

Annotated Code of Maryland

Health Occupations Article

Title 9 - Nursing Home Administrators

Subtitle 1. Definitions; General Provisions.

§9–101. Definitions.

- (a) In this title the following words have the meanings indicated.
- (b) “Board” means the State Board of Examiners of Nursing Home Administrators.
- (c) “License” means, unless the context requires otherwise, a license issued by the Board to practice as a nursing home administrator.
- (d) “Licensed nursing home administrator” means, unless the context requires otherwise, an individual who is licensed by the Board to practice as a nursing home administrator.
- (e) “Nursing home” means an institution or part of an institution that:
 - (1) Is a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law and participates in a program under Title XVIII or Title XIX of the Social Security Act; or
 - (2) If it is licensed only by this State, otherwise meets the federal requirements for a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law.
- (f) “Nursing home administrator” means an individual who administers, manages, or is in general administrative charge of a nursing home whether or not the individual:
 - (1) Has an ownership interest in the nursing home; or
 - (2) Shares duties and functions with other individuals.

§9–102. Scope of title.

This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

Subtitle 2. State Board of Examiners of Nursing Home Administrators.

§9–201. Board established.

There is a State Board of Examiners of Nursing Home Administrators in the Department.

§9–202. Membership.

- (a) (1) The Board consists of 14 members.
- (2) Of the 14 Board members:
 - (i) Six members shall be licensed nursing home administrators who are practicing actively and have at least 5 years experience as licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;
 - (ii) Two shall be individuals who are not nursing home administrators but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;
 - (iii) One shall be a physician or a nurse practitioner who specializes in geriatrics;
 - (iv) One shall be a geriatric social worker;
 - (iv) One shall be the State Long-Term Care Ombudsman designated under § 10-903 of the Human Services Article; and
 - (v) Two shall be consumer members.
- (3) Not more than three members may be officials or full-time employees of this State or of any of its political subdivisions.
- (4) A representative of the Office of Health Care Quality shall serve as an ex officio member.
- (b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.
- (2) (i) Except for the consumer members, the Governor shall appoint each Board member, with the advice of the Secretary.
- (ii) The Secretary shall make each recommendation after consulting with the associations and societies appropriate to the disciplines and professions representative of the vacancy to be filled.
- (c) Each Board member shall:
 - (1) Be a United States citizen or have declared an intent to become a United States citizen; and
 - (2) Have resided in this State for at least 1 year before appointment to the Board.
- (d) (1) Each consumer member of the Board:
 - (i) Shall be a member of the general public;
 - (ii) May not be or ever have been a nursing home administrator or in training to become a nursing home administrator;
 - (iii) May not have a household member who is a nursing home administrator or in training to become a nursing home administrator;
 - (iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator;
 - (v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator; and

- (vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.
- (2) One consumer member shall have presently or have had a family member living in a nursing home.
- (e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.
- (f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.
- (g) (1) The term of a member is 4 years.
- (2) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member may not serve more than 2 consecutive full terms.
- (6) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.
- (h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.
- (2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

§9–203. Officers.

- (a) From among the Board members, the Governor shall appoint a chairman and vice chairman of the Board.
- (b) (1) The Board shall appoint and the Secretary shall confirm the Board executive director.
- (2) The Board executive director may not be a member of the Board and serves at the pleasure of the Board.
- (3) The Board executive director is the executive officer of the Board.
- (4) The Board executive director shall have, at a minimum, a bachelor's degree.
- (c) The Board shall determine the duties of each officer.

§9–204. Quorum; meetings; compensation; staff.

- (a) A majority of the full authorized membership of the Board is a quorum.
- (b) The Board shall meet at least twice a year, at the times and places that it determines.

- (c) Each member of the Board is entitled to:
 - (1) Compensation determined by the Secretary in accordance with the State budget, unless the member otherwise is a public employee; and
 - (2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) The Board may employ a staff in accordance with the State budget.

