

**ENROLLED BILL**

-- Health and Government Operations/Finance --

Introduced by **Delegates Mandel, Costa, Donoghue, Dumais, Frank, Gutierrez, Hubbard, Kohl, Kullen, Love, Menes, Montgomery, Morhaim, Pendergrass, Rudolph, Sophocleus, V. Turner, ~~and Weldon~~ Weldon, Boteler, Goldwater, Murray, and Nathan-Pulliam**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Examiners of Nursing Home Administrators - ~~Temporary~~**  
3 **Licenses - Hearings Study on Licensure and Board Membership**

4 FOR the purpose of ~~altering the membership of the State Board of Examiners of~~  
5 ~~Nursing Home Administrators; establishing a temporary license for certain~~  
6 ~~applicants for licensure as a nursing home administrator; establishing certain~~  
7 ~~education, experience, procedural, and examination requirements for temporary~~  
8 ~~licenses; authorizing the holder of a temporary license to practice as a~~  
9 ~~department head or assistant administrator under certain supervision;~~  
10 ~~requiring the term for a temporary license to be equivalent to the time period~~  
11 ~~specified in certain regulations for an administrator in training program;~~  
12 ~~requiring certain hearings be heard by certain board members requiring the~~  
13 ~~State Board of Examiners of Nursing Home Administrators, in conjunction with~~  
14 ~~certain other entities, to convene a certain workgroup to study the standards for~~

1 licensure of nursing home administrator applicants and the effectiveness of the  
 2 Board in regulating nursing home administrators in the State; requiring the  
 3 study to include certain items; requiring the workgroup to report to certain  
 4 committees of the General Assembly on or before a certain date on the findings  
 5 and recommendations of the workgroup; and generally relating to a study on  
 6 licensure of nursing home administrators and Board membership of the State  
 7 Board of Examiners of Nursing Home Administrators.

8 ~~BY repealing and reenacting, with amendments,~~  
 9 ~~Article Health Occupations~~  
 10 ~~Section 9-202(a)~~  
 11 ~~Annotated Code of Maryland~~  
 12 ~~(2005 Replacement Volume)~~

13 ~~BY adding to~~  
 14 ~~Article Health Occupations~~  
 15 ~~Section 9-312.2 and 9-315(f)~~  
 16 ~~Annotated Code of Maryland~~  
 17 ~~(2005 Replacement Volume)~~

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

20 (a) The State Board of Examiners of Nursing Home Administrators, in  
 21 conjunction with the Health Facilities Association of Maryland, Mid-Atlantic  
 22 LifeSpan, and any other nursing home provider the Board designates, shall convene a  
 23 workgroup to study the current standards for licensure of a nursing home  
 24 administrator applicant and the effectiveness of the Board in regulating nursing  
 25 home administrators in the State.

26 (b) The study shall:

27 (1) review current standards for licensure of a nursing home  
 28 administrator applicant, including the consideration of work and educational  
 29 experience in the licensure process;

30 (2) review the composition of the Board, including quorum requirements;  
 31 and

32 (3) make recommendations for any statutory or regulatory changes:

33 (i) to the standards for licensure of nursing home administrator  
 34 applicants that would encourage experienced individuals to become nursing home  
 35 administrators; and

36 (ii) to the composition of the Board that would increase the  
 37 effectiveness of the Board in regulating nursing home administrators in the State.

1 (c) On or before December 31, 2006, the workgroup shall report its findings  
 2 and recommendations in accordance with § 2-1246 of the State Government Article,  
 3 to the Senate Education, Health, and Environmental Affairs Finance Committee and  
 4 to the House Health and Government Operations Committee.

5 **~~Article—Health Occupations~~**

6 ~~9-202.~~

7 (a) (1) ~~The Board consists of [11] 13 members.~~

8 (2) ~~Of the [11] 13 Board members:~~

9 (i) ~~[Five] SIX members shall be licensed nursing home~~  
 10 ~~administrators who are practicing actively and have at least 5 years experience as~~  
 11 ~~licensed nursing home administrators;~~

12 (ii) ~~[Two] THREE shall be individuals who are not nursing home~~  
 13 ~~administrators but who are engaged actively in professions that are concerned with~~  
 14 ~~the care of chronically ill, infirm, or aged individuals; and~~

