



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 1, 2022

The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 82 – Certified Nursing Assistants – Licensing Requirements - Letter of Support

Dear Chair Pinsky and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support for Senate Bill (SB) 82 – Certified Nursing Assistants – Licensing Requirements. This bill requires a certified nursing assistant to meet certain federal requirements and pass a competency exam. This bill requires the State Board of Nursing to adopt regulations for the licensing of certified nursing assistants that are consistent with federal regulations. SB 82 additionally requires the Board to develop procedures to assist individuals licensed as certified nursing assistants in achieving compliance with the licensing requirements established.

A certified nursing assistant (CNA) is a staff member of a patient’s healthcare team that performs important patient-centered tasks under the supervision of licensed nursing staff. Responsibilities of a certified nursing assistant can include: helping patients with activities of daily living, serving meals and helping patients eat, lifting and moving patients, taking vital signs, facilitating patient care, providing companionship and friendship, etc.

The national landscape for CNAs allows flexibility to work in the hospital, long-term residential facility, nursing home, rehabilitation center, adult daycare center, and clinical facility settings. In the state of Maryland, however, this flexibility is not afforded under Maryland Health Occupations Article Subtitle 6A – Certification of Nursing Assistants and Medication Technicians and Code of Maryland Regulations (COMAR) Subtitle 39 Board of Nursing – Certified Nursing Assistants.

The role of a CNA in Maryland is currently classified into two (2) designations/certifications: (1) the CNA certification, and (2) the geriatric nursing assistant (GNA) certification. Maryland is the only state that provides these separate designations. A CNA is defined as an “individual who routinely performs nursing tasks delegated by a registered nurse (RN) or licensed practical nurse (LPN) for compensation¹”. To be eligible for certification, an individual must: complete a Board-approved training program; successfully pass an objective final examination, and

¹ COMAR 10.39.01.01 – Definitions. <http://www.dsd.state.md.us/comar/comarhtml/10/10.39.01.01.htm>

demonstrate competence in the ability to perform nursing functions^{2,3}. This specific certification of a CNA does not meet federal requirements. As such, CNAs are only authorized to practice in the acute-care setting (for example hospitals).

A geriatric nursing assistant (GNA), in contrast, is defined as a “CNA who has successfully completed the requirements for a GNA set forth in federal regulations 42 CFR §§483.151—483.156 and COMAR 10.07.02.39—.42 (Nursing Home)”. To be eligible for certification, an individual must, in addition to their CNA: (1) attend a federally approved GNA training program; (2) pass the nationally recognized certification and skills exam; and (3) register on the Maryland Geriatric Nursing Assistant Registry (MGNAR). This specific certification of a GNA meets federal requirements. As such, GNAs are authorized to practice in all acute-care and long-term care settings (for example, nursing homes).

The Board understands that there may be concerns related to the initial burden for individuals currently certified as a CNA. The Board is open to continually engaging with stakeholders and providing a seamless transition for both employers and employees. The Board believes the provisions of SB 82 to be beneficial, in the long term, for both our constituents and Marylanders. In light of the pandemic, the intent of this bill is to increase front line nursing workforce staff. By consolidating the role of a CNA to one designation, individuals will have greater flexibility in moving across different acute and long-term healthcare settings. This will allow individuals to acquire experience in assisting patients with differing and complex health needs. Additionally, if an individual has an interest in moving to a neighboring state, they may be required to meet federal regulations if they are not approved by the endorsement process.

For the reasons discussed above, the Board of Nursing respectfully submits this letter of support for SB 82.

I hope this information is useful. For more information, please contact Iman Farid, Health Policy Analyst, at (410) 585 – 1536 (iman.farid@maryland.gov) or Rhonda Scott, Deputy Director, at (410) 585 – 1953 (rhonda.scott2@maryland.gov).

Sincerely,



Gary N. Hicks
Board President

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

² COMAR 10.39.02.07 – Training Program. <http://www.dsd.state.md.us/comar/comarhtml/10/10.39.02.07.htm>

³ COMAR 10.39.02.08 – Evaluation. <http://www.dsd.state.md.us/comar/comarhtml/10/10.39.02.08.htm>