

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 39 Board of Nursing – [CERTIFIED NURSING ASSISTANTS] CERTIFICATE HOLDERS

10.39.01 [Certification of] Certified Nursing Assistants

Authority: Health Occupations Article, §§ 8-205, 8-206, [8-303, 8-304, 8-308,] and 8-6A-01-[8-6A-16] 8-6A-17, Annotated Code of Maryland; Chs. 818 and 819, Acts of 2024; Ch. 416, Acts of 2025.

.01 Exceptions.

This chapter does not apply to an individual who:

- A. Other than a certified nursing assistant, practices a health occupation, that the individual is authorized to practice under the Health Occupations Article, Annotated Code of Maryland;*
- B. Provides for the gratuitous care of friends, domestic partners, or family members;*
- C. Performs nursing assistant tasks while a nursing student enrolled in an accredited nursing program if the individual either:*
 - (1) Is practicing under the direct supervision of qualified faculty or preceptors; or*
 - (2) Successfully completed the portion of the approved nursing education program that the Board determines meets the requirements of an approved nursing assistant training program as described in Regulation .05D of this chapter;*
- D. Performs nursing assistant tasks:*
 - (1) While a student enrolled in an approved nursing assistant training program or approved acute care nursing assistant training program; and*
 - (2) While practicing under the direct supervision of qualified faculty or preceptors;*
- E. Practices as a certified nursing assistant-I for less than 4 months in accordance with 42 CFR §483.35(d);*
- F. Performs nursing tasks delegated by a registered nurse or licensed practical nurse so long as the delegated nursing tasks do not become a routine part of the individual's job duties;*
- G. Performs nursing tasks delegated by an advanced practice registered nurse in accordance with Health Occupations Article, § 8-6A-02(d), Annotated Code of Maryland; or*
- H. Performs technical tasks delegated by a licensed certified midwife in accordance with Health Occupations Article, § 8-6A-02(e), Annotated Code of Maryland.*

.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.*
- B. Terms Defined.*
 - (1) "Acute care nursing assistant training program" means a course of training that meets the acute care nursing assistant training program curriculum approved by the Board.*
 - (2) "Board" means the Maryland Board of Nursing.*
 - (3) "Central Repository" means the Maryland Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.*
 - (4) "Certificate" means a certificate issued by the Board to practice as a certified nursing assistant in the State.*
 - (5) Certified Nursing Assistant (CNA).*
 - (a) "Certified nursing assistant (CNA)" means an individual, regardless of title, who, for compensation and subject to regulations adopted by the Board, routinely performs:*
 - (i) Nursing tasks delegated by a registered nurse, licensed practical nurse, or advanced practice registered nurse; or*
 - (ii) Technical tasks delegated by a licensed certified midwife.*
 - (b) "Certified nursing assistant (CNA)" does not include dialysis technician or medication technician.*
 - (6) Certified Nursing Assistant-I (CNA-I).*
 - (a) "Certified nursing assistant-I (CNA-I)" means a CNA who:*
 - (i) Meets the requirements set by the Board and federal law; and*
 - (ii) May practice in any practice setting.*
 - (b) "Certified nursing assistant-I (CNA-I)" includes a:*
 - (i) CNA who was certified as a geriatric nursing assistant on March 31, 2026;*
 - (ii) Certified medicine aide; and*
 - (iii) CNA who is certified under Health Occupations Article, §8-6A-05(c)(5), Annotated Code of Maryland.*
 - (7) "Certified nursing assistant-II (CNA-II)" means a CNA who:*
 - (a) On March 31, 2026, was certified as a CNA but not certified as a geriatric nursing assistant; and*
 - (b) May not practice in a nursing facility or skilled nursing facility.*
 - (8) "Criminal history records check (CHRC)" means the performance of both a State criminal history records check by the Central Repository and a national criminal history records check performed by the Federal Bureau of Investigation (FBI).*

(9) "Criminal history record information" means information provided by the criminal history records check regarding an applicant's criminal arrests, charges, and convictions and other dispositions of criminal charges.

(10) "Good standing" means without an encumbrance that limits or restricts practice, such as revocation, suspension, or probation.

(11) "Nursing assistant competency evaluation" means an examination approved by the Board that:

- (a) Determines the competency of the individual to practice as a CNA-I; and
- (b) Meets the requirements under federal law.

(12) "Nursing assistant training program" means a course of training approved by the Board that meets the requirements under federal and State law.

(13) "Service member" has the meaning stated in State Government Article, §9-901, Annotated Code of Maryland.

(14) "Temporary nurse aide" means an individual who practiced as a geriatric nursing assistant 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.

(15) "Technical task" means a routine clinical act or task that does not require clinical judgment and is performed with the supervision as specified in COMAR 10.69.02.

(16) "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.

[.03] .04 General Provisions for Applications.

A. An applicant shall submit:

(1) (text unchanged)

(2) To a [criminal history records check (CHRC)] CHRC in accordance with Health Occupations Article, §8-303, Annotated Code of Maryland;

(3)—(5) (text unchanged)

B.—D. (text unchanged)

[.04] .05 Qualifications [of Applicants] for Certification.

A. Initial Certification. An applicant for initial nursing assistant certification shall [provide satisfactory evidence of completing a CNA program that] have successfully:

(1) [Is approved by the Board; or] Completed:

- (a) An approved nursing assistant training program;
- (b) An approved acute care nursing assistant training program;
- (c) A portion of an approved nursing education program that has been determined by the Board to meet the requirements of a nursing assistant training program set by the Board; or
- (d) Service member training and education that has been determined by the Board to be substantially equivalent to a nursing assistant training program approved by the Board in accordance with Health Occupations Article, §1-702, Annotated Code of Maryland; and

(2) [In another state or territory meets the standards for an approved CNA training program established by the Board] Passed a nursing assistant competency evaluation.

B. [An applicant for nursing assistant certification shall be 16 years old or older.] Certification by Endorsement. An applicant for nursing assistant certification by endorsement shall:

(1) Hold a certificate to practice as a nursing assistant that:

(a) Was issued by another state or territory of the United States that has certification requirements that are essentially similar to those set forth in Health Occupations Article, §8-6A-05, Annotated Code of Maryland; and

(b) Is in good standing; and

(2) Have successfully completed a nursing assistant training program that meets the standards for an approved nursing assistant training program set by the Board.

C. [An] Any applicant for nursing assistant certification may not have:

(1) Committed any act or omission that would be grounds for discipline or denial of certification under Health Occupations Article, §8-6A-10, Annotated Code of Maryland; [and] or

(2) (text unchanged)

D. Nursing Education Programs.

(1) To meet the requirements of a nursing assistant training program set by the Board, a portion of a nursing education program must include courses with content that primarily focuses on:

- (a) Nursing fundamentals;
- (b) Mental health;
- (c) Health assessment;
- (d) Nursing ethics; and
- (e) The content listed under 42 CFR §483.152(b).

