



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Guy Guzzone, Chair
Members, Senate Budget and Taxation Committee
The Honorable Ariana B. Kelly

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 29, 2022

RE: **SUPPORT** – House Bill 1208 – *Health Occupations – Health Care Workforce Expansion*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we **support** House Bill 1208 as amended by the House of Delegates.

Among other provisions, House Bill 1208 contains a requirement that the Maryland Board of Nursing must include the ability for an individual who has been practicing as a nursing assistant without certification by the Board to apply on-the-job experience as a nursing assistant toward the total number of training hours required for certification. At the beginning of the COVID-19 pandemic, the federal Centers for Medicare & Medicaid Services (CMS) issued multiple waivers of federal regulations. The CMS [QSO-21-17-NH](#) memorandum, revised on May 10, 2021, states:

To help nursing homes address staffing shortages during the pandemic, CMS provided a blanket waiver for the nurse aide training and certification requirements at 42 CFR §483.35(d) (except for requirements that the individual employed as a nurse aide be competent to provide nursing and nursing related services at 42 CFR §483.35(d)(1)(i)), specifically to permit nurse aides to work for longer than four months without having completed their training. This waiver allows facilities to employ individuals beyond four months, in a nurse aide role even though they might have not completed a state approved Nurse Aide Training and Competency Evaluation Programs (NATCEP). The individual could continue to work as long as the nursing home ensured that the nurse aide could demonstrate competency in skills and techniques needed to care for residents. CMS is not ending the current nurse aide waiver. However, we are clarifying how federal regulations can be applied to nurse aides working under the blanket waiver, and help enable these individuals to become certified nurse aides (CNAs).

At this time, it is estimated that approximately 2,000 individuals are practicing under the designation of temporary nursing assistants. These individuals have worked tirelessly throughout

this pandemic to provide care to residents of nursing homes under the close supervision of licensed individuals. We strongly believe that these individuals should be provided “credit” for the work that they have performed over the last two years and that a process should be implemented to allow these hours to be applied to satisfy required training hours to be fully certified. As you know, Maryland faces a workforce shortage, especially in the areas of direct care. In particular, nursing homes have struggled to recruit and maintain staff. Maryland must “think outside the box” and implement innovative approaches to bolster the workforce. We strongly believe that allowing individuals credit for the time that they have worked will assist in getting these individuals certified at a faster pace but still maintain quality standards.

We also strongly support the creation of a workgroup to study and make recommendations on how the State can incentivize individuals to work in the nursing field. Prior to the COVID-19 pandemic, the senior care industry was experiencing severe workforce challenges, which were only made worse by the pandemic. Maryland must determine how the industry can better recruit and maintain this important workforce, especially given Maryland’s aging population.

Therefore, we believe that this bill is vitally important for the delivery of health care in Maryland, and we urge a favorable vote.

For more information call:

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