



# Board of Nursing

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

March 3, 2022

The Honorable Shane E. Pendergrass  
Chair, House Health and Government Operations  
Room 241, House Office Building  
Annapolis, MD 21401-1991

**RE: HB 1208 – Health Occupations – Health Care Workforce Expansion – Letter of Support with Amendments**

Dear Chair Pendergrass and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for House Bill (HB) 1208 – Health Occupations – Health Care Workforce Expansion. This bill establishes requirements on the State Board of Nursing related to the expansion of the workforce in nursing-related fields; establishes a State income tax credit for certain licensed practical nurses, nurse practitioners, and registered nurses; and requires the Maryland Department of Health to work with the Division of Workforce Development and Adult Learning in the Maryland Department of Labor to convene a stakeholder workgroup to study expanding the State apprenticeship programs to the health care workforce.

The Board sincerely appreciates the Maryland General Assembly’s diligence in addressing the nursing workforce shortage by focusing on efforts in recruitment and retention of frontline staff. It is imperative to encourage and support innovative initiatives that fortify and advance the safe practice of nursing in the state of Maryland. The Board, however, respectfully submits the following amendments to provide further clarity and information on current processes.

**HB 1208, section 8-205.2, page 5, lines 10 – 20. The Board will be required to create and implement a marketing plan and make certain information publicly accessible to attract individuals to seek licensure and certification under Title 8.**

The Board is an agency that oversees, enforces, regulates, and disciplines the practice of registered nurses, licensed practical nurses, advanced practice registered nurses, certified nursing assistants, certified medication technicians, licensed electrologists, and licensed direct entry midwives. It is important to distinguish that the Board is not an association charged with advancing a particular profession. As such, it would be inappropriate to task the Board with creating and implementing a marketing plan to attract individuals to the nursing field. It would additionally be contradictory to manage efforts in recruiting individuals while also policing those

individuals for violations of the Maryland Nurse Practice Act. Marketing and advertising is an important tool in creating awareness and addressing community needs. An effective marketing approach involves in-depth investigation, surveillance of current resources, and a plan to implement innovative solutions. The Board respectfully recommends allowing Maryland's numerous professional membership organizations and institutions of higher education to be charged with the important task of gauging interest and attracting individuals to the health care field.

Section 8-205.2. On page 5. Lines 10 – 20. Remove.

**[8-205.2 THE BOARD SHALL:**

**(1) CREATE AND IMPLEMENT A MARKETING PLAN TO ATTRACT INDIVIDUALS TO SEEK LICENSURE AND CERTIFICATION UNDER THIS TITLE; AND**

**(2) CREATE AND MAINTAIN ON ITS PUBLICLY ACCESSIBLE WEBSITE A SINGLE LOCATION THAT HAS INFORMATION FOR INDIVIDUALS SEEKING LICENSURE OR CERTIFICATION UNDER THIS TITLE ON:**

**(I) PATHWAYS TO LICENSURE OR CERTIFICATION;**

**(II) FUNDING AND FINANCING OPTIONS TO PAY FOR REQUIRED EDUCATION AND TRAINING; AND**

**(III) ACCREDITED SCHOOLS AND TRAINING PROGRAMS.]**

**HB 1208, section 8-514, pages 6 – 7, starting from line 14. The Board will be required to issue a clinical extern certificate to a nursing student who submits an application.**

The clinical extern program intends to allow current nursing students the opportunity to gain hands-on experience and provide certain health care services, outside of required clinical rotations, and while completing their nursing education program. The Board believes, however, that issuing a certificate for this designation is unnecessarily duplicative. Additionally, the program itself will not add tremendous value to current efforts in retaining the nursing workforce. The Board respectfully recommends deferring to current processes that allow nursing students and newly graduated nursing students from approved nursing education programs (RN and LPN) to apply for certification as a certified nursing assistant. As of October 1, 2006, nursing students have been required to submit an application, an official transcript, and criminal history record check to receive a certificate to practice as a certified nursing assistant.<sup>1</sup>

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<sup>1</sup> Nursing Students and Nursing program Graduates Working as Nursing Assistants.  
<https://mbon.maryland.gov/Documents/cna-studentnurse.pdf>

The Board additionally finds it challenging and cumbersome to standardize a clinical extern program across the various hospital systems in the state of Maryland. Hospital systems and nursing education programs often collaborate to provide nursing students with additional opportunities to gain bedside experience while under the close supervision of a licensed practitioner. The Board does not find it appropriate to dictate how hospital systems must run their programs and instead believe they should continue operations that are consistent with the provisions of the Health Occupations Article Title 8 and Code of Maryland Regulations (COMAR) Subtitle 27.

Section 8-205. On page 3. Lines 1 – 2. Remove.

**[(7) TO ADOPT RULES AND REGULATIONS FOR CLINICAL EXTERN CERTIFICATES AUTHORIZED UNDER §8-514 OF THIS TITLE:]**

Section 8-514. Pages 6 – 7. Starting From Line 14. Remove Language Related to ‘Clinical Extern’.

**HB 1208, section 8-6A-05, page 7, lines 15 – 20. Allows an individual who has been practicing as a nursing assistant without certification to apply on-the-job experience toward the total number of training hours required for certification.**

The Centers for Medicare and Medicaid Services (CMS) issued a blanket waiver to suspend the nurse aide training and certification requirements in 42 CFR §483.35(d) in response to staffing shortages in nursing homes and other long-term healthcare facilities. The CMS Emergency Regulatory 1135 Waiver permits nurse aides (also known as temporary nursing assistants (TNA) in the state of Maryland) to work for longer than four (4) months without having completed a state-approved Nurse Aide Training and Competency Evaluation Program.<sup>2</sup> The termination of the federal public health emergency, however, would subsequently lead to the termination of the waiver and the role of a temporary nursing assistant. As such, temporary nursing assistants will have four (4) months from the end of the waiver to successfully complete federal and state required training and certification. The Board believes it is important to amend the provisions of HB 1208 to reflect that TNAs were authorized to work pursuant to the CMS waivers and that their designation will cease once the public health emergency has ended.

Section 8-6A-05. On page 7. Lines 15 – 20.

**(2) REQUIREMENTS SET BY THE BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION REGARDING QUALIFICATIONS FOR CERTIFICATION AS A NURSING ASSISTANT SHALL INCLUDE PROVISIONS TO ALLOW AN INDIVIDUAL WHO HAS BEEN PRACTICING AS A TEMPORARY NURSING ASSISTANT, PURSUANT TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES WAIVERS APPLICABLE TO 42 CFR § 483.35(D) THAT WERE ISSUED ON**

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<sup>2</sup> Centers for Medicare and Medicaid Services. COVID Declaration Blanket Waivers for Health Providers.

**MARCH 1, 2020, [WITHOUT CERTIFICATION BY THE BOARD] TO APPLY ON-THE-JOB EXPERIENCE AS A TEMPORARY NURSING ASSISTANT TOWARD THE TOTAL NUMBER OF TRAINING HOURS REQUIRED FOR CERTIFICATION.**

Lastly, the Board believes HB 1208 will help incentivize licensed health care providers to precept students during their clinical rotations, and allow students an opportunity to work in areas with a workforce shortage. With an increasing need for providers in underserved areas of the State, it is both fair and equitable to allow qualified preceptors (licensed practical nurses, nurse practitioners, and registered nurses) to receive tax credits for the clinical teaching they provide to nursing students.

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of support with amendments for HB 1208.

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