(2) If a portion of a nursing education program does not include courses with content that primarily focuses on the subject matters set forth in § D(1) of this regulation, the Board may review and approve other equivalent subject matters as meeting the requirements of a nursing assistant training program set by the Board.

E. A CNA-II who seeks certification as a CNA-1 shall meet the qualifications set forth in §A of this regulation.

F. **Temporary Nurse Aides.**

(1) A temporary nurse aide applying for certification as a CNA-1 shall be deemed to have completed a nursing assistant 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 42 CFR §483.152(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.

(2) A temporary nurse aide whose on-the-job training did not meet all of the requirements under 42 CFR 483.152(a) and 42 CFR 483.152(b)(2)–(7) may receive supplemental training in those requirements and be deemed to meet the requirement of §F(1)(b)(i) of this Regulation.

[.05] .06 Application for Certification.

A. [An applicant shall:

(1) Comply with all of the requirements under Regulation .03A of this chapter; and

(2) Pay the required fee to the Board.] **Initial Certification.**

(1) **An applicant for initial certification shall:**

(a) *Comply with all of the requirements under Regulation .04A of this chapter;*

(b) *Pay the required fee to the Board; and*

(c) *Submit to the Board one of the items in §A(2) of this regulation.*

(2) **Verification Requirements.**

(a) *For graduates of a nursing assistant or acute care nursing assistant training program, an application that has been signed by the administrator or faculty of the training program completed by the applicant;*

(b) *For service members, documentation demonstrating successful completion of service member training and education that has been determined by the Board to be substantially equivalent to a nursing assistant training program approved by the Board;*

(c) *For nursing students and graduates, an official transcript demonstrating successful completion of a portion of an approved nursing education program that the Board determines meets the requirements for a nursing assistant training program set by the Board; or*

(d) *For foreign-educated nursing graduates, a copy of an evaluation of the applicant's transcript through a Board-approved vendor demonstrating successful completion of a portion of an approved nursing education program that meets the requirements for a nursing assistant training program set by the Board.*

(3) **A program coordinator or faculty of a nursing assistant or acute care nursing assistant training program:**

(a) *May sign an application before graduation; and*

(b) *Shall submit written verification, as required by the Board, of program completion to the Board within 5 business days of the applicant's program completion.*

(4) **An applicant shall submit an application for initial certification within 24 months of the date of completion of an approved nursing assistant training program, an approved acute care nursing assistant training program, or portion of an approved nursing education program.**

(5) **If an applicant fails to meet § A(4) of this regulation, an applicant still seeking certification shall take or re-take an approved nursing assistant training program or approved acute care nursing assistant training program and comply with §A(4) of this regulation.**

[B. Each application for certification shall be signed by the administrator or faculty of the nursing assistant training program.

C. Applications may be signed before graduation. The person signing the application is responsible for submitting written verification of program completion to the Board within 5 business days of program completion.]

[D.] **B. Certification by Endorsement.** An applicant [certified as a nursing assistant in another state or territory is eligible for certification if the applicant] for **nursing assistant certification by endorsement shall:**

(1) [Complies] *Comply with all of the requirements under [Regulation .03A] Regulation .04A of this chapter;*

(2) [Pays] *Pay the required fee to the Board; and*

(3) [Submits] *Submit the following verifications directly to the Board from the appropriate authority:*

(a) *A certificate to practice as a nursing assistant in good standing from another state or territory with certification requirements that are essentially similar to the requirements in this State; and*

(b) *A certificate of completion from [an approved] a nursing assistant training program in that state or territory[;] that meets the standards for an approved nursing assistant training program set by the Board.*

[c) A statement that the applicant has not committed any act or omission that would be grounds for discipline or denial of certification; and

(d) A statement that the applicant has no record of abuse, negligence, or misappropriation of a client's property or any disciplinary action taken or pending in any state or territory of the United States against the certification of the CNA.]

C. Every applicant shall attest on the application whether the applicant has:

(1) Committed any act or omission that would be grounds for discipline or denial of certification; and

(2) A record of abuse, negligence, or misappropriation of a client's property or any disciplinary action taken or pending in any state or territory of the United States against the certification of the applicant.

D. A CNA-II who seeks certification as a CNA-I shall:

(1) Submit an application to the Board on the form required by the Board; and

(2) Comply with §§A(1)(c) and A(3)–(5) of this regulation.

[E. A certificate may not be issued until the Board has:

(1) Received and reviewed the criminal history records information; and

(2) Approved the application.

F. The Board may issue a temporary practice certificate in accordance with Health Occupations Article, §8-6A-07(g), Annotated Code of Maryland, to an applicant who:

(1) Has met the appropriate certification requirements to the satisfaction of the Board;

(2) Does not have a criminal record; and

(3) Has not been the subject of a health professional disciplinary action in this State or another jurisdiction.

G. Unless the Board suspends or revokes a temporary practice certificate, the temporary practice certificate expires 90 days after issuance.

H. A temporary practice certificate may be extended up to an additional 90 days if the applicant is awaiting the completion of the criminal history record information.]

E. A temporary nurse aide applying for certification as a CNA-I shall:

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

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

(a) Is completed by the:

(i) Applicant;

(ii) Registered Nurse instructor or supervisor of the applicant during employment; and

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

(b) Verifies that the applicant satisfies the requirements of Regulation .05F(1) of this chapter.

.07 Nursing Assistant Competency Evaluation.

A. An individual is eligible to sit for a nursing assistant competency evaluation if the individual:

(1) Meets the education requirements set forth in Regulation .05A(1) of this chapter; or

(2) Must retake a nursing assistant competency evaluation in order to renew or reinstate a certification in accordance with Regulation .10C(2)(a) of this chapter.

B. Except for service members, an individual shall sit for a nursing assistant competency evaluation within 24 months of meeting the educational requirements set forth in Regulation .05A(1) of this chapter.

C. An individual who fails to sit for a nursing assistant competency evaluation within 24 months of meeting the educational qualifications must re-take an approved nursing assistant training program or approved acute care nursing assistant training program in order to be eligible to sit for a nursing assistant competency evaluation.

D. Re-testing.

(1) An individual who fails to obtain a passing score on the first examination may retake a nursing assistant competency evaluation three additional times.

(2) An individual shall wait at least 45 calendar days from the date of the prior evaluation before retaking a nursing assistant competency evaluation.

(3) An individual who fails to obtain a passing score after taking a nursing assistant competency evaluation four times must complete a new approved nursing assistant training program or approved acute care nursing assistant training program before retaking a nursing assistant competency evaluation.

.08 Temporary Practice Certificate.

