
Maryland Board of Examiners of Nursing Home Administrators



Annual Report – Fiscal Year 2010

July 1, 2009 – June 30, 2010



Table of Contents

About the Board-----2

Current Board Roster-----2

Report from Executive Director-----3

Board Committees-----4

Licensure-----5

Legislation from 2010 Session-----6

Income/Expenditure for FY 2010 -----7

Goals for Fiscal Year 2011 -----8

Staff-----8

About the Board:

The Maryland Board of Examiners of Nursing Home Administrators (the “Board”) was created in 1972 as a result of the Social Security Act, and operates under Title 9 of the Health Occupations Article of the Annotated Code of Maryland. The Board licenses, regulates, and - when necessary - disciplines nursing home administrators in Maryland.

The Board is comprised of 13 members appointed by the Governor with advice of the Secretary and the advice and consent of the Senate. Of these 13 members: six are licensed Nursing Home Administrators who are practicing actively and have at least 5 years experience as licensed nursing home administrators; two are consumer members; two are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals; one is a physician who specializes in geriatrics; one person represents the Office of Health Care Quality as an *ex-officio* member; and one is a geriatric social worker (until a geriatric social worker is appointed by the Governor to serve on the Board, a consumer representative will fill this seat).

The Board is mandated to protect the public by regulating the practice of nursing home administrators by licensing qualified people, enforcing current statutes and regulations, adopting new regulations to carry out provisions of the title, suggesting new changes to the title to keep abreast of trends and practice issues, verifying credentials, and investigating complaints based on alleged violations of regulations and statutes.

The Board (through its Credentials Committee) reviews all applications for licensure, including those administrators licensed in other states, and candidates pursuing licensure via the administrator-in-training (AIT) program. All candidates for the AIT program are interviewed prior to approval of the program, visited during the program, and approved by the Board after all criteria for licensure are met. The Board also refers all complaints to its Disciplinary Committee, and conducts any formal hearings if a complaint proceeds to the formal disciplinary stage. The Board takes an active role in the development of regulatory amendments, AIT guidelines, and legislative matters. The Board’s office handles the following functions: renews all licenses biennially; proctors, scores and maintains the State’s Standards examination; maintains all records of Board and committee meetings; receives and deposits all checks to the General Fund; and handles all correspondence for the Board.

Current Board Roster:

Board Member	Category	Term Expiration
ChanSu Chong	Consumer	04/21/2013
Nancy H. Ferrone, Vice Chairman	Related Health Professional	04/21/2012
Christina Gravina	Related Health Professional	04/21/2012
Margie Heald	Office of Health Care Quality	04/21/2013
Michelle F. Kraus	Nursing Home Administrator	04/21/2014
Susan M. Levy, M.D.	Geriatric Physician	04/21/2013
Jeffery T. Metz	Nursing Home Administrator	04/21/2012
Christine L. Mour	Nursing Home Administrator	04/21/2013
J. Brian Pabst, Chairman	Nursing Home Administrator	04/21/2014
Gail Sigel	Consumer	Serves until replaced
Lisa A. Stone	Nursing Home Administrator	04/21/2013
Belinda R. Strayhorn	Consumer	04/21/2012
John L. White	Nursing Home Administrator	04/21/2013

Report from the Executive Director

I am pleased to offer this fourth annual report from the Maryland Board of Examiners of Nursing Home Administrators (the “Board”), which covers the activities of the Board for the period of July 1, 2009 – June 30, 2010. The Board and its staff have been involved in many projects this year:

