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By: **Senator Hollinger**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing - Skilled Nursing Assistants - Establishment and**  
3 **Certification**

4 FOR the purpose of requiring the State Board of Nursing to adopt regulations  
5 establishing categories of skilled nursing assistants and qualifications for each  
6 category of skilled nursing assistant; requiring certain skilled nursing  
7 assistants to meet certain requirements to qualify for certification; requiring  
8 skilled nursing assistants to meet certain additional requirements to renew a  
9 certification; defining a certain term; and generally relating to the certification  
10 of skilled nursing assistants by the State Board of Nursing.

11 BY repealing and reenacting, with amendments,  
12 Article - Health Occupations  
13 Section 8-6A-01, 8-6A-05, and 8-6A-08  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume and 2003 Supplement)

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

18 **Article - Health Occupations**

19 8-6A-01.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) "Approved nursing assistant training program" means a course of training  
22 that meets the basic nursing assistant curriculum prescribed and approved by the  
23 Board.

24 (c) "Board" means the State Board of Nursing.

25 (d) "Certificate" means a certificate issued by the Board to practice as a  
26 certified nursing assistant in the State.

1 (e) "Certified medicine aide" means a geriatric nursing assistant who has  
2 completed a 60-hour, State-approved course in medication administration.

3 (f) "Certified nursing assistant":

4 (1) Means an individual regardless of title who routinely performs  
5 nursing tasks delegated by a registered nurse or licensed practical nurse for  
6 compensation or satisfies the criteria contained in § 8-6A-05(d) of this subtitle; and

7 (2) Does not include a medication assistant.

8 (g) "Department" means the Department of Health and Mental Hygiene.

9 (h) "Geriatric nursing assistant" means a certified nursing assistant who has  
10 successfully completed the requirements for geriatric nursing assistant mandated  
11 under federal law and the regulations of the Board.

12 (i) "Medication assistant" means an individual who has completed the  
13 16-hour course in medication administration approved by the Board.

14 (J) "SKILLED NURSING ASSISTANT" MEANS A CERTIFIED NURSING ASSISTANT  
15 WHO MAY PERFORM ADDITIONAL TASKS BASED ON THE SUCCESSFUL COMPLETION  
16 OF A BOARD-APPROVED SUPPLEMENTAL TRAINING PROGRAM WITHIN A SPECIFIC  
17 CATEGORY OF NURSING ASSISTANT.

18 8-6A-05.

19 (a) The Board shall adopt regulations establishing:

20 (1) Categories of certified nursing assistants, including geriatric nursing  
21 assistants, home health aides, school health aides, dialysis technicians, individuals  
22 working in developmental disabilities administration facilities, and medicine aides;

23 (2) CATEGORIES OF SKILLED NURSING ASSISTANTS;

24 [(2)] (3) Qualifications for each category of certified nursing assistant  
25 AND SKILLED NURSING ASSISTANT; and

26 [(3)] (4) Standards for qualification of applicants for certification,  
27 including the applicant's criminal history, work record, and prohibitions against  
28 behavior which may be potentially harmful to patients.

29 (b) To qualify for certification as a nursing assistant [or], a nursing assistant  
30 in a specific category, OR A SKILLED NURSING ASSISTANT WITHIN A SPECIFIC  
31 CATEGORY OF NURSING ASSISTANT, an applicant shall meet the requirements set by  
32 the Board.

33 (c) (1) An applicant for a certificate shall:

34 (i) Submit an application to the Board on the form that the Board  
35 requires;

1 (ii) Provide evidence, as required by the Board, of successful  
2 completion of an approved nursing assistant training program;

3 (iii) Pay to the Board an application fee set by the Board; and

4 (iv) Be of good moral character.

5 (2) An applicant for certification as a certified medicine aide, in addition  
6 to the requirements under subsection (c)(1) of this section, shall submit an additional  
7 application to that effect to the Board on the form that the Board requires.

8 (3) An applicant for a certificate may not:

9 (i) Have committed any act or omission that would be grounds for  
10 discipline or denial of certification under this subtitle; and

11 (ii) Have a record of abuse, negligence, misappropriation of a  
12 resident's property, or any disciplinary action taken or pending in any other state or  
13 territory of the United States against the certification of the nursing assistant in the  
14 state or territory.

15 (d) The Board shall waive the requirement for successful completion of an  
16 approved nursing assistant training program under subsection (c) of this section for  
17 any applicant who applies for certification under this subtitle by July 1, 2002 and  
18 submits evidence satisfactory to the Board that the applicant:

19 (1) Holds current registration in good standing as a geriatric nursing  
20 assistant in accordance with regulations adopted by the Department under §  
21 19-308.1 of the Health - General Article; or

22 (2) In the last 2 years has practiced for at least 1,000 hours as a nursing  
23 assistant.

24 8-6A-08.

25 (a) A certificate expires on the 28th day of the birth month of the nursing  
26 assistant, unless the certificate is renewed for a 2-year term as provided in this  
27 section.

28 (b) At least 3 months before the certificate expires, the Board shall send to the  
29 nursing assistant, by first-class mail to the last known address of the nursing  
30 assistant, a renewal notice that states:

31 (1) The date on which the current certificate expires;

32 (2) The date by which the renewal application must be received by the  
33 Board for the renewal to be issued and mailed before the certificate expires; and

34 (3) The amount of the renewal fee.

1 (c) Before a certificate expires, the nursing assistant periodically may renew  
2 it for an additional term, if the certificate holder:

3 (1) Otherwise is entitled to be certified;

4 (2) Submits to the Board a renewal application on the form that the  
5 Board requires;

6 (3) Pays to the Board a renewal fee set by the Board; and

7 (4) Provides satisfactory evidence of completion of:

8 (i) 8 hours of active nursing assistant practice within the 1-year  
9 period immediately preceding the date of renewal; or

10 (ii) An approved nursing assistant training program.

11 (D) IN ADDITION TO THE REQUIREMENTS IN SUBSECTION (C)(1), (2), AND (3) OF  
12 THIS SECTION, A SKILLED NURSING ASSISTANT SHALL:

13 (1) PROVIDE SATISFACTORY EVIDENCE OF COMPLETION OF 1,000 HOURS  
14 OF PRACTICE AS A SKILLED NURSING ASSISTANT WITHIN THE INDIVIDUAL'S  
15 SPECIFIC CATEGORY OF NURSING ASSISTANT, IN THE 2-YEAR PERIOD PRECEDING  
16 THE DATE OF RENEWAL; AND

17 (2) SUCCESSFULLY COMPLETE A BOARD-APPROVED REFRESHER  
18 COURSE WITHIN THE INDIVIDUAL'S SPECIFIC CATEGORY OF NURSING ASSISTANT.

19 [(d)] (E) The Board shall renew the certificate of each nursing assistant who  
20 meets the requirements of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2004.