



Board of Nursing

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 22, 2023

The Honorable Joseline A. Peña – Melnyk
Chair, House Health and Government Operations Committee
Room 241 House Office Building
Annapolis, MD 21401-1991

RE: HB 531 – Certified Nursing Assistants – Licensing Requirements and Administrative Updates – Letter of Support with Amendments

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Board of Nursing (the Board) respectfully submits this letter of support with amendments for House Bill 531 – Certified Nursing Assistants – Licensing Requirements and Administrative Updates. This bill requires a certified nursing assistant to successfully complete an approved nursing assistant training program meeting certain requirements; requires the State Board of Nursing to provide certain notifications to geriatric nursing assistants and nursing homes regarding the provisions of this Act; and requires the Board to update the title of geriatric nursing assistants on the renewal of a license.

The Board believes the intent of this bill is to increase the front line/direct care nursing workforce. By consolidating the role of a certified nursing assistant (CNA) into one designation, individuals will have greater flexibility in moving between different acute and long-term health care settings. This would allow individuals to acquire experience assisting patients with differing and complex health care needs. The Board additionally believes this bill will assist in the portability of nursing assistants within and outside the state of Maryland.

A certified nursing assistant is a member of a patient’s health care team who performs important patient-centered tasks under the supervision of licensed nursing staff. The responsibilities of a certified nursing assistant include assisting patients with activities of daily living, serving meals and assisting patients with eating, lifting and moving patients, taking vital signs, facilitating patient care, providing companionship, 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, Dialysis Technicians, and Medication Technicians.

The role of a nursing assistant in Maryland is currently classified into two (2) designations: (1) the certified nursing assistant certification and (2) the geriatric nursing assistant (GNA) certification. A certified nursing assistant is defined as an “individual who routinely performs

nursing tasks delegated by a registered nurse (RN) or licensed practical nurse (LPN) for compensation¹”. An individual applying for a certified nursing assistant certification must: (1) successfully complete a Board approved training program; (2) successfully pass an objective final examination; and (3) demonstrate the ability to competently perform assistive nursing functions²³. The certification of a CNA, as it is currently written in statute, does not meet federal requirements. As such, CNAs are only authorized to practice in the acute care setting (i.e., hospital, inpatient environment).

A geriatric nursing assistant (GNA), in contrast, is defined as a “certified nursing assistant 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)”. An individual applying for a geriatric nursing assistant certification must: (1) attend a federally approved geriatric nursing assistant training program; (2) pass the nationally recognized skills and certification exam; and (3) register on the Maryland Geriatric Nursing Assistant Registry. This designation, as it is currently written in statute, meets federal requirements. As such, GNAs are authorized to practice in all acute and long – term care settings (i.e., nursing homes, assisted living facilities, etc.).

The Board believes the following amendments are critical to providing a seamless transition for employers and employees who are interested in consolidating the nursing assistant designation.

On page 3. Lines 28 – 29. Add Language:

(I) MEETS THE [basic nursing assistant curriculum REQUIRED] REQUIREMENTS UNDER FEDERAL AND STATE LAW;

On pages 4 and 5. Line 26; Lines 1 – 4. Remove Language:

(1) Means an individual regardless of title who **ROUTINELY** [routinely]:

(I) [ROUTINELY] performs nursing tasks delegated by a registered nurse or licensed practical nurse for compensation; and

[(II) HAS SUCCESSFULLY COMPLETED AN APPROVED NURSING ASSISTANT TRAINING PROGRAM]

On page 5. After Line 15. Add Language:

(O) “NURSING ASSISTANT COMPETENCY EVALUATION” MEANS AN EXAMINATION APPROVED BY THE BOARD THAT:

(1) DETERMINES THE COMPETENCY OF AN INDIVIDUAL TO PRACTICE AS A NURSING ASSISTANT; AND

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

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>

(2) MEETS THE REQUIEIMENTS MANDATED UNDER FEDERAL LAW.

On page 5. Lines 25 – 31. Add and Remove Language:

- (1) Content consistent with State licensing requirements in the Health – General Article and all federal requirements; **AND**
- (2) All basic skills required of a nursing assistant regardless of the setting of the practice [; and
- (3) Any skills required for certification in a specific category].
- (d) Any additional clinical practice skills **OR KNOWLEDGE** specific to a setting of practice shall be taught in that setting as part of the employment training process in that setting, **INCLUDING BUT NOT LIMITED TO, THE SETTINGS OF SCHOOL HEALTH AND DEVELOPMENTAL DISABILITIES ADMINISTRATION.**

On page 6. Lines 3 – 6. Remove and Amend Language.

- [(f) The provisions of this section may not be interpreted to impose additional requirements for [geriatric] **CERTIFIED** nursing assistants beyond those required under federal law.]
- [(g)] **(F)** The Board shall approve the use of a nursing assistant training site by a...

