

SENATE BILL 144

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CF HB 137

By: **The President (By Request – Department of Legislative Services) and
Senators Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley,
Klausmeier, and Pugh**

Introduced and read first time: January 18, 2010

Assigned to: Education, Health, and Environmental Affairs

Reassigned: Finance, January 20, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2010

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of continuing the State Board of Examiners of Nursing Home
5 Administrators in accordance with the provisions of the Maryland Program
6 Evaluation Act (sunset law) by extending to a certain date the termination
7 provisions relating to the statutory and regulatory authority of the Board;
8 altering the membership of the Board; requiring that an evaluation of the Board
9 and the statutes and regulations that relate to the Board be performed on or
10 before a certain date; requiring the Board to submit a certain report on or before
11 a certain date; and generally relating to the State Board of Examiners of
12 Nursing Home Administrators.

13 BY repealing and reenacting, with amendments,
14 Article – Health Occupations
15 Section ~~9–202~~ and 9–502
16 Annotated Code of Maryland
17 (2009 Replacement Volume)

18 BY repealing and reenacting, without amendments,
19 Article – State Government
20 Section 8–403(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2009 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – State Government
5 Section 8–403(b)(42)
6 Annotated Code of Maryland
7 (2009 Replacement Volume)

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

10 **Article – Health Occupations**

11 9–202.

12 (a) (1) The Board consists of [13] 14 members.

13 (2) Of the [13] 14 Board members:

14 (i) Six members shall be licensed nursing home administrators
15 who are practicing actively and have at least 5 years experience as licensed nursing
16 home administrators, one of whom has experience with the Eden Alternative Green
17 House or a similar program, if practicable;

18 (ii) Two shall be individuals who are not nursing home
19 administrators but who are engaged actively in professions that are concerned with
20 the care of chronically ill, infirm, or aged individuals;

21 (iii) One shall be a physician or a nurse practitioner who
22 specializes in geriatrics;

23 (iv) One shall be a geriatric social worker;

24 (v) ONE SHALL BE THE MARYLAND LONG–TERM CARE
25 OMBUDSMAN DESIGNATED UNDER § 10–213 OF THE HUMAN SERVICES
26 ARTICLE; and

27 [(v)] (vi) Two shall be consumer members.

28 (3) Not more than [two] THREE members may be officials or full–time
29 employees of this State or of any of its political subdivisions.

30 (4) A representative of the Office of Health Care Quality shall serve as
31 an ex officio member.

1 **(b) (1)** The Governor shall appoint the consumer members with the advice
2 of the Secretary and the advice and consent of the Senate.

3 **(2) (i)** Except for the consumer members **AND THE MARYLAND**
4 **LONG-TERM CARE OMBUDSMAN**, the Governor shall appoint each Board member,
5 with the advice of the Secretary.

6 **(ii)** The Secretary shall make each recommendation after
7 consulting with the associations and societies appropriate to the disciplines and
8 professions representative of the vacancy to be filled.

9 **(c)** Each Board member shall:

10 **(1)** Be a United States citizen or have declared an intent to become a
11 United States citizen; and

12 **(2)** Have resided in this State for at least 1 year before appointment to
13 the Board.

14 **(d) (1)** Each consumer member of the Board:

15 **(i)** Shall be a member of the general public;

16 **(ii)** May not be or ever have been a nursing home administrator
17 or in training to become a nursing home administrator;

18 **(iii)** May not have a household member who is a nursing home
19 administrator or in training to become a nursing home administrator;

20 **(iv)** May not participate or ever have participated in a
21 commercial or professional field related to the practice of a nursing home
22 administrator;

23 **(v)** May not have a household member who participates in a
24 commercial or professional field related to the practice of a nursing home
25 administrator; and

26 **(vi)** May not have had within 2 years before appointment a
27 substantial financial interest in a person regulated by the Board.

28 **(2)** One consumer member shall have presently or have had a family
29 member living in a nursing home.

30 **(e)** While a member of the Board, a consumer member may not have a
31 substantial financial interest in a person regulated by the Board.

1 (f) Before taking office, each appointee to the Board shall take the oath
2 required by Article I, § 9 of the Maryland Constitution.

3 (g) **(1) THIS SUBSECTION DOES NOT APPLY TO THE MEMBERSHIP OF**
4 **THE MARYLAND LONG-TERM CARE OMBUDSMAN.**

5 ~~[(1)]~~ **(2)** The term of a member is 4 years.

6 ~~[(2)]~~ **(3)** The terms of members are staggered as required by the
7 terms provided for members of the Board on July 1, 1981.

8 ~~[(3)]~~ **(4)** At the end of a term, a member continues to serve until a
9 successor is appointed and qualifies.

10 ~~[(4)]~~ **(5)** A member who is appointed after a term has begun serves
11 only for the rest of the term and until a successor is appointed and qualifies.

12 ~~[(5)]~~ **(6)** A member may not serve more than 2 consecutive full terms.

13 ~~[(6)]~~ **(7)** To the extent practicable, the Governor shall fill any
14 vacancy on the Board within 60 days of the date of the vacancy.

15 (h) **(1)** The Governor may remove a member for incompetence,
16 misconduct, incapacity, or neglect of duty.

17 **(2)** Upon the recommendation of the Secretary, the Governor may
18 remove a member whom the Secretary finds to have been absent from 2 successive
19 Board meetings without adequate reason.

20 9-502.

21 Subject to the evaluation and reestablishment provisions of the Program
22 Evaluation Act, this title and all rules and regulations adopted under this title shall
23 terminate and be of no effect after July 1, ~~[2013]~~ **2017**.

24 **Article – State Government**

25 8-403.

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

30 (b) Except as otherwise provided in subsection (a) of this section, on or before
31 the evaluation date for the following governmental activities or units, an evaluation

1 shall be made of the following governmental activities or units and the statutes and
2 regulations that relate to the governmental activities or units:

3 (42) Nursing Home Administrators, State Board of Examiners of
4 (§ 9–201 of the Health Occupations Article: July 1, [2012] **2016**);

5 SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1,
6 2011, the State Board of Examiners of Nursing Home Administrators shall submit a
7 report to the Senate Finance Committee and the House Health and Government
8 Operations Committee, in accordance with § 2–1246 of the State Government Article,
9 on:

10 (1) a plan to improve the timeliness and functioning of its disciplinary
11 process, including the complaint investigation process;

12 (2) ~~a jointly developed plan to improve communication between the~~
13 ~~Board and the Department of Aging’s Long Term Care Ombudsman Program;~~

14 ~~(3)~~ (3) a review of trends in licensing, with a focus on new licenses issued,
15 the stability of renewal of licenses, and licensees on inactive status;

16 ~~(4)~~ (3) implementation of an online renewal process;

17 ~~(5)~~ (4) implementation of the planned database to track deficiency survey
18 reports;

19 ~~(6)~~ (5) implementation of new and revised regulations proposed through
20 the Regulatory Review and Evaluation Process in 2009, including those relating to the
21 Administrator–In–Training program, the disciplinary process, and new causes for
22 disciplinary action; and

23 ~~(7)~~ (6) the additional revenue generated from alterations to the fee
24 structure through proposed regulatory changes.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.