A. The Board may issue a temporary practice certificate to an applicant who:

(1) Has met the appropriate certification requirements to the satisfaction of the Board;

(2) Does not have a criminal record; and

(3) Has not been the subject of a health professional disciplinary action in this State or another jurisdiction.

B. Unless the Board suspends or revokes a temporary practice certificate, the temporary practice certificate expires 90 calendar days after the date of issuance.

C. A temporary practice certificate may be extended up to an additional 90 calendar days if the applicant is awaiting the completion of the criminal history records check.

[.06] .09 Issuance of Certification.

[The Board shall issue a certificate to each applicant qualifying for certification if the applicant meets all the requirements of this chapter. The initial certificate may not be issued for less than 90 days.]

A. The Board may not issue a certificate to an applicant until the Board has:

- (1) Received and reviewed the criminal history record information of the applicant; and
- (2) Approved the application.

B. Unless subject to discipline, the Board shall issue a certificate to each applicant who meets all the requirements of this chapter and Health Occupations Article, §§8-6A-05 and 8-6A-06, Annotated Code of Maryland.

[.07] .10 Expiration and Renewal.

A. [The Board shall renew the certificate of each certificate holder who meets the requirements of Health Occupations Article, §§8-6A-08, Annotated Code of Maryland and of this regulation] *Expiration*.

(1) Unless renewed for an additional two-year term, and except as otherwise provided in §A(2) of this regulation, a certificate expires in accordance with the following schedule:

(a) The certificate of a certificate holder with an odd-numbered birth year expires on the 28th day of the certificate holder's birth month in an odd-numbered year; and

(b) The certificate of a certificate holder with an even-numbered birth year expires on the 28th day of the certificate holder's birth month in an even-numbered year.

(2) A certificate shall not expire within 180 calendar days of the date of issuance.

B. [The certificate holder shall renew the certificate every 2 years by birth month according to the following schedule:

(1) A certificate holder with an odd-numbered birth year shall always renew in an odd-numbered year not later than the 28th day of the certificate holder's birth month; and

(2) A certificate holder with an even-numbered birth year shall always renew in an even-numbered year not later than the 28th day of the certificate holder's birth month.] *Renewal Notice*.

(1) At least 3 months before a certificate expires, the Board shall send the certificate holder a renewal notice by either:

(a) First-class mail to the last known address of the certificate holder; or

(b) Electronic means to the last known electronic address of the certificate holder.

(2) The renewal notice shall provide:

(a) The date on which the certificate holder's certificate is scheduled to expire;

(b) The date by which the Board must receive a renewal application in order for a certificate to remain active until the renewal application submitted by the certificate holder is processed by the Board, in accordance with State Government Article §10-226(b), Annotated Code of Maryland;

(c) The amount of the renewal fee; and

(d) If the certificate holder is required to submit to a CHRC in accordance with §D of this regulation:

(i) Notice that the certificate holder must submit to a CHRC in order to renew the certificate; and

(ii) Written instructions for how to complete a CHRC.

(3) It is the responsibility of the certificate holder to:

(a) Be aware of the expiration date of the certificate; and

(b) Renew the certificate before it expires.

(4) Failure of a certificate holder to receive the renewal notice sent by the Board does not relieve the certificate holder of the responsibility to renew a certificate before it expires.

C. [At least 3 months before a certificate expires, the Board shall send the certificate holder a renewal notice by:

(1) First-class mail to the last known address of the certificate holder; or

(2) Electronic means to the last known electronic address of the certificate holder.] *Renewal Requirements*.

(1) The Board shall renew a certificate if the individual applying for renewal:

(a) Is otherwise entitled to be certified;

(b) Submits a complete application for renewal on the form required by the Board;

(c) Pays the renewal fee;

(d) Provides satisfactory evidence, as required by the Board, of 16 hours of active employment, for compensation, as a nursing assistant within the 2-year period immediately preceding the date of expiration or meet the requirements under §C(2) of this regulation; and

(e) If required to submit to a CHRC in accordance with § D of this regulation, complies with the requirements of Regulation .04A of this chapter.

(2) If the individual applying for renewal does not have 16 hours of active employment as a nursing assistant within the 2-year period immediately preceding the date of individual the individual shall:

(a) If a CNA-I, take and pass a nursing assistant competency evaluation; or

(b) If a CNA-II, complete a nursing assistant training program.

D. The certificate holder shall notify the Board if a renewal notice is not received.

E. The Board cannot guarantee that renewal applications received later than 30 days before the expiration date will be processed before the expiration date.

F. An individual applying for renewal of a certificate shall provide satisfactory evidence of 16 hours of active employment, for compensation, as a nursing assistant within the 2-year period immediately preceding the date of renewal.

G. An individual who do not meet the requirement of §F of this regulation are required to successfully complete a Board-approved CNA education program.

H. Upon notification by the Board that a criminal history records check is required before renewal of certification, a renewal applicant shall comply with all requirements under Regulation .03A of this chapter.

I. After notification to the certificate holder at the address provided to the Board that a criminal history records check is required for renewal, the Board may not renew a certificate until the Board has received written documentation that the applicant has submitted to a criminal history record check in accordance with Health Occupations Article, §§8-303 and 8-6A-08(k), Annotated Code of Maryland.]

[J.] D. [Criminal history records checks] *Schedule for CHRCs.* CHRCs for renewal applicants shall be scheduled according to the certificate holder's birth month as follows:

- (1) In 2010 — all applicants with a June birth month;
- (2) In 2011 — all applicants with a July birth month;
- (3) In 2012 — all applicants with an August birth month;
- (4) In 2013 — all applicants with a September birth month;
- (5) In 2014 — all applicants with an October birth month;
- (6) In 2015 — all applicants with a November birth month;
- (7) In 2016 — all applicants with a December birth month;
- (8) In 2017 — all applicants with a January birth month;
- (9) In 2018 — all applicants with a February birth month;
- (10) In 2019 — all applicants with a March birth month;
- (11) In 2020 — all applicants with an April birth month; and
- (12) In 2021 — all applicants with a May birth month.]
- (1) In 2025 — all applicants with an August or September birth month;
- (2) In 2026 — all applicants with a September or October birth month;
- (3) In 2027 — all applicants with an October or November birth month;
- (4) In 2028 — all applicants with a November or December birth month;
- (5) In 2029 — all applicants with a December or January birth month;
- (6) In 2030 — all applicants with a January or February birth month;
- (7) In 2031 — all applicants with a February or March birth month;
- (8) In 2032 — all applicants with a March or April birth month;
- (9) In 2033 — all applicants with an April or May birth month;
- (10) In 2034 — all applicants with a May or June birth month;
- (11) In 2035 — all applicants with a June or July birth month; and
- (12) In 2036 — all applicants with a July or August birth month.

