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

Position: Favorable with Amendments
Jake Whitaker, Deputy Legislative Officer
February 9, 2022

Dear Chairs Kelley and Pinsky, Vice Chairs Feldman and Kagan, and Members of the Finance and Education, Health, Environmental Affairs Committees:

We respectfully submit this letter of support and request that the Committees report Senate Bill (SB) 407 - (Health Care Heroes Act of 2022) - favorable with amendments.

Whether it's our doctors, nurses, and EMTs, or the clinical staff at our testing and vaccination sites, we owe a profound debt of gratitude to our frontline medical workers. Thanks to our Health Care Heroes, Maryland has had one of the most comprehensive and successful pandemic responses in the nation. As a result of their work, Maryland's COVID-19 case rate has declined, and the state continues to report one of the lowest case rates in the country. Frontline medical workers have also been critical to the state's vaccination program and have administered more than 10.9 million total vaccines, including 2 million booster shots, making Maryland one of the most vaccinated states in the nation.

The Health Care Heroes Act will enable the implementation of a long-term framework to address future health care staffing shortages. This legislation authorizes the Secretary of Health to enact a temporary "Health Care Staffing Shortage Emergency" to take immediate and targeted action to significantly increase the number of health care practitioners available to serve Maryland patients. Specifically, the Secretary may direct the relevant Maryland health occupations boards to expedite and expand their licensing processes to temporarily authorize licensed out-of-state health care practitioners, inactive and retired practitioners, and certain students and graduates to practice at health care facilities in the state.

The emergency authority proposed under SB 407, will be limited in duration and can only be enacted in specific circumstances. Each "Health Care Staffing Shortage Emergency" may not exceed 180 days. Additionally, this bill will require the Maryland Department of Health to issue regulations establishing the factors that must be considered by the Secretary prior to declaring a staffing emergency. The criteria set forth in SB 407 ensures that a variety of stakeholders, including the Maryland health occupation boards, actively participate in the implementation of this legislation.

We want to express our gratitude to Maryland’s Health Care Heroes, the health occupations boards, and the industry stakeholders who participated in the development of this important legislation and amendments. For the aforementioned reasons, we respectfully request that the Committees report Senate Bill (SB) 407 favorable with amendments.

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”.