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Board of Examiners of Nursing Home Administrators
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**2020 SESSION
POSITION PAPER**

BILL NO: HB 631
COMMITTEE: Health and Government Operations
POSITION: SUPPORT

TITLE: State Board of Examiners of Nursing Home Administrators – Board Membership and Provisional Licensing Requirements

BILL ANALYSIS: This bill will eliminate the requirement for professional associations or societies to provide recommendations for all licensed practitioners who apply for appointment to the State Board of Examiners of Nursing Home Administrators (“BENHA”), and will also change the existing automatic 90-day provisional license period to allow BENHA the discretion to issue a provisional license for a period of less than 90 days when it is warranted.

POSITION AND RATIONALE: This change in requirements for appointment to BENHA will broaden the pool of eligible applicants to the Board. Additionally, the amendment strengthens the statute by setting forth a requirement that all licensed practitioners who apply to BENHA are actively practicing and have a minimum of 5 years of appropriate practice experience. The existing statute contains this requirement, but with specific respect to licensed nursing home administrators only.

Protection of the public is the Board’s mission and primary focus. The Board wants to ensure that nursing homes are run by non-licensed interim nursing home administrators for as little time as possible. Compliance with the requirement that each nursing home facility be run by an LNHA provides the best protection of our citizens who are residents in nursing homes. Additionally, it's critical to note that all nursing homes do not present the same levels of challenge or risk and should not be viewed as if they do. For example, all nursing homes do not have the same level of resident care needs or census counts. The Board needs the flexibility to review each provisional license application on a case-by-case basis and set a provisional license period that exposes the nursing home residents to the shortest amount of time possible under a non-licensed nursing home administrator.

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Provisional licenses are for extreme, “unexpected cause” situations for example, in which the LNHA suddenly passes away, walks off the job, or is terminated on the spot; they expressly apply to instances for which the nursing home owners/senior leadership could not have possibly planned.

Provisional licenses are not regularly requested, because of the criteria set forth in the statute. Since the law became effective on 10/1/2017, the Board has issued a total of six provisional licenses.

For these reasons, the Maryland State Board of Examiners of Nursing Home Administrators submits this position paper in support of HB 631.

Thank you for your consideration of this information. If you have questions or need additional information, please contact Lillian Reese, Legislative and Regulations Coordinator, Health Occupations Boards and Commissions, at 410-764-5978.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.