

BRIAN E. FROSH
Attorney General

WILLIAM D. GRUHN
Chief
Consumer Protection Division

ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

Writer's Direct Fax No.
(410) 576-6571

Writer's Direct Email:
poconnor@oag.state.md.us



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

Writer's Direct Dial No.
(410) 576-6515

March 1, 2022

To: The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee

From: The Office of the Attorney General's Health Education and Advocacy Unit

Re: House Bill 1241 (Health Occupations - Nursing Home Administrator - Qualifications): Opposition

The Office of the Attorney General's Health Education and Advocacy Unit (HEAU) opposes House Bill 1241 which would circumvent the current education, training, experience and criminal background check requirements for nursing home administrator licensure that offer essential protections against incompetent administration, or worse, for residents of Maryland nursing homes. Maryland licensure would not be required if an individual holds an active nursing home administrator license in another state, is in good standing and has a minimum of 3 years of experience as a nursing home administrator or 6 years of experience as an assistant nursing home administrator. Maryland's education requirement for a nursing home administrator includes a bachelor's or master's degree in health care administration, or an equivalent degree in another field with an additional 100 hours of Board-approved courses. The Board currently reserves the right to waive Maryland's education requirements for an individual who was licensed and practiced as a nursing home administrator in another state for at least 3 years. The bill removes the Board's scrutiny of and discretionary judgment over those with out-of-state licenses who would seek Maryland licensure by *mandating* waivers of educational requirements instead of permitting waiver on a case by case basis. Lastly, through its provisions, the bill appears to bypass criminal background checks currently required for in-state nursing home administrator licensure.

We are concerned for potential adverse effects on vulnerable nursing home residents resulting from reductions in current standards in licensure. Prior to the COVID-

19 pandemic, nursing home quality assurance issues were widespread. The pandemic has only exacerbated these deficiencies. According to Medicare surveys, one in three of all nursing homes have staffing shortages, 48% have insufficient infection control, 80% provide insufficient resident quality of life or care, 62% of facilities had substantiated complaints regarding violations of federal requirements, and 39% of facilities had incidents with alleged or suspected resident abuse, neglect, or misappropriation of property.¹ The bill risks worsening existing cracks in the regulatory system by loosening the licensing requirement of nursing home administrators who are responsible for addressing these quality measures.

We urge an unfavorable report.

cc: Delegate Kelly, sponsor