

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1051 (Delegates Hammen and Doory)
Environmental Matters

Nurses - Certified Nursing Assistants

This bill requires the Board of Nursing to establish categories of certified nursing assistants (CNAs), including but not limited to geriatric nursing assistants, home health aides, school health aides, dialysis technicians, and medicine aides. The bill also specifies other regulatory changes for the board's oversight of CNAs.

The board must adopt regulations to implement the bill's provisions by January 31, 2002.

The bill takes effect July 1, 2001.

Fiscal Summary

State Effect: Board of Nursing special fund expenditures could increase by an estimated \$44,500 in FY 2002. Future year estimates reflect annualization and inflation. The civil penalty provisions of this bill are not expected to significantly affect State finances or operations.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	44,500	54,900	57,800	60,900	64,100
Net Effect	(\$44,500)	(\$54,900)	(\$57,800)	(\$60,900)	(\$64,100)

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

Local Effect: None.

Small Business Effect: Potential minimal. Small business nursing staff agencies that knowingly refer a CNA who is not authorized to provide patient care are subject to a fine, of up to \$2,000.

Analysis

Bill Summary: The board must establish qualifications for each category of CNA and the standards for qualification for certification. The board must review CNA course curriculum content to ensure the course teaches skills required for a specific category of CNA.

A CNA is required to report actions committed by another licensee or certificate holder that might be grounds for disciplinary proceedings. An individual cannot represent to the public by title or otherwise that the individual is authorized to provide care as a CNA or a medication assistant unless certified to do so by the board. In addition, the board can discipline a CNA for abandoning a patient. The bill authorizes the board to issue probationary certificates to CNAs who fail to meet certain professional responsibility requirements.

A nursing staff agency cannot knowingly provide or refer a CNA who is not authorized to provide patient care. If a nursing staff agency knows of an action or condition performed by a CNA that may be grounds for discipline, the nursing staff agency must report the action or condition to the board.

In addition, the board must maintain a nurse aide registry that complies with federal law.

Current Law: The Board of Nursing regulates certified nursing assistants (CNAs) and medication assistants. Nursing staff agencies are held accountable for referrals of licensed practical nurses and registered nurses, and are subject to a fine of up to \$2,000 for knowingly referring practitioners who are unauthorized to provide patient care. The board is not required to maintain a nurse aide registry.

State Fiscal Effect: Department of Health and Mental Hygiene (DHMH) special fund expenditures could increase by an estimated \$44,508 in fiscal 2002, which accounts for a 90-day start-up delay. This estimate reflects the cost of one health facility surveyor nurse to investigate and review a CNA course curriculum to ensure the course teaches skills required to become certified in a specific category of CNA. The Board of Nursing currently reviews 136 CNA courses; however, schools around the State are expected to submit more programs specializing in the various categories of CNAs provided by the bill. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$37,903
Operating Expenses	<u>6,605</u>
Total FY 2002 State Expenditures	\$44,508

Future year expenditures reflect: (1) a full salary with a 6.5% annual increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

Expenses associated with maintaining a nurse aide registry are assumed to be minimal and could be handled with existing board resources.

Additional Information

Prior Introductions: None.

Cross File: SB 146 (Senator Hollinger) – Economic and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene (Board of Nursing, Community Public Health Administration), Department of Legislative Services

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