§9–205. *Miscellaneous powers and duties.*

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
 - (1) Adopt rules and regulations to carry out the provisions of this title; and
 - (2) Take any action necessary to enable the State to meet applicable federal requirements.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
 - (1) Report directly to the Secretary, as the Secretary requires;
 - (2) Adopt standards for:
 - (i) Licensure of applicants; and
 - (ii) Practice of licensees;
 - (3) Devise examinations and adopt investigative procedures to:
 - (i) Determine whether licensees meet the standards adopted by the Board; and
 - (ii) Assure that licensees continue to meet these standards; and
 - (4) Conduct a continuing study and investigation of nursing homes and nursing home administrators to improve:
 - (i) Licensing standards; and
 - (ii) Procedures for enforcing these standards.

§9–206. *Establishment of fees; disposition of funds.*

- (a) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.
- (b) The Board shall pay all funds collected under this title into the General Fund of this State.

§9–207. *Good faith exemption from civil liability.*

A person shall have the immunity from liability described under § 5-710 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

Subtitle 3. Licensing.

§9–301. License required; exception.

- (a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.
- (b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:
 - (i) Designate a licensed nursing home administrator to serve in that capacity; and
 - (ii) Notify the Board of the designated licensed nursing home administrator's name.
- (2) (i) In the event a nursing home administrator is not available, the owner or other appropriate nursing home authority may appoint a nonlicensed person to serve in the capacity of acting nursing home administrator for a period not to exceed 90 days.
- (ii) The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.
- (iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.
- (iv) The Board may extend the 90-day period for a further period of not more than 30 days.

§9–302. Qualifications of applicants.

- (a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) The applicant shall be of good moral character.
- (c) The applicant shall be at least 21 years old.
- (d) (1) The applicant shall:
 - (i) 1. Have a baccalaureate or master's degree in health care administration from an accredited college or university; or
 - 2. A. Have a baccalaureate or master's degree in a field other than health care administration from an accredited college or university; and
 - B. Have satisfactorily completed a minimum of 100 hours in a course of study in health care administration approved by the Board; and
- (ii) 1. Have completed an administrator-in-training program approved by the Board; or

2. Have completed 1 year of full-time nursing home administration in a nursing home.
- (2) The requirements of paragraph (1) of this subsection do not apply to an individual who:
 - (i) Was in possession of a valid license on December 15, 1988; or
 - (ii)
 1. Had applied for a license by December 15, 1988; and
 2. Met all of the other requirements for licensure.
- (e) The Board may waive any education requirement of subsection (d) of this section for an individual who was licensed and practiced as a nursing home administrator for at least 3 years in another state.
- (f)
 - (1) Notwithstanding the provisions of subsection (d)(1)(i)1 or 2A of this section, the Board may not require an applicant to have a baccalaureate degree if the applicant:
 - (i) Is a registered nurse who:
 1. Has an associate in arts degree in nursing; or
 2. Is a diplomate nurse;
 - (ii) Has been working as a nursing home director of nursing for a period of at least 5 years, with at least 3 years experience at the same facility, prior to the date the applicant submits an application to the Board for a license;
 - (iii) Has completed at least 6 months of full-time nursing home administration in a training program approved by the Board; and
 - (iv) Has satisfactorily completed a minimum of 100 hours in a course of study in health care administration, or equivalent, approved by the Board.
 - (2) Whenever federal law requires that an applicant for a license to practice as a nursing home administrator must have a baccalaureate degree in health care administration or in a field other than health care administration the provisions of this section shall cease to be effective.
- (g) Except as otherwise provided in this title, the applicant shall pass an examination given by the Board under this subtitle.

§9-303. Applications for licenses.

To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires; and
- (2) Pay to the Board the application fee set by the Board.

§9-304. Application files.

- (a) The Board shall keep a file of each licensing application made under this subtitle.
- (b) The file shall contain:
 - (1) The name, address, and age of the applicant;

- (2) The name and address of the employer or business connection of the applicant;
 - (3) The date of the application;
 - (4) Complete and current information on the educational, training, and experience qualifications of the applicant;
 - (5) The date the Board reviewed and acted on the application;
 - (6) The action taken by the Board on the application;
 - (7) The identifying numbers of any license certificate or renewal certificate issued to the applicant; and
 - (8) Any other information that the Board considers necessary.
- (c) The application files shall be open to public inspection.

§9–305. Examinations.

