



Board of Nursing

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

February 29, 2024

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

RE: HB 1125 – 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 (HB) 1125 – Certified Nursing Assistants - Licensing Requirements and Administrative Updates. This bill exempts an individual who practices as a certain nursing assistant for less than 4 months under federal regulations from the State's certification requirement; alters the designation of, and licensure requirements for, certified nursing assistants and geriatric nursing assistants; requires an applicant for certification as a certified nursing assistant to complete a nursing assistant competency evaluation; etc.

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) to 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 in 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 (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: 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 compensation”. 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 functions. 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 in providing a seamless transition for employers and employees who are interested in consolidating the nursing assistant designation.

Amendment #1. On page 6, line 3, replace language:

A GERIATRIC NURSING ASSISTANT ON ~~[MAY 31]~~ **SEPTEMBER 30, [2024] 2025...**

Amendment #2. On page 6, line 9, replace language:

WHO, ON ~~[MAY 31]~~ **SEPTEMBER 30, [2024] 2025,** WAS CERTIFIED AS A NURSING ASSISTANT...

Amendment #3. On page 7, lines 13-17, replace language:

(4) Performs nursing assistant tasks as a student while: (i) **1.** Enrolled in a Board–approved nursing assistant training program; [and] **OR 2. ENROLLED IN AN ACUTE CARE NURSING ASSISTANT TRAINING PROGRAM;** AND (ii) Practicing under the direct supervision of qualified faculty or preceptors...

Amendment #4. On page 7, lines 17-21, remove language:

~~[ENROLLED IN AN ACCREDITED NURSING PROGRAM AFTER THE SUCCESSFUL COMPLETION OF A PORTION OF AN APPROVED NURSING EDUCATION PROGRAM THAT THE BOARD DETERMINES MEETS THE REQUIREMENTS OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM OR MEDICATION ADMINISTRATION COURSE;]~~

Amendment #5. In accordance with Amendment #4, after page 7, lines 17-21, insert the following language into its own additional standalone exception (Section 8-6A-02(b)(5), with subsequent subsections renumbered accordingly):

(5) PERFORMS NURSING ASSISTANT TRASKS AS A STUDENT WHILE ENROLLED IN AN ACCREDITED NURSING PROGRAM AFTER THE SUCCESSFUL COMPLETION OF A PORTION OF AN APPROVED NURSING EDUCATION PROGRAM THAT THE BOARD DETERMINES MEETS THE REQUIREMENTS OF AN APPROVED NURSING ASSISTANT TRAINING PROGRAM OR MEDICATION ADMINISTRATION COURSE;

Amendment #6. On page 8, lines 1-2, maintain the existing statutory language:

...provided that acceptance of delegated nursing or other technical tasks does not become a routine part of the unlicensed individual's job duties...

Amendment #7. On page 8, line 4, replace language:

...[IN COLLABORATION] AFTER CONSULTATION...

Amendment #8. On page 10, line 8, replace language:

(5) BEGINNING [JUNE 1] OCTOBER 1, [2024] 2025, A CERTIFIED NURSING ASSISTANT-II...

Amendment #9. On page 10, line 22, remove language:

...a certificate number [and [registration] certificate] that indicates...

Amendment #10. On page 11, line 2, replace language:

ON OR AFTER [JUNE 1] OCTOBER 1, [2024] 2025, shall be certified...

Amendment #11. On page 11, line 23, replace language:

The Board, [IN] AFTER CONSULTATION...

Amendment #12. On page 12, lines 22-27, maintain existing statutory language, and add numbering:

(f) The provisions of this section may not be interpreted to impose additional requirements for geriatric nursing assistants beyond those required under federal law. (g) (1)The Board shall approve the use of a nursing assistant training site by a nursing assistant training program within 45 days after the nursing assistant training program applies for approval if

the nursing assistant training program had previously been approved to use the training site by the Board.

Amendment #13. On page 12, after line 27, insert language:

(2) A NURSING ASSISTANT TRAINING PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONTINUE TO OPERATE DURING THE APPROVAL PROCESS.

Amendment #14. On page 12, lines 28-31, remove language:

[(F) AN APPROVED ACUTE CARE NURSING ASSISTANT TRAINING PROGRAM MAY REQUEST A WAIVER OF THE FEDERAL REQUIREMENT UNDER 42 C.F.R. § 483.152 (c)(5) THAT INSTRUCTORS HAVE A MINIMUM OF 1 YEAR OF EXPERIENCE IN THE PROVISION OF LONG-TERM CARE FACILITY SERVICES.]

Amendment #15. On page 13, line 21, replace language:

...AND BE IT FURTHER ENACTED, That, on or before **[October 1] JUNE 1, [2024] 2025...**

Amendment #16. On page 13, lines 27-28, replace language:

...AND BE IT FURTHER ENACTED, That, this Act shall take effect **[June 1] OCTOBER 1, [2024] 2025...**

For the reasons discussed above, the Maryland Board of Nursing respectfully submits this letter of support with amendments for HB 1125.

I hope this information is useful. For more information, please contact Ms. Mitzi Fishman, Director of Legislative Affairs, at mitzi.fishman@maryland.gov or Ms. Rhonda Scott, Executive Director, at rhonda.scott2@maryland.gov, or call (410) 585 – 2049.

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.