

# **EMERGENCY PROPOSAL**

## **Maryland Register**

**Issue Date: October 21, 2022**

**Volume 49 • Issue 22 • Page 975-976**

**Begin Date: September 22, 2022**

**End Date: March 30, 2023**

## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 39 BOARD OF NURSING — CERTIFIED NURSING ASSISTANTS**

### **10.39.01 Certification of Nursing Assistants**

Authority: Health Occupations Article, §§8-205, 8-206, 8-303, 8-304, 8-308, and 8-6A-01, and 8-6A-16, Annotated Code of Maryland

#### **Notice of Emergency Action**

[22-193-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01, .04, .05, and .09 under COMAR 10.39.01 Certification of Nursing Assistants.

**Emergency status began: September 22, 2022.**

**Emergency status expires: March 30, 2023.**

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this emergency action.

#### **Economic Impact on Small Businesses**

The emergency action has minimal or no economic impact on small businesses.

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(7) (text unchanged)

(8) “Geriatric nursing assistant (GNA)” means a CNA who has successfully completed the requirements [for a GNA] set forth in 42 CFR §§483.151—483.156 and [COMAR 10.07.02.39—.42] Regulation .09A of this chapter.

(9) “Geriatric nursing assistant competency examination (GNA-CE)” means an examination [which] *approved by the Board that* meets the requirements of 42 CFR §§483.151—483.156 [and COMAR 10.07.02.39—.42] to determine entry level competence for a GNA.

(10)—(15) (text unchanged)

(16) “*Temporary nurse aide*” means an individual who practiced as a GNA without certification during the national Coronavirus Disease 2019 (COVID-19) Public Health Emergency, as declared on January 31, 2020, and periodically continued by the United States Secretary of Health and Human Services, pursuant to the waiver of the requirements of 42 CFR §483.35(d) issued by the Centers for Medicare and Medicaid Services on March 6, 2020.

(17) “*Temporary nurse aide training*” means an 8-hour online training and examination program offered by:

(a) The American Health Care Association;

(b) The National Center for Assisted Living; or

(c) Another comparable program approved by the Board.

#### **.04 Qualifications of Applicants for Certification.**

A.—C. (text unchanged)

D. *A temporary nurse aide applying for certification as a certified nursing assistant and geriatric nursing assistant shall be deemed to have completed a nursing assistant training program approved by the Board if the temporary nurse aide meets the requirements of Regulation .09A(2) of this chapter.*

#### **.05 Application for Certification.**

A.—C. (text unchanged)

D. *A temporary nurse aide applying for certification as a certified nursing assistant and geriatric nursing assistant shall:*

(1) *Comply with §A of this regulation; and*

(2) Ensure that the administrator, director of nursing, or human resources representative at the employer submits to the Board an attestation, on the form required by the Board, that:

(a) Is completed by the:

(i) Applicant;

(ii) RN instructor or supervisor of the applicant at the employer; and

(iii) Administrator or director of nursing at the employer; and

(b) Verifies that the applicant satisfies the requirements of Regulation .09A(2) of this chapter.

[D.] E.—[H.] I. (text unchanged)

#### **.09 Categories of CNA.**

##### **A. Geriatric Nursing Assistant.**

(1) An applicant for certification as a [CNA] GNA shall have the status of GNA on the CNA certificate if the applicant:

(a) (text unchanged)

(b) Has successfully completed a CNA/GNA training program approved by the Board; and

[(b)] (c) Passes the GNA-CE; and

(c) Completes the registration process and is listed on the MGNAR].

(2) A temporary nurse aide applying for initial certification as a GNA shall be deemed to have completed a CNA/GNA training program approved by the Board if the temporary nurse aide:

(a) Completed a temporary nurse aide training course;

(b) Completed a minimum of 100 hours of on-the-job training as a temporary nurse aide that:

(i) Met the requirements under 42 CFR §483.152(a) and (b)(2)—(7); and

(ii) Was not provided in a facility described under 42 CFR §483.151(b)(2)—(3); and

(c) In addition to the minimum 100 hours of on-the-job training, worked as a temporary nurse aide competently for a minimum of 160 hours.

(3) A temporary nurse aide whose on-the-job training did not meet all of the requirements under 42 CFR 483.152(a) and (b)(2)—(7) may receive supplemental training in those requirements and be deemed to meet the requirement of §A(2)(b)(i) of this regulation.

[(2)] (4)—[(3)] (5) (text unchanged)

B.—E. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health