



Notice - Updates to Hospitals and Nursing Homes on Staffing Shortages

(December 1, 2020)

The Maryland Department of Health (MDH) advises all healthcare facilities of the following:

- All hospitals and nursing homes are expected to make use of the Board of Nursing's March COVID-19 flexibilities to use unlicensed individuals as health care extenders and to perform nursing tasks and include all other healthcare providers (dentists, podiatrists, etc.) in order to create the necessary additional staffed bed capacity.
- MDH gives notice that the required supervised 40-hour Practicum requirement for the certification of community health workers in COMAR 10.68.02.03 may be suspended under the conditions listed in the appendix to this Notice and replaced with supervised employment.
- Hospitals should make use of their community health workers and community health worker students as healthcare extenders in their facilities.
- All hospitals and nursing homes should address and centralize their staffing needs by utilizing the Chesapeake Registry.
- Hospitals should determine what assistance is necessary to provide to staff to reduce barriers to work (i.e. transportation, child care assistance, or temporary housing needs) and provide this assistance whenever possible.
- Hospitals should cancel non-essential time off for staff through January 31, 2021.

This Notice is effective immediately and shall remain in effect until it is revised or until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

Robert R. Neall
Secretary

Appendix - Conditions for the Suspension of COMAR 10.68.02.03

(December 1, 2020)

The conditions listed below must be met for the suspension of the supervised 40-hour Practicum requirement in COMAR 10.68.02.03 and the substitution of a supervised employment position in place of the Practicum:

- a. There is a documented good-faith attempt by the student to secure a Practicum position/internship that was unsuccessful;
- b. The accredited CHW certification training program ensures the supervised employment position will require proficiency in the nine Maryland CHW core competencies and the employer will meet all components of the Practicum detailed in the CHW training program accreditation application;
- c. The employer provides documentation to the accredited CHW certification training program that the CHW demonstrated proficiency in the nine Maryland CHW core competencies and completed the number of supervised hours, including any additional components, of the Practicum as described by the training program in their accreditation application;
- d. The accredited CHW certification training program maintains supporting documentation that the supervised employment position will require proficiency in the nine Maryland CHW core competencies and the employer will meet all components of the Practicum detailed in the CHW training program accreditation application for period of time described in their accreditation application for Records Maintenance;
- e. The accredited CHW certification training program maintains documentation from the employer that the CHW demonstrated proficiency in the nine Maryland CHW core competencies and completed the number of supervised hours, including any additional components, of the Practicum as described by the training program in their accreditation application, for the period of time described in their accreditation application for Records Maintenance;
- f. The conditions listed above are satisfied while the student is enrolled in the CHW certification training program and before the student receives a document of successful completion from the accredited CHW certification training program; and
- g. The accredited CHW certification training program reports the number of students, description of employer type, and type of employment position to the Department quarterly or within 30 days of graduating a cohort.



Board of Nursing

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

PUBLIC NOTICE

This notice is given by Gary Hicks, President of the Maryland Board of Nursing (the “Board”), on behalf of the Board, acting pursuant to the Proclamation of Governor Lawrence J. Hogan, Jr. (the “Governor”) dated March 5, 2020 proclaiming a state of emergency and a catastrophic health emergency related to COVID-19, as it may be amended or renewed from time to time, and the Order of the Governor dated March 16, 2020 entitled “Relating to Various Health Care Matters,” as it may be amended from time to time, after finding that the actions described herein will not endanger the public health, welfare, or safety.

- 1) COMAR 10.27.01.03.A.(3) permits registered nurses (RN) and licensed practical nurses (LPN) who hold a current active license in any other state or jurisdiction to render nursing care in Maryland during an emergency situation for not more than 30 days. The 30-day limitation is suspended until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 2) Inactive licensees must apply to the Board for reactivation of the license, but will not be required to meet the minimum qualifications under § 8-309(d)(1)(i) of the Health Occupations Article, Annotated Code of Maryland (“Health Occ.”) or COMAR 10.27.01.14.C.(1) and (2)(b) for reactivation of the license:
 - a. During the state of emergency and catastrophic health emergency;
 - b. While working at a health care facility in Maryland; and
 - c. If the employment is necessary to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services.

SPECIAL NOTE REGARDING MEDICAL INACTIVE: Inactive licensees who were placed on inactive status under Health Occ., § 8-309(b)(1)(iii) because of a medical condition that prevented the licensee from practicing as an RN or LPN will still be required to provide documentation with their reactivation application that the medical condition for which the inactive status was granted no longer exists.

- 3) A Nursing Graduate (a graduate of a Board-approved nursing or licensed practical nursing education program, or an out-of-State nursing education program determined

to be equivalent by the Board) may practice nursing without a license in Maryland, in accordance with the requirements under COMAR 10.27.01.03.C.(3)-(7), for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of COMAR 10.27.01.03.C.(2), which limits the amount of time a Nursing Graduate may practice nursing in Maryland before being licensed, until the state of emergency is terminated and the catastrophic health emergency is rescinded.

- 4) RNs and LPNs may delegate nursing tasks to unlicensed individuals, in accordance with the requirements under COMAR 10.27.11.01-.06, for the duration of the state of emergency and catastrophic health emergency. The Board will suspend the effect of Health Occ., § 8-6A-02(c) and COMAR 10.27.11.01.G and 10.27.11.05.E, which prohibit delegation of nursing tasks to an unlicensed individual if acceptance of delegated nursing tasks becomes a routine part of the unlicensed individual's job duties, until the state of emergency is terminated and the catastrophic health emergency is rescinded.
- 5) The language in COMAR 10.27.11.04.C requiring a delegating nurse case manager to perform a supervisory on-site visit to the client every 45 days shall be modified to every 60 days during the state of emergency. This modification shall end upon termination of the state of emergency and catastrophic health emergency.

Any effect of Title 8 of the Health Occupations Article and the implementing regulations in COMAR 10.27 and 10.39 that is inconsistent with the foregoing is temporarily suspended.

This Notice is effective immediately and shall remain in effect until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.



Date March 24, 2020

Gary Hicks, MS, RN, CEN, CNE
President
Maryland State Board of Nursing

PLEASE BE ADVISED: The suspension and/or modification of statutes and regulations during the state of emergency and catastrophic health emergency, as approved by the Board in this public notice, and as proclaimed by the Governor in the March 16, 2020 Executive Order "Relating to Various Health Care Matters," will not be considered as a basis for making these temporary changes permanent.

