

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 370 (Senator Beidle)
 Finance

Certified Nursing Assistants – Licensing Requirements and Administrative Updates

This bill repeals references to “geriatric nursing assistant” (GNA) and replaces them with certified nursing assistant (CNA). The bill alters the definition of “CNA” to specify that a CNA has successfully completed an “approved nursing assistant training program.” The definition of “approved nursing assistant training program” is altered to mean a course of training that meets the basic nursing assistant curriculum *required under federal and State law*. By October 1, 2023, the Maryland Board of Nursing (MBON) must: (1) notify individuals with a GNA credential of the bill’s requirements; (2) update as necessary a GNA credential to a CNA credential on renewal; (3) update regulations to conform with the bill, in consultation with the Office of Health Care Quality; and (4) notify licensed nursing homes in the State that they are now permitted to employ MBON-certified CNAs who successfully complete an approved nursing assistant training program without the designation of GNA to perform delegated tasks. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: No effect in FY 2023. MBON special fund expenditures increase by at least \$107,400 beginning in FY 2024 for contractual staff. Future years reflect termination of the contractual positions in FY 2026. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	107,400	89,300	46,600	0	0
Net Effect	(\$107,400)	(\$89,300)	(\$46,600)	\$0	\$0

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

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: In general, an individual must be certified by MBON to practice as a nursing assistant in the State. A CNA routinely performs nursing tasks delegated by a registered nurse (RN) or licensed practical nurse (LPN). Under current law, a CNA can obtain additional certification as a GNA, home health aide, certified medicine aide, or dialysis technician.

A GNA, as specified by current law, means a CNA who has successfully completed the requirements for a GNA mandated under federal law and MBON regulations. MBON must grant an applicant for certification as a GNA the status of GNA on their CNA certificate if the applicant is (1) certified as a CNA; (2) has successfully completed a CNA/GNA training program approved by MBON; and (3) has passed the GNA competency examination (GNA-CE).

As mentioned, the bill replaces various references to GNA with references to CNA. Current law specifies that a CNA is an individual regardless of title who routinely performs nursing tasks delegated by an RN or LPN for compensation and does not include a certified dialysis technician or a certified medication technician. The bill alters the definition of CNA to mean an individual regardless of title who (1) routinely performs nursing tasks delegated by a RN or LPN for compensation and (2) has successfully completed an approved nursing assistant training program.

Under current law, an “approved nursing assistant training program” means a course of training that meets the basic nursing assistant curriculum prescribed and approved by MBON. The bill revises this definition to require that an individual’s course of training not only meet MBON’s standards but also fulfill the basic nursing assistant curriculum required under federal and State law.

The bill also alters the definition of “nursing support staff” to remove GNAs from the list of professionals who are eligible to receive funds from the Maryland Loan Assistance Repayment Program for Nurses and Nursing Support Staff to repay their educational loans. This change in the bill is only technical in nature. An individual currently certified as a GNA should still be able to qualify for repayment assistance from the program as a CNA. Current law specifies that nursing support staff includes certified medication technicians; certified medicine aides; CNAs; and GNAs.

Under Maryland regulations (COMAR 10.39.01.07), a nursing assistant certificate must be renewed every two years.

State Expenditures: The bill’s requirements impose operational impacts on MBON, particularly in fiscal 2024 and 2025, when MBON must update, for all renewals, the

nursing assistant certifications of individuals with a GNA credential; adopt regulations to conform with the bill; and provide guidance to nursing assistant training programs on any changes the bill (or subsequent MBON regulations) necessitate to the basic nursing assistant curriculum.

MBON special fund expenditures increase by at least \$107,366 in fiscal 2024, which accounts for a 30-day start-up delay from the bill's June 1, 2023 effective date. This estimate reflects the cost of hiring one full-time contractual employee to track, review, and convert GNA credentials on renewal and one part-time (50%) contractual employee to provide guidance to and monitor nursing assistant training programs to ensure their ongoing compliance with federal and State law. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Positions	1.5
Salaries and Fringe Benefits	\$92,548
Operating Expenses	<u>14,818</u>
Total FY 2024 State Expenditures	\$107,366

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses. The contractual positions terminate at the end of calendar 2025, at which time all individuals certified as GNAs should have completed their biennial renewals and had their credentials updated, and any changes required to the basic nursing assistant curriculum for CNAs will have been implemented.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

The estimate does not reflect any additional administrative changes that may be necessary, including changes to nursing assistant applications or related information technology modifications. Additionally, it does not reflect any costs associated with the requirements that MBON, by October 1, 2023, alert individuals who possess the GNA credential of the bill's requirements and notify licensed nursing homes that they are now authorized to employ board-certified CNAs, without the GNA designation, who have successfully completed an approved nursing assistant training program.

Additional Comments: MBON has previously advised that Maryland is the only state with both CNA and GNA certifications. Nationally, CNAs have the flexibility to work in a hospital, long-term residential facilities, nursing homes, rehabilitation centers, adult day care centers, and clinical facility settings. In Maryland, CNAs are only authorized to practice in acute-care settings. MBON noted that GNAs must meet additional requirements

to be eligible for certification and are authorized to practice in all acute-care and long-term care settings (including nursing homes).

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 82 of 2022.

Designated Cross File: HB 531 (Delegate Kerr) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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rh/jc

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