E. Grace Period. A certificate holder has a 30 calendar day grace period beyond the expiration date of the certificate to renew the certificate.

[K. The Board shall mail out to every renewal applicant who is required to have a criminal history records check in the selected birth month, instructions for downloading the forms, completing the renewal application, and how to obtain a criminal history records check.

L. If a renewal applicant is out of the state, the Board shall mail a packet to the applicant with the required renewal documents and instructions for completing the documents.

M. Expiration of Certificate.

- (1) A certificate expires on the 28th day of the certificate holder's birth month.
- (2) A certificate holder has a 30-day grace period beyond the expiration of the certificate to renew a certificate.
- (3) The Board may impose a civil fine, not to exceed \$50, on a certified nursing assistant who fails to renew a certificate within 30 days after the expiration date and practices as a certified nursing assistant during the period of expiration.]

[.08] .11 Administrative Reinstatement.

A. The Board shall reinstate the certificate of a [former] certificate holder who has failed to renew the certificate for any reason, if the [former] certificate holder meets the renewal requirements in *Health Occupations Article, §8-6A-08, Annotated Code of Maryland, and [Regulation .07] Regulation .10* of this chapter.

B. An applicant for *administrative* reinstatement who has failed to renew the [applicant's] certificate for a period of 1 year or more [is required to] shall submit to a [criminal history records check] CHRC before the certificate is reinstated.

10.39.02 Nursing Assistant Training Programs

Authority: Health Occupations Article, §§ 8-205, 8-6A-05(a)(6), and 8-6A-14, Annotated Code of Maryland[.]; Chs. 818 and 819, Acts of 2024; Ch. 416, Acts of 2025.

[.02] .01 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1) "Acute care nursing assistant training program" means a course of training that meets the acute care nursing assistant training program curriculum approved by the Board.
 - (2) (text unchanged)

[12] "Certified medicine aide (CMA)" means a CNA who:

- (a) Is a geriatric nursing assistant as required by COMAR 10.07.02.44;
- (b) Has successfully completed a course meeting the criteria of COMAR 10.07.02.44;
- (c) Functions in a setting licensed under COMAR 10.07.02; and
- (d) Performs the delegated nursing function of medication administration under the direct supervision of a registered nurse or licensed practical nurse.]

(3) "Certified Nursing Assistant (CNA)[.]" *has the meaning stated in COMAR 10.39.01.02B.*

[13] "Certified nursing assistant (CNA)" means an individual, regardless of title, who routinely performs nursing tasks delegated by an RN or LPN for compensation.

- (b) "Certified nursing assistant (CNA)" does not include:
 - (i) A medication technician; or
 - (ii) An individual who merely provides assistance with activities of daily living unless the client's needs are such that adverse health consequences are predictable.]

(4) *Certified Nursing Assistant-I (CNA-I).*

- (a) "*Certified nursing assistant-I (CNA-I)*" means a CNA who:
 - (i) *Meets the requirements set by the Board and federal law; and*
 - (ii) *May practice in any practice setting.*
- (b) "*Certified nursing assistant-I (CNA-I)*" includes a:
 - (i) *CNA who was certified as a geriatric nursing assistant on March 31, 2026;*
 - (ii) *Certified medicine aide; and*
 - (iii) *CNA who is certified under Health Occupations Article, §8-6A-05(c)(5), Annotated Code of Maryland.*

[14] (5) (text unchanged)

[15] (6) "Clinical facility" means a setting where clients are *physically* present and that provides facilities for *supervised* clinical training [experiences of nursing assistants, with the faculty of the program responsible for planning, implementing, and evaluating these experiences.

(6) "Controlling institution" means an organization that offers a nursing assistant training program].

(7) "Direct supervision" means that the registered nurse or licensed practical nurse is physically present while the [trainee] *student* demonstrates patient care skills.

[16] (8) "Geriatric nursing assistant competency examination (GNA-CE)" means an examination that meets the criteria set by 42 CFR §483.154 to determine entry level competence for a GNA.]

(8) "*Distance education*" means a formal education process in which the delivery of instruction occurs through the use of telecommunication technologies because the students and instructors are in different places.

(9) "*Hybrid training program*" means a nursing assistant training program that provides:

- (a) *Didactic instruction through distance education;*
- (b) *On-site classroom laboratory training; and*
- (c) *Supervised clinical training.*

[17] (10) (text unchanged)

[18] (10) "Medication technician" means an individual who has completed a 20-hour course in medication administration approved by the Board.]

(11) (text unchanged)

(12) "*Nursing assistant competency evaluation*" means an examination approved by the Board that:

- (a) *Determines the competency of the individual to practice as a CNA-I; and*
- (b) *Meets the requirements under federal law.*

(13) "*Nursing assistant training program*" means a course of training approved by the Board that meets the requirements under federal and State law.

[19] (14) "Program completion" means that the [trainee achieves a passing grade on the theory and clinical portions of the training program and on the comprehensive final examination.] *student:*

- (a) *Completed and demonstrated competency in the program objectives and performance indicators during the didactic, laboratory, and clinical portions of the training program; and*
- (b) *Passed the final written examination.*

(15) "*Program provider*" means an individual, organization, facility, or educational institution that conducts a nursing assistant training program or an acute care nursing assistant training program.

[20] (16) (text unchanged)

[21] (17) "Supervised clinical training" means training in *person at* a clinical facility in which the [trainee] *student* demonstrates knowledge and skills while performing tasks on [an individual] *a client* under the [direct] supervision of an RN or an LPN.

(18) "*Traditional program*" means a training program that provides on-site didactic instruction, classroom laboratory training, and supervised clinical training.

(19) "*Training program*" means a nursing assistant training program and an acute care nursing assistant training program.

(20) "*Unencumbered*" means without limitation or restriction on practice, such as revocation, suspension, or probation.

[(15)] (21) "Written agreement" means a contract [with] *between a program provider and a clinical facility outlining the terms required, by both the program and the facility, for supervised clinical training of [student nursing assistants] students.*

[.03 Training Program Approval.] .02 Initial Approval and Ongoing Responsibilities.