- A preliminary “Sunset” review by the Department of Legislative Services was conducted; however, the subsequent bills to extend the Board were presented during the 2010 Legislative Session and did not pass, and will have to be presented again during the 2011 session.
- The newly amended Code of Maryland Regulations 10.33.01 became effective January 25, 2010. Changes were made to the regulations pertaining to the Administrator-In-Training program and preceptor qualifications. The fees were also increased as a result of “Sunset” recommendations.
- The regulation changes also eliminated the Board’s involvement in the continuing education approval process and shifts that responsibility to the National Association of Long Term Care Administrator Boards (“NAB”). NAB offers professional reviewers and assures that a continuing education program will only be approved if the relevance of subject matter relates to long term care administration, is designed to promote continued knowledge, skills and attitudes consistent with current standards in long term care administration, and assists administrators in the improvement of their professional competencies.
- The Board’s website was modified and updated with the assistance of the IT Division to conform to the new Department of Health and Mental Hygiene standards.
- The Board launched its online renewal system with great success.
- With advice of counsel, the Board revised and updated the character and fitness questions on all applications for licensure and renewal.
- The Board composition was altered in October 2009, and many new members have been appointed.
- The Administrator-In-Training program forms were revised to correspond with the new regulations, and positive feedback has been received about the more streamlined process.
- The office provides all trainees with a binder and compact disc of all regulations covered on the State’s Standards examination.
- The administration of the State’s Standards examination has been increased to six times per year at the request of applicants for licensure.
- A Board member (Gail Sigel) has been instrumental in helping the office develop a licensure database, which was recommended by the Department of Legislative Services, to track and trend facility survey results.

**The Board's
scheduled meetings
for Fiscal Year
2011 are as
follows:**

**September 8, 2010
October 13, 2010
November 17, 2010
December 8, 2010
February 9, 2011
March 9, 2011
April 13, 2011
May 11, 2011
June 15, 2011**

**Please call the
office at (410) 764-
4750 or visit the
website at
[www.dhmh.state.m
d.us/bonha/](http://www.dhmh.state.md.us/bonha/) for
confirmation of
meeting dates.**

Committees

The Board has multiple committees assigned certain duties to streamline its processes:

The **Disciplinary Committee** receives complaints from a variety of sources and is charged to address each complaint, i.e., vote to dismiss the complaint or request additional information. If the complaint is referred to the Board’s investigator, the Committee will review the final investigative report, and decide if the complaint should be dismissed, handled administratively such as a letter of education, or if charges should be filed. If the Office of the Attorney General proceeds with filing charges against a licensee, the Disciplinary Committee members and Board Counsel will participate in a case resolution conference. At this conference, the Committee, with advice of counsel, may develop a settlement offer. If the nursing home administrator agrees to the offer, a Consent Order will be drafted and presented to the full Board for possible acceptance. Should the Board vote to accept the settlement, the Final Order will be signed by the Chairman. If the parties do not accept the proposed settlement, the case proceeds to a hearing held in accordance with the Administrative Procedure Act. The Committee is also responsible for reviewing survey results from annual or complaint inspections that are forwarded to the Board by the Office of Health Care Quality that may indicate a need for the administrative practices to be reviewed. This Committee also reviews all renewal and original applications if the applicant has indicated a positive response to a character and fitness question.

The **Credentials Committee** reviews all applications for original licensure. The Committee interviews all candidates for the Administrator-In-Training program along with the proposed preceptors, and presents recommendations to the full Board to approve the training programs and/or award credit for prior experience to potential trainees.

A **Trainee Monitoring Committee** visits trainees at about the mid-point in the Administrator-In-Training program to assess the progress of the training. Board members volunteer on an as-needed basis to conduct these on-site visits. These visits help the trainee and preceptor recognize any training areas that may need additional attention.

The **Examination Committee** helps in the development of the Maryland State’s Standards examination. The exam is based on six sections of the COMAR regulations, and all candidates for licensure in Maryland must receive at least a 75% passing score on this exam.

The **Nursing Home Administrator Rehabilitation Committee** is required by §9-317 of Title 9 of the Health Occupations Article of the Annotated Code of Maryland. This 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.

When it is necessary for a Board member to **testify** for or against a House or Senate Bill, members volunteer on an as-needed basis.

In FY 2010:
48 Application for Licensure were received
25 Original Licenses were issued
331 License Renewals were processed
45 Candidates sat for the State’s Standards Examination
21 Candidates sat for the National (NAB) Examination
There were **533** Licensed Nursing Home Administrators and
47 Inactive Nursing Home Administrators

Licensing Nursing Home Administrators in Maryland:

To become licensed as a Nursing Home Administrator (“NHA”) in Maryland, each candidate must meet strict educational and experience guidelines, and pass both the National and State’s Standards written examinations.