- (a) An applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.
- (b) The Board shall give examinations to applicants at least four times a year, at the times and places that the Board determines.
- (c) The Board shall notify each qualified applicant of the time and place of examination.
- (d) (1) Subject to the provisions of this subsection, the Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.
 - (2) The subjects of examination shall be related to:
 - (i) Nursing home administration;
 - (ii) Health administration; and
 - (iii) Attendant matters.
- (3) Each applicant shall be required to show knowledge of the laws, rules, and regulations that apply to nursing homes.
- (4) The scope, content, and form of an examination shall be the same for all license applicants who take the examination at the same time.
- (e) The Board may not limit the number of times an applicant may take an examination required under this subtitle.

§9–306. Waiver of examination requirements.

- (a) Subject to the provisions of this section, the Board may waive any examination requirement of this title for an individual who is licensed as a nursing home administrator in any other state.
- (b) The Board may grant a waiver under this section only if the applicant:

- (1) Is of good moral character;
- (2) Pays the application fee required by the Board under § 9-303 of this subtitle;
- (3) Provides adequate evidence that:
 - (i) At the time the applicant was licensed in the other state, the applicant was qualified to take the examination that then was required by the laws of this State; and
 - (ii) The applicant qualified for a license in the other state by passing an examination given in that or any other state.

§9-307. Administrators of certain church institutions.

- (a) In this section, “certified institution” means an institution that:
 - (1) Cares for and treats the sick in accordance with the teachings of any recognized church or religious denomination that teaches reliance on spiritual means through prayer alone for healing; and
 - (2) Is certified by that church or religious denomination to provide this care and treatment.
- (b) The Board may issue a limited license that permits the licensee to practice as a nursing home administrator only in a certified institution.
- (c) An applicant qualifies for a limited license only if a recognized church or religious denomination that teaches reliance on spiritual means through prayer alone for healing approves the applicant as qualified to administer certified institutions.
- (d) As a qualification for a limited license, the Board may not require the applicant to demonstrate proficiency in any medical technique or to meet any medical educational qualification or other medical standard that is not in accord with the remedial care and treatment provided in a certified institution.
- (e) A license certificate and license card issued under this section shall include a statement that practice as a nursing home administrator under the license is restricted to a certified institution named in the license.

§9-308. Issuance of license.

The Board shall issue a license certificate and a license card to any applicant who meets the requirements of this title.

§9-309. Appeal on denial of license application.

The applicant may appeal a decision of the Board that relates to issuing or renewing a license to the Board of Review as provided in § 9-316(a) of this subtitle.

§9-310. Scope of license.

A license authorizes the licensee to practice as a nursing home administrator while the license is effective.

§9-311. Term and renewal of licenses.

- (a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2-year term as provided in this section.
- (b) At least 1 month before the license expires, the Board shall send to the licensee, by first-class mail to the last known address of the licensee, a renewal notice that states:
 - (1) The date on which the current license expires;
 - (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and
 - (3) The amount of the renewal fee.
- (c) Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:
 - (1) Otherwise is entitled to be licensed;
 - (2) Pays to the Board a renewal fee set by the Board; and
 - (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set under this section for license renewal.
- (d)
 - (1) In addition to any other qualifications and requirements established by the Board, the Board may set continuing education requirements as a condition to the renewal of licenses under this section.
 - (2) If a continuing education program relates to federal or State regulation, policy and procedures, or law, the Board, in its sole discretion, may grant a request for accreditation of the program.
- (e) The Board shall renew the license of and issue a renewal card to each licensee who meets the requirements of this section

§9-312. Reinstatement of expired licenses.

- (a) The Board shall reinstate the license of a nursing home administrator who has failed to renew the license for any reason, if the licensee:
 - (1) Has not had the license suspended or revoked;
 - (2) Meets the renewal requirements of § 9-311 of this subtitle;
 - (3) Pays to the Board the reinstatement fee set by the Board;

- (4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements; and
- (5) Applies to the Board for reinstatement of the license within 5 years after the license expires.
- (b) The Board may not reinstate the license of a nursing home administrator who fails to apply for reinstatement of the license within 5 years after the license expires. However, the nursing home administrator may become licensed by meeting the current requirements for obtaining a new license under this title.

