



576 Johnsville Road
Sykesville, MD 21784

TO: Health and Government Operations
FROM: LeadingAge Maryland
SUBJECT: House Bill 1034, State Board of Examiners of Nursing Home Administrators - Renaming and Licensure of Assisted Living Managers
DATE: February 24, 2022
POSITION: **Favorable with Amendments**

LeadingAge Maryland supports with amendments House Bill 1034, State Board of Examiners of Nursing Home Administrators - Renaming and Licensure of Assisted Living Managers.

LeadingAge Maryland is a community of more than 135 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

This bill renames the State Board of Examiners of Nursing Home Administrators to be the State Board of Long-Term Care Administrators and requires that an individual must be licensed by the board to practice as an assisted living manager (ALM) in the State beginning October 1, 2024. The bill alters board structure and membership requirements, specifies that the board is a medical review committee, and makes conforming changes. The bill also establishes that specified violations are a felony rather than a misdemeanor, increases the associated penalties, and imposes new civil fines.

The assisted living regulations provide minimum standards. The regulations currently provide requirements for assisted living managers. For instance, assisted living programs must employ an individual who have taken the 80-hour assisted living manager course and met certain other training and education standards. Failure to employ a certified manager is subject to a \$10,000 civil money penalty. However, the regulations do not impose any separate disciplinary actions on managers, only the programs.

LeadingAge Maryland suggests the following amendments to ensure consistency between the assisted living program regulations and the provisions in House Bill 1034:

1. Board Structure: This bill places ALMs under the Board of Examiners for Nursing Home Administrators (BENHA) and only allows for three ALMs on a Board of 17, six of which must be nursing home administrators. We recommend an equal number of nursing home administrators and assisted living managers.
2. Training Requirement: The bill states that training and examination requirements will be “determined or approved by the Board.” (See page 11, lines 6-8). In addition to a state examination, the applicant will need to take a federal exam from the National Association of Boards of Long-Term Care (See page 11, lines 14-16). We suggest an amendment that would apply the current requirements of 80 hours initial certification and 20 hours of continuing education requirements as specified under Section 19-1807 of Health-General Article. The requirement for a state exam will stay in place but the federal examination requirement will be removed.
3. Education Requirements: The bill states that the education requirements will be “developed by the Board.” (See page 11, lines 6-7; page 14, line 26; page 17, lines 25-26). Like the training requirements, the amendment will cross-reference current education requirements, under COMAR, that must be satisfied to be an assisted living manager.
4. Grandfather Provision: Under the bill, the Board “MAY” waive the experience and training requirement for an individual, who before October 1, 2022, meets the requirements of Section 19-1807 (AL manager course). (See page 11, lines 26-27). LeadingAge Maryland strongly supports the “grandfather provision.” However, we suggest an amendment by permitting licensure for those who have satisfied for the requirements before October 1, 2022, including those who were originally grandfathered under Section 19-1807 of the Health-General Article. The amendment will also address the appointment of a replacement assisted living manager.
5. Implementation Timeline: The amendment will require that the Board submit a status report to the House Health and Government Operations Committee and the Senate Finance Committee on Board appointments, allocation of personnel pins and hiring, status of necessary software changes, process for grandfathering individuals and any other items for implementation of licensure by December 1, 2022. This is to ensure that the steps are in place prior to acceptance of licensure applications. LeadingAge Maryland is concerned about meeting full implementation by October 1, 2024 given the

complexity of establishing a new licensure category, (appointment of Board, hiring of Board employees, software implementation, etc.). We propose an amendment to require the Board submit a status report to the House Health and Government Operations Committee and the Senate Finance Committee on Board appointments, allocation of personnel pins and hiring, status of necessary software changes, process for grandfathering individuals and any other items for implementation of licensure by December 1, 2022. This is to ensure that the steps are in place prior to acceptance of licensure applications.

For these reasons, LeadingAge Maryland respectfully requests a favorable report with amendments for House Bill 1034.

For additional information, please contact Aaron J. Greenfield, 410.446.1992