A. Approval Requirements.

(1) All training programs shall be approved by [the Board.]:

(a) *The Board; and*

(b) *The Maryland Higher Education Commission (MHEC) in accordance with Health Occupations Article, §8-6A-14(a), Annotated Code of Maryland and COMAR 13B.01.01.03.*

(2) [In addition to the requirement stated in §A(1) of this regulation, all programs shall be approved by the Maryland Higher Education Commission or Department of Education except those excluded under COMAR Title 13B.] *Public High School Training Programs. If the training program is offered by a public high school, the training program shall be approved by the State Board of Education.*

(3) (text unchanged)

B. [An organization wishing to offer a nursing assistant training program shall:

(1) Submit to the Board a proposal demonstrating compliance with the requirements stated in Regulations .04—.08 of this chapter; and

(2) Contact the Board to obtain the training program requirements and a program application packet.] *Application. At least 120 days before the proposed start date of the training program, a program provider seeking initial approval of a training program shall:*

(1) *Submit a complete application on the form required by the Board;*

(2) *Demonstrate that the training program meets all of the applicable requirements in this chapter; and*

(3) *Provide any additional information requested by the Board during the Board's review of the application.*

C. [The program proposal shall:

(1) Demonstrate that the length of time for the program is adequate for trainees to be successful in achieving the program objectives; and

(2) State the criteria for successful program completion including the required passing standard on the final examination.] *Board Action.*

(1) *Following receipt of a complete application, the Board's professional staff may conduct a survey visit and submit a survey visit report to the Board.*

(2) *The Board shall:*

(a) *Approve a training program that meets all of the applicable requirements of this chapter; or*

(b) *Deny approval of a training program that does not meet all of the applicable requirements of this chapter.*

D. [The Board shall review programs for renewal of approval every 2 years.] *Term. Board approval of a training program is valid for two years.*

E. Ongoing Responsibilities.

(1) *A training program shall obtain approval from the Board before making any substantial changes to the program.*

(2) *Substantial changes include:*

(a) *Changes to faculty;*

(b) *Significant changes to curriculum, including an increase or decrease in program hours; and*

(c) *Removal or addition of clinical facilities or classroom locations.*

(2) *A training program shall submit to the Board an annual report, on the form required by the Board, that includes statistics on enrollments, program completions, attrition rates, and nursing assistant competency evaluation results.*

F. Nursing Assistant Competency Evaluation Performance.

(1) *A training program shall maintain an average pass rate of 90% of the average pass rate for all states using the applicable Board-approved vendors for the nursing assistant competency evaluation.*

(2) *The Board shall annually review the performance of graduates from each training program on the nursing assistant competency evaluation.*

[.04] .03 Administration [and Organization].

A. [The facility offering the training program shall:

(1) Be accredited or approved by the appropriate agency; and

(2) Have a statement of equal opportunity.] *Equal Opportunity Statement. The training program provider shall have a statement of equal opportunity.*

B. [The controlling institution shall provide the financial support and resources needed to operate a program which meets the legal and educational requirements of the Board and fosters achievement of program objectives.] *A training program offered by a nursing facility or skilled nursing facility shall not charge a fee for any portion of the program, including textbooks and other required course materials, in accordance with 42 CFR §483.152(c).*

[C. The financial resources provided by the controlling institution shall support:

(1) The number of instructors adequate to ensure that each trainee is provided with a didactic and clinical program of learning that fosters achievement of program objectives;

(2) Adequate educational facilities;

(3) Appropriate equipment; and

(4) Qualified administrative personnel.]

[.05] .04 Faculty.

[A. Each course instructor shall:

(1) Be a registered nurse licensed to practice registered nursing in Maryland or have a multistate licensure privilege to practice registered nursing in this State;

(2) Have a minimum of 2 years of nursing experience, at least 1 year of which was in caring for the elderly or chronically ill in the past 5 years; and

(3) Complete a course with a minimum of 16 hours of instruction in the principles of adult education, or have a minimum of 2 years of teaching experience.]

A. Faculty Requirements.

(1) Each course instructor and program coordinator shall have:

(a) An active, unencumbered license to practice as a Registered Nurse or a multistate licensure privilege to practice as a Registered Nurse in the State;

(b) A minimum of 2 years of nursing experience; and

(c) Completed a course in teaching adults or have experience in teaching adults or supervising nursing assistants.

(2) Long-Term Care Facility Experience Requirements. Either the program coordinator or all course instructors shall have at least 1 year of experience in the provision of long-term care facility services, which may include:

(a) Providing direct client care or supervisory oversight in a long-term care facility or unit, including in a geriatrics department, chronic care hospital, or other long-term care setting; and

(b) Teaching a nursing assistant training program that complies with federal law.

[B. Each program shall have an RN instructor who has overall supervisory responsibility for the operation of the program.]

B. Course Instructors.

(1) Course instructors in training programs in public secondary schools in the State shall also meet the requirements set forth in COMAR 13A.12.02.02.

(2) The course instructor is responsible for:

(a) Participating in the development and evaluation of the training program, including the acquisition of learning resources and instructional materials;

(b) Implementing the training program and ensuring course objectives are met;

(c) Supervising classroom, laboratory, and clinical learning experiences, including direct supervision of a student the first time a student performs a patient care skill during a clinical learning experience and until the student demonstrates proficiency in that skill; and

(d) Evaluating student performance during didactic, clinical, and laboratory training.

[C. Instructors in CNA programs in Maryland public secondary schools shall meet the requirements under §A(1) and (2) of this regulation as well as those found in COMAR 13A.12.02.24A(1) and (2).]

C. Program Coordinator.

(1) Each training program shall have a program coordinator who:

(a) Provides general supervision of the training of nursing assistants; and

(b) Maintains responsibility for the overall operation of the program.

(2) Except as provided in §C(3) of this regulation, the program coordinator may also be a course instructor.

(3) In a facility-based program, the facility's director of nursing may be the program coordinator but may not perform any actual training.

D. Responsibilities. The course instructor is responsible for:

(1) Participating in development and evaluation of the training program;

(2) Implementing the approved training program;

(3) Supervising classroom laboratory experiences;

(4) Evaluating student performance in the classroom; and

(5) Providing supervision and clinical evaluation of each trainee at the clinical training site.]

D. Supplemental Personnel.

(1) Other health professional personnel may supplement the course instructor, including, but not limited to:

(a) Registered nurses in accordance with §D(3) of this regulation;

(b) Licensed practical nurses in accordance with §D(4) of this regulation;

(c) Pharmacists;

(d) Dietitians;

(e) Social workers;

(f) Sanitarians;

(g) Fire safety experts;

(h) Nursing home administrators;

(i) Gerontologists;

(j) Psychologists;

(k) Physical and occupational therapists;

(l) Activities specialists;

- (m) Speech/language/hearing therapists; and
- (n) Resident rights experts.
- (2) Supplemental personnel shall have at least 1 year of experience in their respective field.
- (3) A registered nurse functioning as as supplemental personnel shall:
 - (a) Hold a current, unencumbered license in the State or multistate licensure privilege as a registered nurse; and
 - (b) Have had at least 1 year of direct client care experience as a registered nurse.
- (4) A licensed practical nurse as supplemental personnel shall:
 - (a) Hold a current, unencumbered license in the State or multistate licensure privilege as a practical nurse; and
 - (b) Have had at least 1 year of direct client care experience as a licensed practical nurse.
- (5) Other supplemental personnel providing instruction shall provide instruction under the supervision of the course instructor.