The Administrator-In-Training (“AIT”) program is an essential component to becoming licensed. Maryland requires the equivalent of one year of training. Candidates can qualify for experience credit if they meet the criteria outlined in the Board’s regulations. Typically, a Director of Nursing may qualify for up to six months credit, and would have to spend six months in training. Other department heads may qualify for two to four months if they meet all criteria outlined in regulation. Only administrators licensed in another state with actual experience as the administrator of a long term care facility or candidates who have completed an AIT program that is equivalent to Maryland’s program may qualify for a complete waiver of the training program.

Before the initiation of any program, the Board authorizes the Credentials Committee to interview each applicant and proposed preceptor. If the Committee is satisfied that the background and circumstance of the applicant and preceptor qualify them for the AIT program, it will present each proposed training program to the full Board for approval.

The Board is proud of its stringent requirements, and is always seeking ways of improving the training program and application process for each trainee. New regulations were promulgated January 25, 2010 to

improve the program, and more changes have been approved for processing next fiscal year.

It is the Board’s mission to create a training program that produces the best qualified individuals who will run top quality nursing facilities. Nationally, almost 2 million Americans live in nearly 20,000 nursing homes. In Maryland, there are 234 licensed nursing homes (this figure does not include assisted living facilities) in which almost 27,000 residents live.

“The number of older persons in the United States is projected to increase from 35 million persons to 87 million persons between 2000 and 2050.”

US Census Bureau 2004

The Baby Boomers are projected to change societal demand. The first of the Boomer generation (individuals born 1946 – 1964) will start turning 64 in 2010, and it is expected that 7 out of 10 of the 77 million will require long term care at some point after reaching age 65.

By 2030, five million Americans will need nursing home care, and by 2050, that figure increases to 12 million. This surge in the need for long term care services creates a demand for only the best qualified administrators to run these facilities, and the Maryland Board will continue its focus on developing a comprehensive training program.

Legislation

Bills introduced during the 2010 Legislative Session that had potential impact on the Board of Examiners of Nursing Home Administrators included:

Bill	Title	Result
House Bill 114/ Senate Bill 291	Health Occupation Boards – Revisions	Passed
House Bill 137 Senate Bill 144	State Board of Examiners of Nursing Home Administrators - Sunset Extension and Program Evaluation	Failed
House Bill 626	Health Occupations Boards and Committees – Consumer Member Requirements	Withdrawn
House Bill 1190	Health Occupations Boards – Discipline of Health Care Providers – Failure to Comply with Governor’s Order	Failed

Legislation – Full Description of Bills

HB 114/SB 291 - Health Occupations Boards – Revisions

FOR the purpose of requiring health occupations boards (“HOB”) to provide notification to licensees of board vacancies; requiring HOB to collect racial and ethnic information; requiring that, to the extent practicable, members of HOB reasonably reflect geographic, racial, ethnic, cultural, and gender diversity; requiring HOB to develop collaboratively training and materials for board members; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of directors; requiring that after consultation and to the extent permitted by resources, HOB establish subcommittees to be responsible for investigations, determine whether charges should be brought, and participate in preadjudication case resolution conferences; prohibiting HOB from bringing charges based solely on complaints the board receives after a certain period of time; requiring HOB to consider reports and responses before taking action; authorizing HOB to establish programs to provide training, mentoring, or other remediation for licensees who commit a certain number of standard of care violations; requiring HOB to adopt sanctioning guidelines; requiring HOB to post orders for disciplinary action on websites; requiring the Secretary to establish goals for the timeliness of complaint resolution; requiring the Secretary to monitor the timeliness of complaint resolution for HOB; requiring the Secretary to establish goals; requiring HOB to collaborate with the Office of the Attorney General to make information available to the public concerning roles for assistant attorneys general; establishing that departure from sanctioning guidelines, failure to meet timeliness goals, and noncompliance with guidelines concerning roles for assistant attorneys general may not be grounds for hearings or appeals; requiring the Secretary, Department, and HOB to make reports to committees of the General Assembly; providing for the construction and the application of this Act; defining terms; and generally relating to revisions for the HOB.

