

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**  
**Revised**

Senate Bill 146 (Senator Hollinger)

Economic and Environmental Affairs

Environmental Matters

**Nurses - Certified Nursing Assistants**

This bill requires the Board of Nursing to establish categories of certified nursing assistants (CNAs), including geriatric nursing assistants, home health aides, school health aides, dialysis technicians, individuals working in developmental disabilities administration facilities, and medicine aides. The bill also specifies other regulatory changes for the board's oversight of CNAs. The bill changes the certification period from one year to two years. The board must adopt regulations to implement the bill's provisions by January 31, 2002.

The Board of Nursing must report to the Nursing Home Quality Oversight Committee and the House Environmental Matters Committee and the Senate Economic and Environmental Affairs Committee by October 1, 2001 on the implementation of the bill.

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. Special fund revenues would increase by \$350,000 in FY 2002 from the change to a two-year certification cycle. Future year estimates reflect biennial certificate renewal and assume a 2% annual increase in renewals. 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
SF Revenue	\$350,000	(\$355,600)	\$349,800	(\$370,000)	\$349,400
SF Expenditure	44,500	54,900	57,800	60,900	64,100
Net Effect	\$305,500	(\$410,500)	\$292,000	(\$430,900)	\$285,300

*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.

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## 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.

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 Expenditures:** 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>
<b>Total FY 2002 State Expenditures</b>	<b>\$44,508</b>

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.

**State Revenues:** Special fund revenues would increase by \$350,000 in fiscal 2002 from the change to a two-year certification cycle. This estimate reflects the following facts and assumptions:

- 35,000 certificate holders will renew in fiscal 2002;
- the renewal fee will increase from \$10 to \$20; and
- renewals will increase by 2% annually.

### Additional Information

**Prior Introductions:** None.

**Cross File:** HB 1051 (Delegates Hammen and Doory) – Environmental Matters.

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

**Fiscal Note History:** First Reader – February 19, 2001  
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