

Chapter 109

(House Bill 145)

AN ACT concerning

**Board of Examiners of Nursing Home Administrators – Nonlicensed Persons –
Provisional Licensure**

FOR the purpose of requiring the owner of a nursing home or other appropriate nursing home authority, under certain circumstances, to immediately appoint a nonlicensed person to serve in the capacity of interim, instead of acting, nursing home administrator; authorizing the appointed nonlicensed person to act as the interim nursing home administrator on filing an application with the State Board of Examiners of Nursing Home Administrators requesting a certain provisional license; authorizing the Board to issue a provisional license to a certain applicant if a certain determination is made; providing for the period during which the provisional license remains in effect; providing that if the Board denies an application for a provisional license, the nonlicensed person shall immediately cease acting as the interim nursing home administrator and the owner of the nursing home or other appropriate nursing home authority, under certain circumstances, shall immediately appoint another nonlicensed person to act as the interim nursing home administrator; requiring the nonlicensed person to file an application for a provisional license with the Board; altering the circumstances under which the Board may extend the period during which a certain person may act as an interim nursing home administrator under a provisional license; clarifying language; and generally relating to the licensure of nursing home administrators by the State Board of Examiners of Nursing Home Administrators.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 9–301
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Health Occupations

9–301.

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) 1. In the event a **LICENSED** nursing home administrator is not available, the owner or other appropriate nursing home authority [may] **SHALL IMMEDIATELY** appoint a nonlicensed person to serve in the capacity of [acting] **INTERIM** nursing home administrator.

2. THE APPOINTED NONLICENSED PERSON MAY ACT AS THE INTERIM NURSING HOME ADMINISTRATOR ON FILING AN APPLICATION WITH THE BOARD REQUESTING A PROVISIONAL LICENSE TO PRACTICE AS THE INTERIM NURSING HOME ADMINISTRATOR for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

2. THE BOARD MAY ISSUE A PROVISIONAL LICENSE TO THE APPLICANT IF THE BOARD DETERMINES, IN ITS DISCRETION, THAT THE APPLICANT IS OF GOOD MORAL CHARACTER AND CAPABLE OF ADEQUATELY ADMINISTERING THE NURSING HOME FOR THE PROVISIONAL PERIOD.

3. IF THE BOARD DENIES AN APPLICATION SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH (i)2 OF THIS PARAGRAPH:

A. THE NONLICENSED PERSON SHALL IMMEDIATELY CEASE ACTING AS THE INTERIM NURSING HOME ADMINISTRATOR; AND

B. IF A LICENSED NURSING HOME ADMINISTRATOR REMAINS UNAVAILABLE, THE OWNER OR OTHER APPROPRIATE NURSING HOME AUTHORITY SHALL IMMEDIATELY APPOINT ANOTHER NONLICENSED PERSON TO ACT AS THE INTERIM NURSING HOME ADMINISTRATOR.

4. A PERSON APPOINTED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH SHALL FILE AN APPLICATION FOR A PROVISIONAL LICENSE WITH THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH.

(iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board, **ON REQUEST AND FOR GOOD CAUSE SHOWN**, may extend the 90-day period for a further period of not more than 30 days.

(3) A licensed nursing home administrator designated under paragraph (1) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(4) A person appointed in accordance with paragraph (2) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(5) The Board may deny approval of an appointment under paragraph (1) or (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in § 9-308(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to a person licensed by a health occupations board who previously has completed a criminal history records check required for licensure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.