

# SENATE BILL 444

J2, O2

0lr1746  
CF 0lr1883

---

By: **Senator Kelley**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners of Nursing Home Administrators – Board Membership**  
3 **and Provisional Licensing Requirements**

4 FOR the purpose of repealing the requirement that the Secretary of Health make certain  
5 recommendations for the appointment of certain members of the State Board of  
6 Examiners of Nursing Home Administrators after consulting with certain  
7 associations and societies; requiring the Secretary to recommend to the Governor  
8 professionals who have certain qualifications for certain appointments to the Board;  
9 authorizing the Board to issue a provisional license for less than a certain number of  
10 days; clarifying the length of a certain provisional period; making conforming  
11 changes; and generally relating to the State Board of Examiners of Nursing Home  
12 Administrators.

13 BY repealing and reenacting, with amendments,  
14 Article – Health Occupations  
15 Section 9–202(a) and (b) and 9–301  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2019 Supplement)

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

20 **Article – Health Occupations**

21 9–202.

22 (a) (1) The Board consists of 14 members.

23 (2) Of the 14 Board members:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 (v) One shall be the State Long-Term Care Ombudsman designated  
 12 under § 10-903 of the Human Services Article; and

13 (vi) Two shall be consumer members.

14 (3) Not more than three members may be officials or full-time employees  
 15 of this State or of any of its political subdivisions.

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

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

20 (2) (i) Except for the consumer members and the State Long-Term  
 21 Care Ombudsman, the Governor shall appoint each Board member, with the advice of the  
 22 Secretary.

23 (ii) The Secretary shall [make each recommendation after  
 24 consulting with the associations and societies appropriate to the disciplines and professions  
 25 representative] **RECOMMEND A PROFESSIONAL WHO:**

26 **1. IS ACTIVELY PRACTICING;**

27 **2. HAS A MINIMUM OF 5 YEARS OF APPROPRIATE**  
 28 **PRACTICE EXPERIENCE IN THE DISCIPLINE of the vacancy to be filled; AND**

29 **3. OTHERWISE MEETS THE REQUIREMENTS OF THIS**  
 30 **SECTION.**

31 9-301.

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

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

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

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

12 (2) (i) 1. In the event a licensed nursing home administrator is not  
13 available, the owner or other appropriate nursing home authority shall immediately  
14 appoint a nonlicensed person to serve in the capacity of interim nursing home  
15 administrator.

16 2. The appointed nonlicensed person may act as the interim  
17 nursing home administrator on filing an application with the Board requesting a  
18 provisional license to practice as the interim nursing home administrator for a period not  
19 to exceed 90 days.

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

24 2. The Board may issue a provisional license to the applicant  
25 if the Board determines, in its discretion, that the applicant is of good moral character and  
26 capable of adequately administering the nursing home for the provisional period.

27 **3. THE BOARD, IN ITS DISCRETION, MAY ISSUE A**  
28 **PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN 90 DAYS.**

29 **[3.] 4.** If the Board denies an application submitted in  
30 accordance with subparagraph (i)2 of this paragraph:

31 A. The nonlicensed person shall immediately cease acting as  
32 the interim nursing home administrator; and

33 B. If a licensed nursing home administrator remains  
34 unavailable, the owner or other appropriate nursing home authority shall immediately  
35 appoint another nonlicensed person to act as the interim nursing home administrator.

1                               [4.] 5.           A person appointed under subsubparagraph [3] 4 of  
2 this subparagraph shall file an application for a provisional license with the Board in  
3 accordance with this paragraph.

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

6                               (iv)    The Board, on request and for good cause shown, may extend the  
7 [90-day] **INITIAL PROVISIONAL** period for a further period of not more than 30 days.

8                               (3)    A licensed nursing home administrator designated under paragraph (1)  
9 of this subsection shall submit to a criminal history records check in accordance with §  
10 9–302.1 of this subtitle.

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

14                              (5)    The Board may deny approval of an appointment under paragraph (1)  
15 or (2) of this subsection based on the results of a criminal history records check required  
16 under paragraph (3) or (4) of this subsection after consideration of the factors listed in §  
17 9–308(b)(1) of this subtitle.

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

21                              SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2020.