



**TESTIMONY BEFORE THE  
SENATE FINANCE COMMITTEE**

March 17, 2021

Senate Bill 894: Post-Crisis Jobs Act of 2021

**POSITION: FAVORABLE WITH AMENDMENTS**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendments for Senate Bill 894: Post Crisis-Jobs Act of 2021.

HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state. HFAM members provide the majority of post-acute and long-term care to Marylanders in need: 6 million days of care across all payer sources annually, including more than 4 million Medicaid days of care and one million Medicare days of care.

As we all know, the COVID-19 pandemic has exacerbated issues we have long been working on together such as healthcare disparity, the underfunding of Medicaid, as well as training and workforce challenges. Even before the pandemic, workforce recruitment, retention, and training presented a unique set of governmental and marketplace challenges – particularly among certified nursing assistants (CNAs). The COVID-19 pandemic has made these challenges worse, and the workforce shortages we face in the coming months and years will simultaneously present dire challenges and tremendous opportunities.

Recent news reports indicate a 27,000-job loss in Baltimore City, and there obviously has been job loss throughout Maryland in travel and recreation, services, restaurants, and other settings. With vaccines more readily available, we are seeing incremental job growth and greater public willingness to safely get out and about, and perhaps even travel. Just as the 1918 Spanish flu pandemic was followed by a period of tremendous economic growth in the United States, we must prepare now for job growth and career opportunities after the COVID-19 pandemic. Senate Bill 894 helps us with that by advancing digital and virtual learning, better aligning current grant programs, and supporting apprentice applicants and employers.

Amid staffing shortages at the onset of the pandemic, the federal government approved an eight-hour online emergency training program for Certified Nursing Assistants (CNAs). Here in Maryland, CNAs have been allowed to work in our sector and learn through on-the-job training without taking the full nursing assistant training program. Currently, if an individual wishes to remain working and become certified, they have 120 days after the emergency ends to take the full nursing assistant training course and pass the certification exam.

Given the ongoing staffing challenges and workforce shortages, it is imperative that nursing homes in Maryland have access to all the tools available to recruit, train, and retain CNAs during the ongoing pandemic and beyond. Therefore, we offer the following amendment to Senate Bill 894.

On page 4, after line 24, insert the following:

**(D) THE BOARD OF NURSING SHALL APPROVE AN APPLICANT FOR A LICENSE, A CERTIFICATION, RENEWAL OR ANY OTHER AUTHORIZATION ISSUED UNDER THIS ARTICLE TO PRACTICE AS A CERTIFIED NURSING ASSISTANT AS DEFINED BY § 8-6A-01(J) OF THIS ARTICLE THAT COMPLETES THE EDUCATION OR TRAINING REQUIRED TO QUALIFY FOR THE AUTHORIZATION THROUGH A DIGITAL LEARNING PROGRAM.**

**(I) A CERTIFIED NURSING ASSISTANT AS DEFINED BY § 8-6A-01(J) OF THIS ARTICLE MAY COMPLETE A DIGITAL LEARNING PROGRAM IN CONSULTATION WITH THE BOARD OF NURSING.**

**(II) THE DIGITAL LEARNING PROGRAM MUST CONSIST OF A MINIMUM OF 8 HOURS OF EDUCATION AND MUST INCLUDE TRAINING IN THE FOLLOWING CONTENT AREAS:**

- (a) RESIDENTS' RIGHTS;**
- (b) CONFIDENTIALITY OF RESIDENTS' PERSONAL INFORMATION AND MEDICAL RECORDS;**
- (c) CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES;**
- (d) EMERGENCY RESPONSE MEASURES;**
- (e) ASSISTANCE WITH ACTIVITIES OF DAILY LIVING;**
- (f) MEASURING VITAL SIGNS;**
- (g) SKIN CARE AND PRESSURE SORES PREVENTION;**
- (h) PORTABLE OXYGEN USE AND SAFETY;**
- (i) NUTRITION AND HYDRATION; AND**
- (j) DEMENTIA CARE**

**(E) AN INDIVIDUAL WHO HAS BEEN PRACTICING AS A CERTIFIED NURSING ASSISTANT AS DEFINED BY § 8-6A-01(J) OF THIS ARTICLE THAT IS IN GOOD STANDING WITH THE BOARD OF NURSING AND HAS BEEN PRACTICING FOR AT LEAST 180 DAYS DURING THE COVID-19 PANDEMIC SHALL:**

- (1) BE PERMITTED TO CONTINUE TO PRACTICE AS A CERTIFIED NURSING ASSISTANT, AND**
- (2) BE PERMITTED TO SEEK CERTIFICATION AS A GERIATRIC NURSING ASSISTANT UNDER SUBSECTION (F).**

**(F) IN ORDER TO PERFORM THE DUTIES OF A GERIATRIC NURSING ASSISTANT, A CERTIFIED NURSING ASSISTANT AS DEFINED BY § 8-6A-01(J) OF THIS ARTICLE MUST SUCCESSFULLY COMPLETE THE REQUIREMENTS FOR GERIATRIC NURSING ASSISTANT MANDATED UNDER THE REGULATIONS OF THE BOARD OF NURSING.**

In summary, this amendment would allow CNA applicants to be approved by the Board of Nursing if they complete an eight-hour online training (as has been accepted federally during the emergency) that includes core competency areas of learning. This online course must still meet the same accreditation requirements as existing training. Also, this amendment would allow an individual who has been working as a temporary CNA for at least 180 days during the pandemic and is in good standing to be allowed to

continue working. In order to become a certified Geriatric Nursing Assistant (GNA), those currently working must still complete the requirements to become a GNA under the regulations of MBON.

Nursing homes in Maryland share the same struggles as nursing homes throughout the country with staff turnover and recruitment. A [study](#) recently issued by U.S. PIRG showed that shortages were worst among nursing aides, affecting 20.6% of U.S. nursing homes in December, up from 17.4% in May.

Allowing for a permanently abbreviated nursing assistant training program and the ability for those currently working as temporary nurses' aides to continue working after the emergency ends are two simple and effective ways to allow for qualified, competent nursing assistants to more quickly enter the workforce and to continue working in our setting.

We are thankful for the Committee's leadership on behalf of Marylanders in need. We look forward to our continued work together to protect quality care and support healthcare jobs.

**For these reasons and with these amendments, we request a favorable report from the Committee on Senate Bill 894.**

*Submitted by:*

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