§9–312.1. *Licensing on inactive status.*

- (a) If an individual has been licensed by the Board to practice as a nursing home administrator in the State in accordance with the requirements of this subtitle, the individual may be licensed subsequently as a nursing home administrator on inactive status, retaining the licensee's original license number.
- (b)
 - (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:
 - (i) An application for inactive status on the form required by the Board; and
 - (ii) The inactive status fee set by the Board.
 - (2) A licensee's inactive status expires on the second anniversary of its effective date, unless the licensee renews the inactive status for a 2-year term as provided in this section.
- (3) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:
 - (i) The date that the licensee's inactive status becomes effective;
 - (ii) The date that the licensee's 2-year term of inactive status expires; and
 - (iii) The consequences of:
 - 1. Not renewing inactive status before expiration of the 2-year term of inactive status; and
 - 2. Not resuming active status within the 5-year period of inactive status, beginning on the first day of inactive status.
- (c) A licensee on inactive status may not practice as a nursing home administrator in the State.
- (d) The Board shall issue a license to a licensee who is on inactive status if the licensee:
 - (1) Completes an application form for reactivation of a license before expiration of the 2-year term of inactive status on the form required by the Board;
 - (2) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;
 - (3) Meets the continuing education requirements set by the Board;
 - (4) Has not practiced as a nursing home administrator in the State while on inactive status;

- (5) Pays all appropriate fees set by the Board;
 - (6) Has been on inactive status for less than 5 years; and
 - (7) Is otherwise entitled to be licensed.
- (e) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:
 - (1) Submit a new application;
 - (2) Pay all appropriate fees set by the Board;
 - (3) Complete a Board approved 1-month administrator refresher program; and
 - (4) Pass the State's standards examination.
- (f) A nursing home administrator whose inactive license expires before the nursing home administrator returns to active licensure shall meet the reinstatement requirements of § 9-312 of this subtitle.

§9-313. Surrender of license.

- (a) Unless the Board agrees to accept the surrender of a license, a licensed nursing home administrator may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the nursing home administrator.
- (b) The Board may set conditions on its agreement with the nursing home administrator under investigation or against whom charges are pending to accept surrender of the nursing home administrator's license.

§9-314. Investigations; grounds for reprimands, suspensions, and revocations.

- (a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a licensee has failed to meet any standard of the Board.
- (b) Subject to the hearing provisions of § 9-315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the licensee or for another;
 - (2) Fraudulently or deceptively uses a license;
- (3) Otherwise fails to meet substantially the standards of practice adopted by the Board under § 9-205 of this title;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (5) Provides professional services while:

- (i) Under the influence of alcohol; or
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (7) Practices nursing home administration with an unauthorized person or supervises or aids an unauthorized person in the practice of nursing home administration;
- (8) Willfully makes or files a false report or record in the practice of nursing home administration;
- (9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;
- (10) Submits a false statement to collect a fee;
- (11) Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator; or
- (12) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive.

§9-314.1. Civil fines.

- (a) (1) If, after a hearing under § 9-315 of this subtitle, the Board finds that there are grounds under § 9-314 of this subtitle to reprimand a licensee, place a licensee on probation, or suspend or revoke a license, the Board may impose a civil fine:
 - (i) Instead of suspending or revoking the license; or
 - (ii) In addition to placing the licensee on probation or suspending or revoking the license.
- (2) A civil fine imposed under this subsection may not exceed:
 - (i) \$1,000 for a first violation; and
 - (ii) \$5,000 for any subsequent violation of the same provision.
- (b) If, after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle and if the Board finds that there are grounds under § 9-314 of this subtitle to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board, in addition to reprimanding the licensee, placing the licensee on probation, or suspending or revoking the license, may impose:
 - (1) A civil fine not exceeding \$1,000 for a first violation; and
 - (2) A civil fine not exceeding \$5,000 for any subsequent violation of the same provision.
- (c) The Board shall pay any civil fine collected under this section into the General Fund of the State.

§9–315. *Hearing before reprimand, suspension, or revocation.*

- (a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9-314 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.
- (b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.
- (c) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.
- (d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.
- (e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

§9–316. *Administrative and judicial review.*

- (a) Except as provided in this section for an action under § 9-314 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may:
 - (1) Appeal that decision to the Board of Review; and
 - (2) Then take any further appeal allowed by the Administrative Procedure Act.
- (b) (1) Any person aggrieved by a final decision of the Board under § 9-314 of this subtitle may not appeal to the Secretary or Board of Review but may take a direct judicial appeal.
- (2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.
- (c) An order of the Board may not be stayed pending judicial review.

