
By: **Chairman, Environmental Matters Committee**

Introduced and read first time: February 7, 2002

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2002

CHAPTER _____

1 AN ACT concerning

2 **Maryland State Board of Examiners of Nursing Home Administrators -**
3 **Sunset Extension and Program Evaluation**

4 FOR the purpose of continuing the ~~Maryland State~~ Board of Examiners of Nursing
5 Home Administrators in accordance with the provisions of the Maryland
6 Program Evaluation Act (Sunset Law) by extending to a certain date the
7 termination provisions relating to the statutory and regulatory authority of the
8 Board; extending the statute of limitations for the prosecution of certain offenses
9 under the Health Occupations Article; expanding the definition of unauthorized
10 practice; requiring that an evaluation of the Board and the statutes and
11 regulations that relate to the Board be performed on or before a certain date;
12 requiring the Board to submit certain reports on or before certain dates; and
13 generally relating to the ~~Maryland State~~ Board of Examiners of Nursing Home
14 Administrators.

15 BY repealing and reenacting, without amendments,
16 Article - Courts and Judicial Proceedings
17 Section 5-106(s)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2001 Supplement)

20 BY adding to
21 Article - Courts and Judicial Proceedings
22 Section 5-106(y)
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Health Occupations
3 Section 9-401 and 9-502
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2001 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - State Government
8 Section 8-403(a)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2001 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - State Government
13 Section 8-403(b)(43)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Courts and Judicial Proceedings**

19 5-106.

20 (s) A prosecution for an offense under § 14-601 of the Health Occupations
21 Article of practicing, attempting to practice, or offering to practice medicine without a
22 license shall be instituted within 3 years after the offense was committed.

23 (Y) A PROSECUTION FOR A MISDEMEANOR OFFENSE UNDER TITLE 9 OF THE
24 HEALTH OCCUPATIONS ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE
25 OFFENSE WAS COMMITTED.

26 **Article - Health Occupations**

27 9-401.

28 Except as otherwise provided in this title, [a person] AN INDIVIDUAL may not
29 [practice]:

30 (1) PRACTICE, attempt to practice, or offer to practice as a nursing home
31 administrator in this State unless licensed by the Board; OR

32 (2) SUPERVISE, DIRECT, INDUCE, OR AID AN UNLICENSED INDIVIDUAL
33 TO PRACTICE AS A NURSING HOME ADMINISTRATOR.

1 9-502.

2 Subject to the evaluation and reestablishment provisions of the Program
3 Evaluation Act, this title and all rules and regulations adopted under this title shall
4 terminate and be of no effect after July 1, [2003] 2013.

5 **Article - State Government**

6 8-403.

7 (a) On or before December 15 of the 2nd year before the evaluation date of a
8 governmental activity or unit, the Legislative Policy Committee, based on a
9 preliminary evaluation, may waive as unnecessary the evaluation required under this
10 section.

11 (b) Except as otherwise provided in subsection (a) of this section, on or before
12 the evaluation date for the following governmental activities or units, an evaluation
13 shall be made of the following governmental activities or units and the statutes and
14 regulations that relate to the governmental activities or units:

15 (43) Nursing Home Administrators, State Board of Examiners of (§ 9-201
16 of the Health Occupations Article: July 1, [2002] 2012);

17 SECTION 2. AND BE IT FURTHER ENACTED, That the ~~Maryland State~~
18 Board of Examiners of Nursing Home Administrators shall report to the Senate
19 Finance Committee and the House Environmental Matters Committee on or before
20 October 1, 2002, in accordance with § 2-1246 of the State Government Article, on the
21 implementation of the recommendations of the Department of Legislative Services
22 contained in the sunset evaluation report dated October 2001.

23 SECTION 3. AND BE IT FURTHER ENACTED, That the ~~Maryland State~~
24 Board of Examiners of Nursing Home Administrators shall report to the Senate
25 Finance Committee and the House Environmental Matters Committee on or before
26 October 1, 2003, on recommendations of the Board for the Administrator-in-Training
27 program. The report should include an evaluation of: (1) the appropriate length of
28 time for an Administrator-in-Training program; (2) giving more credit for related
29 experience or appropriate education; (3) whether an Administrator-in-Training can
30 train in a facility with 75 beds or less; and (4) how an Administrator-in-Training
31 program can incorporate more quality of care training.

32 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2002.