[E. Other health professionals may teach selected portions of the curriculum that relate to the health professionals' area of expertise.]

[.06] .05 [Resources, Facilities, and Services.] Facilities and Resources.

A. [Physical Facilities. The physical facilities shall be adequate to meet the needs of the training program and shall include the following:

- (1) Adequate space for privacy of faculty-student conferences;
- (2) Classroom, laboratories, and conference rooms; and
- (3) Space for equipment and instructional materials.] *General Facility Requirements. All classroom, laboratory, and clinical facilities used by a training program:*
 - (1) Shall be approved by the Board;
 - (2) Shall be approved or accredited by the appropriate agency;
 - (3) May not be on conditional or provisional status; and
 - (4) May not meet any of the factors set forth in 42 CFR §483.151(b)(2)—(3).

B. [Instructional Resources. Learning resources and instructional materials such as books, audiovisual materials, and computer software shall be current, accessible, and relevant to the role of the CNA and shall adhere to the following guidelines:

- (1) Clinical resources shall have a publication date not older than 5 years from the current year;
- (2) Texts and other resources selected shall be relevant to the curriculum and written at a level appropriate to nursing assistants; and
- (3) Acquisitions shall be selected with the participation of the nursing assistant faculty.] *Classroom and Laboratory Facilities. Classroom and laboratory facilities shall include:*
 - (1) Adequate space for privacy of faculty-student conferences; and
 - (2) Space for equipment and instructional materials.

C. Resources.

- (1) All instructional learning resources and materials shall:
 - (a) Be accessible and relevant to the role of the CNA;
 - (b) Have a publication date not older than 5 years from the current year; and
 - (c) Be written at an 8th grade level.
- (2) Laboratory Equipment.
 - (a) Laboratory equipment, at a minimum, shall include materials to support the following classroom activities:
 - (i) Infection control;
 - (ii) Basic nursing skills;
 - (iii) Personal care skills; and
 - (iv) Basic restorative services;
 - (b) The Board shall maintain on its website a list of the specific equipment required for laboratory facilities.

[C.] D. Clinical Facilities.

- [1] (1) Facilities used for clinical learning experiences shall be approved by the appropriate government authorities.
- (2) Facilities with conditional or provisional approval status may not be used for student learning experiences.
- (3) The Board shall approve the use of each clinical facility before utilization for student experience.
- (4) There shall be a minimum of one instructor for each 8 students in the clinical area.
- (5) Clinical facilities shall meet the following requirements:
 - (a) A sufficient number and variety of clients to provide training experiences for all students to achieve the stated objectives;
 - (b) A sufficient number of RNs and other nursing personnel to ensure safe and continuous care of clients; and
 - (c) Conformance with accepted standards of nursing care and practice.
- (6) Written Agreements.
 - (a) The training program shall have a written agreement with any clinical facility that is not a part of the controlling institution.
 - (b) Written agreements between the program and the cooperating facilities shall:
 - (i) Be developed jointly with the clinical facility;
 - (ii) Be reviewed periodically;

- (iii) Include provision for adequate notice of termination;
- (iv) Specify the responsibility of the training program to the facility and the responsibility of the facility to the training program; and
- (v) Identify the functions and responsibilities of the parties involved.]

(1) *Clinical facilities shall:*

- (a) *Have a sufficient number and variety of clients to provide training experiences for all students to achieve the stated objectives;*
- (b) *Have a sufficient number of registered nurses and other nursing personnel to ensure safe and continuous care of clients; and*
- (c) *Conform with accepted standards of nursing care and practice.*

(2) *There shall be a minimum of 1 course instructor for each 8 students in the clinical area.*

(3) *Written Agreements.*

- (a) *Except for facility-based programs, a training program shall have a written agreement with a clinical facility for student training experiences.*
- (b) *The written agreement developed in accordance with §D(3)(a) of this regulation shall:*
 - (i) *Be developed jointly with the clinical facility and the training program;*
 - (ii) *Be reviewed periodically by the clinical facility and the training program;*
 - (iii) *Include a provision for adequate notice of termination;*
 - (iv) *Specify the responsibility of the training program to the clinical facility and the responsibility of the clinical facility to the training program; and*
 - (v) *Identify the functions and responsibilities of the parties involved.*

[.07 Training Program.] .06 Curriculum.

A. [The training program shall provide a minimum of 100 hours of instruction.] *Program Hours.*

- (1) *A training program shall provide a minimum of 100 hours of instruction.*
- (2) *Of the 100 hours, a minimum of:*
 - (a) *60 hours shall be devoted to didactic instruction and classroom laboratory training, with at least 16 hours of in-person laboratory training in the pre-clinical curriculum listed in §B(3) of this regulation; and*
 - (b) *40 hours shall be devoted to supervised clinical training in a clinical facility.*
- (3) *A training program shall have at least 16 of the 40 hours of supervised clinical training in the provision of long-term care facility services or caring for the elderly or chronically ill of any age, which shall be performed under direct supervision.*

[B. Of the 100 hours, a minimum of:

- (1) 60 hours shall be devoted to didactic instruction and classroom laboratory practice; and
- (2) 40 hours shall be devoted to clinical training experiences in a clinical facility.]

[C.] *B. Curriculum Content.*

- [(1) The following content areas shall form the framework of the curriculum:
 - (a) Role of the CNA;
 - (b) Infection control;
 - (c) Safety and environment;
 - (d) Mobility and positioning;
 - (e) Elimination;
 - (f) Data collection;
 - (g) Hygiene;
 - (h) Treatments;
 - (i) Communication:
 - (i) Observing, recording, and reporting;
 - (ii) Interpersonal relations; and
 - (j) Legal and ethical considerations.]
- (1) *The curriculum for a training program shall include the subject matters and skills listed in 42 CFR §483.152(b).*
- (2) A training program shall provide at least 16 hours of classroom laboratory training before a trainee's direct assignment to client care. This instruction shall include the following topics:
 - (a) Role of the CNA;
 - (b) Infection control;
 - (c) Safety and emergency procedures, including the Heimlich maneuver;
 - (d) The environment;
 - (e) Communication:
 - (i) Observing, recording, and reporting;
 - (ii) Interpersonal relations; and
 - (f) Legal and ethical considerations.]
- (2) *The curriculum for an acute care nursing assistant training program shall include:*
 - (a) *The subject matters listed in 42 CFR §483.152(b); and*
 - (b) *All basic skills required of a nursing assistant in any acute care practice setting, including:*

- (i) Caring for patients with acute and chronic medical conditions in a hospital facility;
- (ii) Observing and reporting changes in patient condition, including potential emergencies and safety issues, to the licensed nurse;
- (iii) Transport of specimens;
- (iv) Transport of medications;
- (v) Point of care testing;
- (vi) Specimen collecting;
- (vii) Equipment management;
- (viii) Time management in the acute care setting;
- (ix) De-escalation of assertive or aggressive patients and family members; and
- (x) Electronic documentation of care and basic computer skills.

