
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**

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Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2006

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
 15 licensure of nursing home administrator applicants and the effectiveness of the
 16 Board in regulating nursing home administrators in the State; requiring the
 17 study to include certain items; requiring the workgroup to report to certain
 18 committees of the General Assembly on or before a certain date on the findings
 19 and recommendations of the workgroup; and generally relating to a study on
 20 licensure of nursing home administrators and Board membership of the State
 21 Board of Examiners of Nursing Home Administrators.

22 ~~BY repealing and reenacting, with amendments,~~
 23 ~~Article - Health Occupations~~
 24 ~~Section 9-202(a)~~

1 Annotated Code of Maryland
2 (2005 Replacement Volume)

3 BY adding to

4 Article ~~Health Occupations~~
5 Section 9-312.2 and 9-315(f)
6 Annotated Code of Maryland
7 (2005 Replacement Volume)

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

10 (a) The State Board of Examiners of Nursing Home Administrators, in
11 conjunction with the Health Facilities Association of Maryland, Mid-Atlantic
12 LifeSpan, and any other nursing home provider the Board designates, shall convene a
13 workgroup to study the current standards for licensure of a nursing home
14 administrator applicant and the effectiveness of the Board in regulating nursing
15 home administrators in the State.

16 (b) The study shall:

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

20 (2) review the composition of the Board, including quorum requirements;
21 and

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

23 (i) to the standards for licensure of nursing home administrator
24 applicants that would encourage experienced individuals to become nursing home
25 administrators; and

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

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

32 **~~Article—Health Occupations~~**

33 ~~9-202.~~

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

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

1 (i) ~~Five~~ SIX members shall be licensed nursing home
2 administrators who are practicing actively and have at least 5 years experience as
3 licensed nursing home administrators;

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

7 (iii) Four shall be consumer members.

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

10 9-312.2.

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

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

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

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

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

18 (IV) ~~A NURSING HOME ADMINISTRATOR LICENSED IN ANOTHER~~
19 ~~STATE;~~

20 (V) ~~A RESIDENT OR INTERN IN A PROGRAM OFFERED BY AN~~
21 ~~ACCREDITED COLLEGE OR UNIVERSITY FOR THE PURPOSE OF SATISFYING THE~~
22 ~~REQUIREMENTS FOR A BACCALAUREATE OR MASTER'S DEGREE IN HEALTH CARE~~
23 ~~ADMINISTRATION;~~

24 (VI) ~~AN INDIVIDUAL WHO HAS SUCCESSFULLY COMPLETED AN~~
25 ~~ADMINISTRATOR IN TRAINING PROGRAM IN ANOTHER STATE THAT THE BOARD~~
26 ~~DETERMINES IS COMPARABLE TO THE ADMINISTRATOR IN TRAINING PROGRAM IN~~
27 ~~THIS STATE;~~

28 (VII) ~~AN EXECUTIVE DIRECTOR OF A CONTINUING CARE~~
29 ~~RETIREMENT COMMUNITY;~~

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

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

32 OR

33 (X) ~~A NONHEALTH CARE RELATED SENIOR MANAGEMENT~~
34 ~~OFFICIAL;~~

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

4 (3) PASSES AN EXAMINATION APPROVED BY THE BOARD UNDER §
5 9-302(G) OF THIS SUBTITLE ON THE FIRST OCCASION THE APPLICANT SITS FOR THE
6 EXAMINATION;

7 (4) SUBMITS AN APPLICATION TO THE BOARD ON THE FORM THAT THE
8 BOARD REQUIRES; AND

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

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

13 (2) A HOLDER OF A TEMPORARY LICENSE MAY RECEIVE
14 COMPENSATION.

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

18 9-315.

19 (F) UNLESS A HEARING HELD UNDER THIS SECTION IS DELEGATED TO THE
20 OFFICE OF ADMINISTRATIVE HEARINGS UNDER § 10-205 OF THE STATE
21 GOVERNMENT ARTICLE, A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF
22 THE BOARD SHALL BE PRESENT FOR THE HEARING INCLUDING TWO LICENSED
23 NURSING HOME ADMINISTRATORS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 ~~October~~ July 1, 2006.