§9–316.1. *Unauthorized practice of nursing home administration.*

- (a) The Board may issue a cease and desist order for practicing nursing home administration without a license or with an unauthorized person or for supervising or aiding an unauthorized person in the practice of nursing home administration.
- (b) (1) An action for aiding and abetting may be maintained in the name of the State or the Board to enjoin:
 - (i) The unauthorized practice of nursing home administration; or
 - (ii) Conduct that is a ground for disciplinary action under § 9-314 of this subtitle.

- (2) An action under this section may be brought by:
 - (i) The Board, in its own name;
 - (ii) The Attorney General, in the name of the State; or
 - (iii) A State's Attorney, in the name of the State.
- (3) An action under this section shall be brought in the county where the defendant resides or engages in the acts sought to be enjoined.
- (4) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.
- (5) An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of nursing home administration under § 9-401 of this title or disciplinary action under § 9-314 of this subtitle.

§9-317. Nursing home administrator rehabilitation committees.

- (a) In this section, "nursing home administrator rehabilitation committee" means a committee that:
 - (1) Is defined in subsection (b) of this section; and
 - (2) Performs any of the functions listed in subsection (d) of this section.
- (b) For purposes of this section, a nursing home administrator rehabilitation committee is a committee of the Board or a committee of any association representing nursing home administrators that:
 - (1) Is recognized by the Board; and
 - (2) Includes but is not limited to nursing home administrators.
- (c) A rehabilitation committee of the Board or recognized by the Board may function:
 - (1) Solely for the Board; or
 - (2) Jointly with a rehabilitation committee representing another board or boards.
- (d) For purposes of this section, a nursing home administrator rehabilitation committee evaluates and provides assistance to any nursing home administrator, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.
- (e) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the nursing home administrator rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the nursing home administrator rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the nursing home administrator rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(f) A person who acts in good faith and within the scope of jurisdiction of a nursing home administrator rehabilitation committee is not civilly liable for any action as a member of the nursing home administrator rehabilitation committee or for giving information to, participating in, or contributing to the function of the nursing home administrator rehabilitation committee.

Subtitle 4. Prohibited Acts; Penalties.

§9-401. Practicing without a license.

Except as otherwise provided in this title, an individual may not:

- (1) Practice, attempt to practice, or offer to practice as a nursing home administrator in this State unless licensed by the Board; or
- (2) Supervise, direct, induce, or aid an unlicensed individual to practice as a nursing home administrator.

§9-402. Misrepresentation as licensed nursing home administrator.

(a) Unless authorized to practice as a nursing home administrator under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice as a nursing home administrator in this State.

(b) Unless authorized to practice under this title, a person may not use the title "nursing home administrator", or the abbreviation "N.H.A." or any other designation, title, or abbreviation with the intent to represent that the person is authorized to practice as a nursing home administrator.

§9-403. License fraud.

A person may not:

- (1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a license issued under this title; or
- (2) Practice as a nursing home administrator under any license unlawfully or fraudulently obtained or unlawfully issued.

§9-404. Operating nursing facility without licensed nursing home administrator.

Except when a nursing home administrator is removed from the position by death or for any other unexpected cause as provided in § 9-301 of this title, a nursing home may not be operated unless it is under the supervision of a licensed nursing home administrator.

§§9-405, 9-406. Reserved.

§9-407. Penalties.

- (a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to:
 - (1) A fine not exceeding \$1,000 for a first offense; and
 - (2) A fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both for any subsequent violation of the same provision.
- (b) The Board shall pay any fine collected under this section into the General Fund of the State.

Subtitle 5. Short Title; Termination of Title.

§9-501. Short title.

This title may be cited as the "Maryland Nursing Home Administrators Licensing Act".

§9-502. Termination of title.

Subject to the evaluation and reestablishment provisions of the Program Evaluation Act, this title and all rules and regulations adopted under this title shall terminate and be of no effect after July 1, 2017