[(3) The training program shall identify the unit objectives and performance indicators for each of the areas in §C(1) of this regulation in its training criteria.]

- (3) *The pre-clinical curriculum of a training program shall include the following topics:*
 - (a) *Role of the CNA;*
 - (b) *Infection control;*
 - (c) *Safety and emergency procedures, including the Heimlich maneuver;*
 - (d) *Communication and interpersonal skills;*
 - (e) *Promoting clients' independence; and*
 - (f) *Legal and ethical considerations, including respecting clients' rights.*

(4) *A training program shall provide instruction in the pre-clinical curriculum before a student has any direct contact with a client.*

C. *Each training program shall identify the unit objectives and performance indicators for each of the areas in §B of this regulation in its training criteria.*

D. *Laboratory Instruction and Clinical Learning Experience.*

(1) *Each training program shall provide laboratory instruction in and require students to demonstrate clinical competence in performing skills consistent with the subjects under §B of this regulation.*

(2) *A training program shall ensure that students may not perform any services during their clinical learning experience for which they have not trained and been found proficient by the course instructor.*

[.08] .07 Evaluation.

A. Each training program shall have an objective final *written* examination that measures achievement of the performance indicators.

B. To successfully complete the *training* program, each *[trainee] student* shall:

- (1) Complete the *[approved training program] required minimum hours provided in Regulation .06A of this chapter;*
- (2) (text unchanged)
- (3) *[Pass a comprehensive] Achieve a passing score of at least 75% on the written final examination; and*
- (4) Demonstrate competence in meeting the objectives and performance indicators *[contained in the training requirements] during didactic, laboratory, and clinical instruction.*

C. *[Each trainee shall be evaluated on their ability to meet the program objectives in the classroom, laboratory, and clinical setting.] The training program shall provide the following to students who complete the program:*

- (1) *A certificate of completion using the form required by the Board; and*
- (2) *Registration information for a nursing assistant competency evaluation.*

D. *[Each program shall submit to the Board, on a quarterly basis, statistics on enrollments, program completions, and attrition rates.] A program coordinator or faculty of a training program:*

- (1) *May sign a student's application for certification as a nursing assistant before graduation; and*
- (2) *Shall submit to the Board written verification, as required by the Board, of each student's program completion within 5 business days of program completion.*

[E. The GNA-CE performance of candidates from each program shall be reviewed annually by the Board.

F. A program may not modify an approved curriculum without the Board's permission.

G. A program may not modify its faculty without the Board's permission.]

.08 Renewal of Approval.

A. *Expiration. Unless renewed, Board approval of a training program expires 2 years from the last date of approval.*

B. *Renewal application. At least 120 days before the date of expiration of approval, a training program shall submit:*

- (1) *A complete application on the form required by the Board; and*
- (2) *All accompanying documentation required by the application or requested by the Board.*

C. *Survey Visit. Following receipt of a renewal application from a training program, the Board's professional staff shall conduct an announced or unannounced on-site survey visit and submit a survey visit report to the Board.*

D. *Board Action. The Board shall:*

- (1) *Renew approval of a training program for another 2 year term if the training program meets the applicable requirements of this chapter; or*

(2) Initiate withdrawal of approval proceedings in accordance with Regulation .09 of this chapter if the training program fails to meet the applicable requirements of this chapter.

E. Enrollment. A training program that fails to renew its approval:

(1) Shall be listed on nonrenewed status in the Board's records; and

(2) May not enroll any new students to the program following the expiration of approval.

.09 Withdrawal of Approval.

A. [The Board's professional staff may visit a program annually and provide a report to the Board.] *Notice of Deficiencies.*

(1) If the Board determines that there is a basis for withdrawal of approval under §C of this regulation, the Board shall issue a written notice of deficiencies to the training program.

(2) The notice of deficiencies shall notify the training program of the:

(a) Requirements with which the program has not complied;

(b) Reasons for the Board's determination; and

(c) Requirement to submit a written plan of correction in accordance with §B of this regulation.

B. [The Board may withdraw approval from any program:

(1) That fails to comply with a requirement of this regulation;

(2) That discontinues its curriculum for a period exceeding 6 months; or

(3) Whose graduates achieve less than 90 percent of the national success rate on the GNA-CE.] *Written Plan of Correction.*

(1) A training program shall submit a written plan of correction within 30 calendar days of the date of the notice of deficiencies unless granted an extension by the Board for good cause.

(2) The written plan of correction shall:

(a) Address all deficiencies noted by the Board; and

(b) Include dates of completion for correcting the deficiencies.

(3) The Board shall review the plan of correction and may approve or modify the dates of completion for correcting deficiencies.

(4) The training program shall correct the deficiencies within the time frame approved by the Board.

C. *Grounds for Withdrawal.* The Board may withdraw approval of a training program that:

(1) Fails to comply with any of the applicable requirements of this chapter;

(2) Fails to correct deficiencies within the time frame approved by the Board;

(3) Enrolls new students after expiration of approval; or

(4) Has a graduate pass rate of less than 90 percent of the pass rate for all states using the applicable Board-approved vendors for a nursing assistant competency evaluation.

D. *Procedure for Withdrawal.*

(1) Before withdrawing approval of a training program under §C of this regulation, the Board shall:

(a) Notify the program of its intent to withdraw approval; and

(b) Give the program an opportunity to request an evidentiary hearing before the Board.

(2) The notice of intent to withdraw approval and hearing shall comply with the Administrative Procedure Act.

E. *Mandatory Withdrawal.* Notwithstanding any other section of this regulation, the Board shall withdraw approval of a training program upon receipt of notice from the Office of Healthcare Quality that the facility is prohibited from holding a training program pursuant 42 CFR §483.151(f)(1) or 42 CFR §483.151(f)(3).

F. *Reinstatement.* A training program whose approval was withdrawn may apply for reinstatement of approval by submitting a reinstatement application demonstrating that the program meets all of the applicable requirements of this chapter.

.10 Voluntary [Closing] Closure.

A. [When the facility, institution, or individual considers closing a nursing assistant training program, the facility, institution, or individual shall:

(1) Notify the Board in writing of the intended closing date; and

(2) Continue the program until the committed class schedule of currently enrolled students is completed.] *When a training program provider considers closing a program, the training program provider shall:*

(1) Notify the Board in writing of:

(a) The intended closing date; and

(b) The arrangements for custody and safeguarding of student and graduate records; and

(2) Continue the program until the committed class schedule of currently enrolled students is completed.

