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TO: Health and Government Operations
FROM: LeadingAge Maryland
SUBJECT: House Bill 407, Health Occupations - Health Care Staffing Shortage Emergency - Declaration and Licensing and Practice Requirements (Health Care Heroes Act of 2022)
DATE: February 10, 2022
POSITION: **Favorable with Amendment**

LeadingAge Maryland supports with amendment House Bill 407, Health Occupations - Health Care Staffing Shortage Emergency - Declaration and Licensing and Practice Requirements (Health Care Heroes Act of 2022)

LeadingAge Maryland is a community of more than 135 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

This legislation authorizes the Secretary of Health to declare a health care staffing shortage emergency in the State and requires each health occupations board to establish processes for the issuance of initial licenses, temporary licenses, and temporary practice letters on an expedited basis during a health care staffing shortage emergency.

Skilled nursing and rehabilitation centers, assisted living campuses, and support professional are battling COVID-19 with fewer staff particularly in long-term care. As a result, our facilities have beds available to provide quality care that cannot be staffed. Workforce recruitment and retention has long been a challenge in healthcare and over the last two years, it has become much more challenging due to the pandemic. And, due to the highly contagious nature of Omicron, healthcare workers are testing positive for COVID and unable to work for several days. On any given day, 8 to 16 percent of workers in Maryland nursing homes are not able to work after testing positive for the virus.

This bill will codify some of the previous actions to address workforce shortages at health care facilities, including expediting licenses for retired health care practitioners, practitioners licensed in other states, and nursing graduates.

This flexibility will support providers in having adequate staff to support quality care should our state once again face periods of time where large numbers of staff are out sick. The flexibilities that have been in place under the State of Emergency have been invaluable. However, once the State of Emergency has ended, and the federal Public Health Emergency and corresponding federal waivers conclude, these helpful provisions will no longer be in place. CMS requires those working as nursing assistants in nursing homes to pass a certification examination within four months. Until that four months have passed, those individuals can work as nursing assistants provided that they are deemed competent by the facility to provide nursing and nursing related services. Currently there is a federal waiver in place that allows those nursing assistants to work PAST the 4 month period without becoming certified. It may be that, in a future health care staffing emergency, Maryland could request a similar waiver to allow nursing assistants to work on a temporary basis without being certified for longer than four months. It is important that nursing assistants are eligible to attain a certificate from the Board of Nursing on an expedited bases during a health care staffing shortage emergency. We would also request that CNAs who are certified in states other than Maryland be permitted to work in Maryland, as CNAs, during a health care staffing emergency.

Amendment: LeadingAge supports the Governor's amendment allowing for nursing assistant students to perform duties as Certified Nursing Assistants or Geriatric Nursing Assistants, if in such an emergency, they have yet to obtain their certification examination. Under CMS regulations, this is allowable provided that the individual is within four months of beginning to work as a nursing assistant in a nursing home.

For these reasons, LeadingAge Maryland respectfully requests a favorable report with the amendment for House Bill 407.

For additional information, please contact Aaron J. Greenfield, 410.446.1992