



**TESTIMONY BEFORE THE
SENATE FINANCE COMMITTEE**

February 9, 2022

Senate Bill 407: Health Occupations - Health Care Staffing Shortage Emergency -
Declaration and Licensing and Practice Requirements (Health Care Heroes Act of 2022)
In-Person Testimony

POSITION: FAVORABLE

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 407. 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 in the state.

Senate Bill 407 authorizes the Secretary of Health to declare a health care staffing shortage emergency in the State, requires each health occupations board to establish a process for the issuance of initial licenses, temporary licenses, and temporary practice letters on an expedited basis during a health care staffing shortage emergency.

This legislation would create a permanent framework for health care staffing challenges and reduce barriers to health occupations licensure in settings across the continuum of care. It would require the Secretary of Health to adopt regulations that establish criteria for determining health care staffing emergency based on factors such as staffed bed occupancy rates, staff vacancy rates, and emergency department wait times.

We support the amendments proposed by Governor Hogan's staff because those amendments serve to further specify the job classifications and the care settings in which the Secretary may act to support the availability of the workforce. (Please note that these amendments are attached for reference.)

During a health care staffing emergency, health occupations boards would be directed to implement expedited licensing procedures. This would allow applicants for licensure, health professionals with a license in another state, inactive licensees, retired practitioners, and nursing graduates to more quickly enter the health care workforce during the staffing emergency provided that they meet competency requirements.

Across care settings in Maryland and throughout the country, we are fighting this most recent surge of the virus with fewer people working in health care, and particularly fewer people working in skilled nursing and rehabilitation centers. Tens of thousands of health care workers in Maryland have left the field since the start of the pandemic. Licensed health care professionals are scarce and all settings are competing for employees from the same limited labor pool.

Workforce challenges such as recruitment and retention have long existed in health care, even before the COVID-19 pandemic. These challenges have only grown worse over the last two years and they will likely remain even as we begin to navigate a post-pandemic world.

Many of these measures that this legislation proposes have been put in place during the COVID-19 pandemic. While they have not completely solved the staffing crisis, they have helped maintain staffing ratios and care capacity. These measures that have been put in place are not permanent. This legislation is important to ensure that we continue to have solutions to staffing challenges and remove barriers to entry after the pandemic.

Given the workforce crisis we currently face, and taking into consideration the potential for future health care staffing emergencies, it is imperative that put in place a permanent framework that will ensure continued access to care delivered by qualified professionals.

For these reasons, we request a favorable report from the Committee on Senate Bill 407.

Submitted by:

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AMENDMENT NO. 1

On page 2 after line 25, insert:

“(14) A RESIDENTIAL SERVICE AGENCY AS DEFINED IN §19-4A-01 OF THIS ARTICLE.
(15) A MEDICAL ADULT DAY CENTER AS DEFINED IN §14-301 OF THIS ARTICLE.
(16) HOSPICE AS DEFINED IN §19-901 OF THIS ARTICLE.”

AMENDMENT NO. 2

On page 4, in line 11, strike lines 11-18 and substitute:

“(4) GRADUATE MEANS AN MEANS AN RN GRADUATE, AN LPN GRADUATE, OR A CNA/CMT GRADUATE.

(I) “CNA/CMT GRADUATE” MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED AN APPROVED NURSING ASSISTANT TRAINING PROGRAM (AS DEFINED IN §8-6A-01(D) OF THIS ARTICLE) OR AN APPROVED MEDICATION TECHNICIAN TRAINING PROGRAM (AS DEFINED IN § 8-6A-01(C) OF THIS ARTICLE).

(II) “LPN GRADUATE” MEANS A PERSON WHO COMPLETED SATISFACTORILY AND MET ALL REQUIREMENTS FOR A DIPLOMA OR DEGREE FROM:

(a) A LICENSED PRACTICAL NURSING EDUCATION PROGRAM APPROVED BY THE STATE BOARD OF NURSING; OR

(b) AN OUT-OF-STATE LICENSED PRACTICAL NURSING EDUCATION PROGRAM DETERMINED TO BE EQUIVALENT BY THE STATE BOARD OF NURSING.

(III) “RN GRADUATE” MEANS A PERSON WHO COMPLETED SATISFACTORILY AND MET ALL REQUIREMENTS FOR A DIPLOMA OR DEGREE FROM:

(a) A REGISTERED NURSING EDUCATION PROGRAM APPROVED BY THE STATE BOARD OF NURSING; OR

(b) AN OUT-OF-STATE REGISTERED NURSING EDUCATION PROGRAM DETERMINED TO BE EQUIVALENT BY THE STATE BOARD OF NURSING.”

AMENDMENT NO. 3

On page 4, in line 25, after “AUTHORIZING”; insert **“AN INDIVIDUAL WHO HOLDS A VALID, UNEXPIRED HEALTH OCCUPATIONS LICENSE ISSUED IN ANOTHER STATE, AN INACTIVE LICENSEE, A RETIRED HEALTH CARE PRACTITIONER, OR A NURSE GRADUATE”**.

AMENDMENT NO. 4

On page 4, in line 30, strike “AND” and substitute “**OR**”.

AMENDMENT NO. 5

On page 5, in line 9, strike “NURSING”.

AMENDMENT NO. 6

On page 7, strike lines 21-23, and substitute:

“AN RN GRADUATE MAY PRACTICE REGISTERED NURSING (AS DEFINED IN § 8-101(O) OF THIS ARTICLE) AT A HEALTH CARE FACILITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN LPN GRADUATE MAY PRACTICE LICENSED PRACTICAL NURSING (AS DEFINED IN § 8-101(N) OF THIS ARTICLE) AT A HEALTH CARE FACILITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND A CNA/CMT GRADUATE MAY PRACTICE AS A NURSING ASSISTANT OR MEDICATION TECHNICIAN (AS APPLICABLE) AT A HEALTH CARE FACILITY UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF:”

AMENDMENT NO. 7

On page 7, in line 30, strike “NURSING”.

AMENDMENT NO. 8

On page 7, in line 31, strike “PRACTICE REGISTERED NURSING” and substitute:

“ENGAGE IN SUCH ACTIVITIES”

AMENDMENT NO. 9

On page 8, strike lines 1-2, and substitute:

“2. ACTIVELY SUPERVISE THE GRADUATE WHILE THEY ARE ENGAGED IN SUCH ACTIVITIES.”

AMENDMENT NO. 10

On page 8, on line 3, strike “NURSING” and substitute “**RN**” and on line 4, strike “THE NURSING” and substitute “**THE RN**”.