B. *Custody of Student Records.*

(1) [If the nursing assistant training program closes, but the controlling institution continues to function, the controlling institution shall assume responsibility for the records of the students and the graduates. The Board shall be advised of the arrangements made to safeguard the records.] *If the training program provider is a facility or educational institution that will continue to function, the facility or educational institution shall assume responsibility for the student and graduate records of the closed training program.*

(2) [If a controlling institution that has obtained a certificate of approval from the Maryland Higher Education Commission plans to cease operations, the institution shall file the records of students and graduates, or legible copies of those records, with the Maryland Higher Education Commission as required by Education Article, §11-401, Annotated Code of Maryland.] *Except as provided in §B(1) of this regulation, a training program provider that is required to obtain approval from the Maryland*

Higher Education Commission (MHEC) shall file student and graduate records, or legible copies of those records, with MHEC in accordance with Education Article, §11-401, Annotated Code of Maryland.

(3) [If a controlling institution that is not required to obtain Maryland Higher Education Commission approval plans to cease operations, the Board and the controlling institution shall reach a mutual agreement about the disposition of student records.] A training program provider that is not required to obtain MHEC approval shall reach a mutual agreement with the Board about the disposition of student records.

.11 Hybrid Nursing Assistant Training Programs.

- A. Scope. This regulation applies to hybrid nursing assistant training programs.
- B. Approval. The Board shall approve a hybrid training program that meets all of the requirements of this regulation.
- C. Prerequisite Qualifications. A program seeking initial approval as a hybrid training program shall:
 - (1) Comply with the requirements set forth in Regulation .02 of this chapter;
 - (2) Be approved by the Board as a traditional training program for at least 2 years before the program applies for initial approval as a hybrid training program; and
 - (3) Comply with all requirements set forth under this chapter and be in good standing with the Board at the time that the program applies for initial approval as a hybrid training program.
- D. Application and Approval Requirements.
 - (1) A training program seeking initial approval as a hybrid training program shall apply for approval on a form required by the Board.
 - (2) To be eligible for Board approval, a hybrid training program shall:
 - (a) Host sessions no longer than 4 hours per session;
 - (b) Specify the technology platform to be used for each content area of the curriculum;
 - (c) Conduct lab and clinical training:
 - (i) In person with a course instructor who meets the requirements under Regulation .04 of this chapter; and
 - (ii) No later than 2 weeks after the completion of didactic instruction;
 - (d) Require test sessions to be conducted in person;
 - (e) Have a policy, which is provided to the Board as a part of the application, for:
 - (i) Admissions, including determining whether a student has sufficient access to a computer and learning resources;
 - (ii) Orienting students to online modules;
 - (iii) Providing troubleshooting assistance for enrolled students; and
 - (iv) In the case of technology failure, an alternative method of instruction and notification to the Board of the technology failure and the use of the alternative method of instruction;
 - (f) Have sufficient mechanisms for:
 - (i) Requiring the use of a personal identification number that confirms the identity of the students and instructor;
 - (ii) Ensuring that all students have demonstrated competency on all virtual education content;
 - (iii) Tracking and auditing active student participation in online instruction;
 - (iv) Confirming student identity during and after completion of online modules and live sessions; and
 - (v) Safeguarding appropriate security measures;
 - (g) Provide the Board with access rights to the program to verify program compliance and monitor distance learning sessions; and
 - (h) Provide the Board with statistics about the performance of students in the program, including:
 - (i) Student exam pass rates;
 - (ii) The rate at which students repeat each module of the program; and
 - (iii) Any other information requested by the Board regarding student participation in and completion of the program.
 - E. Reapproval. An approved hybrid training program shall apply for renewal of approval in accordance with Regulation .08 of this chapter.
 - F. Withdrawal of Approval. The Board may withdraw approval of a hybrid training program in accordance with Regulation .09 of this chapter.

10.39.03 Certified Medicine Aides

Authority: Chs. 818 and 819, Acts of 2024; Ch. 416, Acts of 2025.

.01 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1)—(3) (text unchanged)
 - (4) Certified Nursing Assistant (CNA).

[(a) "Certified nursing assistant (CNA)" means an individual who is certified by the Board to routinely perform nursing tasks delegated by an RN or LPN for compensation.

(b) "Certified nursing assistant (CNA)" does not include:

(i) A medication assistant or a medication technician as defined in Health Occupations Article, §8-6A-01(f), Annotated Code of Maryland; or

(ii) An individual who merely provides assistance with activities of daily living unless the client's needs are such that adverse health consequences are predictable.]

(a) "Certified nursing assistant (CNA)" means an individual, regardless of title, who, for compensation and subject to regulations adopted by the Board, routinely performs:

(i) Nursing tasks delegated by a registered nurse, licensed practical nurse, or advanced practice registered nurse; or

(ii) Technical tasks delegated by a licensed certified midwife.

(b) "Certified nursing assistant (CNA)" does not include dialysis technician or medication technician.

(5) Certified Nursing Assistant-I (CNA-I).

(a) "Certified nursing assistant-I (CNA-I)" means a CNA who:

(i) Meets the requirements set by the Board and federal law; and

(ii) May practice in any practice setting.

(b) "Certified nursing assistant-I (CNA-I)" includes a:

(i) CNA who was certified as a geriatric nursing assistant on March 31, 2026;

(ii) Certified medicine aide; and

(iii) CNA who is certified pursuant to § 8-6A-05(c)(5) of the Health Occupations Article, Annotated Code of Maryland.

(6) "Certified nursing assistant-II (CNA-II)" means a CNA who:

(a) On March 31, 2026, was certified as a CNA but not certified as a geriatric nursing assistant; and

(b) May not practice in a nursing facility or skilled nursing facility.

[5] (7) (text unchanged)

[6] "Geriatric nursing assistant (GNA)" has the meaning stated in COMAR 10.39.01.]

[7] (8) (text unchanged)

[8] (9) (text unchanged)

.02 Certification and Qualification.

A. An applicant for certification as a CMA shall provide evidence satisfactory to the Board of meeting the following requirements:

(1) Current certification by the Board as an active [CNA] CNA-I in good standing;

(2) Current employment and work experience as required by the Board in a setting acceptable to the Board, including:

(a) Current employment and 2 years of full-time experience as a [CNA] CNA-I in a facility licensed under 42 CFR Part 483 et seq.; or

(b) Current employment and 1 year of full-time experience as a [GNA] CNA-I in a facility licensed in Maryland under COMAR 10.07.02; and

(3) (text unchanged)

B. (text unchanged)

C. Before renewal of certification as a CMA, and subject to the requirements in Health Occupations Article, §8-6A-08, Annotated Code of Maryland, and [COMAR 10.39.01.06] COMAR 10.39.01.09, the applicant shall:

(1)—(2) (text unchanged)

MEENA SESHAMANI, MD, PhD
Secretary of Health