to six members.

Additionally, the bill prohibits a person from employing any person who is not authorized to perform delegated nursing duties.

To qualify for certification as a nursing assistant or as a nursing assistant in a specific category, an applicant must be at least 16 years old. To qualify for certification as a medication technician, an applicant must be at least 18 years old. Also, if any certificate holder's certificate is suspended or revoked for more than one year, the board may reinstate the certificate after one year if the certificate holder meets board requirements for reinstatement.

Each certificate holder must notify the board in writing within 30 days of a name or address change. The board may impose a \$25 penalty on the certificate holder for failing to do so. The board also may impose a \$50 penalty on a certified medication technician for failing to renew a certificate within 30 days of its expiration. Penalty funds are deposited into the State's general fund.

Medication Technician Requirements

A certified medication technician is a person who has completed a board-approved medication technician training course and is certified by the board. A certified medication technician is not considered a certified nursing assistant. This certification requirement does not apply to a student who performs medication technician tasks under a qualified faculty member's direct supervision. It also does not apply to a principal or school secretary who does not routinely administer medication and who has completed training by the delegating nurse to administer medication in the nurse's or medication technician's absence.

An individual must be certified as a medication technician by the board before: (1) using the title "certified medication technicians;" (2) using the initials "C.M.T." after his or her name; or (3) representing to the public that he or she is certified as a medication technician.

The board must set reasonable fees for issuing and renewing biennial certificates. The fees charged must approximate the cost of maintaining the certification program and other services provided to certified medication technicians. Before a certificate expires, a medication technician may renew it for an additional term if the certificate holder is otherwise entitled to be certified, submits a renewal application form, pays the renewal fee, and provides satisfactory evidence every two years of completing a board-approved refresher course.

The board must adopt regulations establishing certified medication technician qualifications. Certification requirements for nursing assistant applicants also apply to certified medication technicians with the addition that a medication technician applicant must provide evidence of successfully completing an approved course in medication administration.

The bill allows the board to discipline medication technicians for specific violations that apply to the board's other certificate holders, including a new provision for a certificate holder who is a director of nursing or acts in the capacity of a director of nursing and knowingly employs a person who is not authorized to perform delegated nursing duties. Disciplinary measures can result in the board denying a certificate or issuing a probationary certificate to any applicant, reprimanding any certificate holder, placing any certificate holder on probation, or suspending or revoking the certificate. The bill allows the board to impose a \$500 penalty instead of, or in addition to, taking these other disciplinary actions against a certified medication technician.

The bill adds certified medication technicians to existing provisions regarding investigating allegations and submitting to appropriate required examinations by a health care provider.

Certified Nursing Assistant Requirement Changes

The bill repeals as obsolete the board's ability to waive its requirement for successfully completing an approved nursing assistant training program for any applicant who applies for certification by July 1, 2002 and submits certain evidence. It repeals the requirement that a certificate of an individual who routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation must complete a 60-hour, State-approved course and instead requires the course to be board-approved. Also, it requires that before a certificate expires, the nursing assistant complete 16 hours of active nursing assistant practice in the two years immediately preceding renewal rather than eight hours in the year before renewal.

Demonstration Study

The bill allows the board to conduct a demonstration study in a practice setting to evaluate a proposed regulatory change in nursing practices, nursing assistant activities, or medication technician activities. The study is intended to enable the board to determine the proposed practice or activity's safety and the appropriate education or training requirements within a controlled setting. The board must approve the demonstration study design and select the testing facilities. The board may waive selected nursing practice requirements during a demonstration study.

Current Law: A certified medicine aide is a geriatric nursing assistant who has completed a 60-hour, State-approved course in medication administration. A certified nursing assistant is a person who, regardless of title, routinely performs nursing tasks delegated by a registered nurse or a licensed practical nurse for compensation or satisfies the criteria for the Board of Nursing to waive the requirement to successfully complete an approved nursing assistant training program. A medication assistant is an individual who has completed the 16-hour board-approved course in medication administration.

The certificate of an individual who routinely performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation and has also completed the 60-hour, State-approved course in medication administration must also include the title "certified medicine aide."

Background: There are 64,614 certified nursing assistants and 27,333 registered medication assistants in Maryland. The board currently does not charge a registration fee for medication assistants but does for certified nursing assistants. Additionally, the board does not have a history of imposing civil penalties on nursing assistants.

State Revenues: Special fund revenues could increase by \$559,060 in fiscal 2005 as the board begins certifying medication technicians (now called medication assistants) and charging a certification fee. The information and assumptions used in calculating the estimate are stated below:

- 27,333 existing registered medication assistants would be required to pay the medication technician certification fee in the first year, if all continued to practice but it is assumed that 27% would not do so;
- a \$20 initial certification fee and \$30 renewal fee would be charged to medication technicians;
- the biennial certification renewal rate would be approximately 46%; and

- 8,000 new medication technicians would become certified annually.

State Expenditures: Special fund expenditures could increase by \$50,000 in fiscal 2005 only for the board to modify its database and online renewal system to implement changes under this bill. The board advises that existing staff who already process the medication assistant registrations could process the medication technician certificates.

The board advises that it would not incur any costs for demonstration programs. The board would use existing staff to monitor the progress of the facilities testing proposed regulatory changes.

The Department of Legislative Services (DLS) disagrees with the board's estimate that it would need to hire two additional Assistant Attorneys General and one administrative officer beginning in fiscal 2007 to handle an increase in complaints against certified medication technicians. The board informed DLS that it currently is not seeing complaints against registered medication assistants and could not explain why the number of complaints against certified medication technicians would increase to an extent necessary to hire two Assistant Attorneys General and one administrative officer.

Additional Information

Prior Introductions: None.

Cross File: SB 405 is listed as a cross file but it is not identical.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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