15 (iii) ~~Four shall be consumer members.~~

16 (3) ~~Not more than two members may be officials or full-time employees~~  
 17 ~~of this State or of any of its political subdivisions.~~

18 ~~9-312.2.~~

19 (A) ~~SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL ISSUE~~  
 20 ~~A TEMPORARY LICENSE TO AN APPLICANT WHO:~~

21 (1) ~~IS EMPLOYED AS:~~

22 (I) ~~AN ASSISTANT ADMINISTRATOR IN A HOSPITAL;~~

23 (II) ~~A HOSPITAL ADMINISTRATOR;~~

24 (III) ~~AN ASSISTANT ADMINISTRATOR OR A DEPARTMENT HEAD IN A~~  
 25 ~~LICENSED NURSING HOME;~~

26 (IV) ~~A NURSING HOME ADMINISTRATOR LICENSED IN ANOTHER~~  
 27 ~~STATE;~~

28 (V) ~~A RESIDENT OR INTERN IN A PROGRAM OFFERED BY AN~~  
 29 ~~ACCREDITED COLLEGE OR UNIVERSITY FOR THE PURPOSE OF SATISFYING THE~~  
 30 ~~REQUIREMENTS FOR A BACCALAUREATE OR MASTER'S DEGREE IN HEALTH CARE~~  
 31 ~~ADMINISTRATION;~~

32 (VI) ~~AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED AN~~  
 33 ~~ADMINISTRATOR-IN-TRAINING PROGRAM IN ANOTHER STATE THAT THE BOARD~~

~~1 DETERMINES IS COMPARABLE TO THE ADMINISTRATOR IN TRAINING PROGRAM IN  
2 THIS STATE;~~

~~3 (VII) AN EXECUTIVE DIRECTOR OF A CONTINUING CARE  
4 RETIREMENT COMMUNITY;~~

~~5 (VIII) AN ASSISTED LIVING MANAGER;~~

~~6 (IX) A HEALTH CARE RELATED SENIOR MANAGEMENT OFFICIAL;~~

~~7 OR~~

~~8 (X) A NONHEALTH CARE RELATED SENIOR MANAGEMENT  
9 OFFICIAL;~~

~~10 (2) EXCEPT FOR COMPLETION OF AN ADMINISTRATOR IN TRAINING  
11 PROGRAM OR 1 YEAR OF FULL TIME NURSING ADMINISTRATION IN A NURSING  
12 HOME, MEETS THE LICENSE REQUIREMENTS UNDER § 9-302 OF THIS SUBTITLE;~~

~~13 (3) PASSES AN EXAMINATION APPROVED BY THE BOARD UNDER §  
14 9-302(G) OF THIS SUBTITLE ON THE FIRST OCCASION THE APPLICANT SITS FOR THE  
15 EXAMINATION;~~

~~16 (4) SUBMITS AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
17 BOARD REQUIRES; AND~~

~~18 (5) PAYS TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.~~

~~19 (B) (1) A TEMPORARY LICENSE ISSUED UNDER THIS SECTION AUTHORIZES  
20 THE HOLDER TO PRACTICE AS A DEPARTMENT HEAD OR ASSISTANT ADMINISTRATOR  
21 UNDER THE SUPERVISION OF A LICENSED NURSING HOME ADMINISTRATOR.~~

~~22 (2) A HOLDER OF A TEMPORARY LICENSE MAY RECEIVE  
23 COMPENSATION.~~

~~24 (C) THE TERM FOR A TEMPORARY LICENSE SHALL BE EQUIVALENT TO THE  
25 PERIOD OF THE SPECIFIED IN REGULATIONS ADOPTED BY THE BOARD FOR CREDIT  
26 FOR PRIOR EXPERIENCE IN THE ADMINISTRATOR IN TRAINING PROGRAM.~~

~~27 9-315.~~

~~28 (F) UNLESS A HEARING HELD UNDER THIS SECTION IS DELEGATED TO THE  
29 OFFICE OF ADMINISTRATIVE HEARINGS UNDER § 10-205 OF THE STATE  
30 GOVERNMENT ARTICLE, A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF  
31 THE BOARD SHALL BE PRESENT FOR THE HEARING INCLUDING TWO LICENSED  
32 NURSING HOME ADMINISTRATORS.~~

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October July 1, 2006.