On page 6. SECTION 2. Lines 10 – 11. Amend Date.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, [2023] **2024**, the State Board of Nursing shall:

On page 6. SECTION 3. Lines 25 – 26. Amend Date.

SECTION 3. AND BE IT FURTHER ENEACTED, That this Act shall take effect [June 1, 2023] **NO EARLIER THAN JANUARY 1, 2024.**

INSERT NEW SECTION § 8-6A-02. CERTIFICATION TO PRACTICE AS A NURSING ASSISTANT, DIALYSIS TECHNICIAN, OR MEDICATION TECHNICIAN

(5) MEETS THE REQUIREMENTS SET FORTH UNDER 42 CFR § 483.35(d)(1)-(4):

- [(5)] **(6)** Performs medication technician tasks as a student...
- [(6)] **(7)** Performs dialysis technician tasks as a student...
- [(7)] **(8)** Works as a principal or school secretary...

INSERT NEW SECTION § 8-6A-05. CERTIFICATES; RULES AND REGULATIONS

- (a) The Board shall adopt regulations establishing:

(1) [Categories of certified nursing assistants, including geriatric nursing assistants, home health aides, school health aides, individuals working in developmental disabilities administration facilities, and medicine aides;

(2) Qualifications for [each category of] certified nursing [assistant] **ASSISTANTS, INCLUDING MEDICINE AIDES;**

[(3)] **(2)** Qualifications for certified dialysis technicians;

[(4)] **(3)** Qualifications for certified medication technicians;

[(5)] **(4)** Standards for qualification of applicants for certification, including the applicant's criminal history, work record, and prohibitions against behavior which may be potentially harmful to patients; and

[(6)] **(5)** Standards for the online provision of didactic instruction in a nursing assistant training program that meets the requirements established by the Board.

(2) Requirements set by the Board under paragraph (1) of this subsection regarding qualifications for certification as a [geriatric] **CERTIFIED** nursing assistant shall include provisions to allow...

(vii) Be at least 18 years old to apply for certification as a medication technician.

(2) IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, AN APPLICANT FOR CERTIFICATION AS A CERTIFIED NURSING ASSISTANT SHALL SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF PASSING A NURSING ASSISTANT COMPETENCY EVALUATION.

[(2)] **(3)** Subject to paragraph (1) of this subsection, an applicant for certification as a certified nursing assistant or dialysis technician...

[(3)] **(4)** An applicant for certification as a certified medicine aide...

[(4)] **(5)** An applicant for a certificate may not:

INSERT NEW SECTION § 8-6A-07. CERTIFICATES; NURSING ASSISTANTS. DIALYSIS TECHNICIANS, MEDICINE AIDES, MEDICATION TECHNICIANS.

(2) Each certificate shall include:

(i) Any expiration date; **AND**

(ii) The type of certificate [; and

(iii) Any specific category of nursing assistant].

INSERT NEW SECTION § 8-6A-08. RENEWAL OF CERTIFICATES

(4) Provides satisfactory evidence of [completion of]:

(i) **COMPLETION OF** 16 hours of active nursing assistant practice within the 2 – year...

(ii) If the nursing assistant did not complete 16 hours of active practice as required under item (i) of this item, [an approved nursing assistant training program or an approved nursing assistant refresher training program] **ONE OR BOTH OF THE FOLLOWING** as required in regulations adopted by the Board in accordance with subsection [(m)] **(N)** of this section:

1. SUCCESSFUL COMPLETION OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM; OR

2. PASSING A NURSING ASSISTANT COMPETENCY EVALUATION; AND

(5) FOR THE FIRST RENEWAL CYCLE ON OR AFTER JANUARY 1, 2024, UNLESS FORMERLY CERTIFIED AS A GERIATRIC NURSING ASSISTANT, PROVIDES SATISFACTORY EVIDENCE OF:

(I) SUCCESSFUL COMPLETION OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM; AND

(II) PASSING A NURSING ASSISTANT COMPETENCY EVALUATION.

(n)(1) The Board shall adopt regulations to specify [:

(i) The] **THE** circumstances under which a nursing assistant, as a condition of renewal, is required to complete either an approved nursing assistant training program or [an approved nursing assistant refresher training program] **PASS A NURSING ASSISTANT COMPETENCY EXAMINATION, OR BOTH**]; and

(ii) The number of didactic instruction hours and clinical training hours the nursing assistant training program or nursing assistant refresher training program must have to be approved].

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of support with amendments for HB 531.

I hope this information is useful. For more information, please contact Ms. Iman Farid, Health Planning and Development Administrator, at iman.farid@maryland.gov or Ms. 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.