

SENATE BILL 718

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2002 Regular Session
2r1450
CF 2r0455

By: **Chairman, Finance Committee**

Introduced and read first time: February 1, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

24 BY repealing and reenacting, with amendments,
25 Article - Health Occupations
26 Section 9-401 and 9-502
27 Annotated Code of Maryland
28 (2000 Replacement Volume and 2001 Supplement)

29 BY repealing and reenacting, without amendments,

1 Article - State Government
2 Section 8-403(a)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2001 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - State Government
7 Section 8-403(b)(43)
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2001 Supplement)

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

12 **Article - Courts and Judicial Proceedings**

13 5-106.

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

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

20 **Article - Health Occupations**

21 9-401.

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

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

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

28 9-502.

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

32 **Article - State Government**

33 8-403.

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Board of
12 Nursing Home Administrators shall report to the Senate Finance Committee and the
13 House Environmental Matters Committee on or before October 1, 2002, in accordance
14 with § 2-1246 of the State Government Article, on the implementation of the
15 recommendations of the Department of Legislative Services contained in the sunset
16 evaluation report dated October 2001.

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

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