HB 137/SB 144 - State Board of Examiners of Nursing Home Administrators - Sunset Extension and Program Evaluation

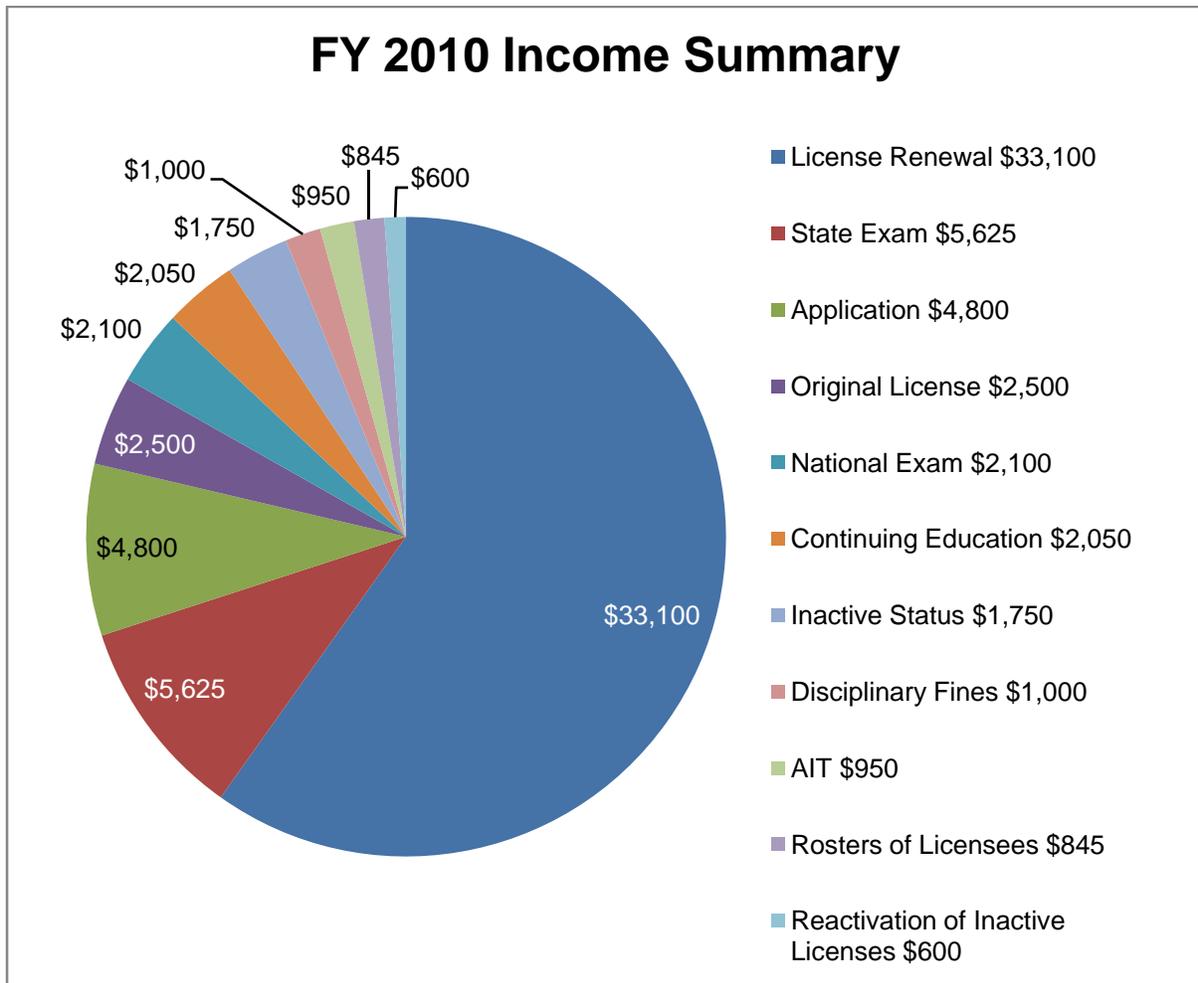
Continuing the State Board of Examiners of Nursing Home Administrators in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to July 1, 2017, the termination provisions relating to the statutory and regulatory authority of the Board; requiring that an evaluation of the Board be performed on or before July 1, 2016; and requiring the Board to make a specified report on or before October 1, 2011.

HB 626 - Health Occupations Boards and Committees – Consumer Member Requirements

FOR the purpose of requiring that consumer members on health occupations boards and committees be members of the general public; prohibiting consumer members from being or having been a health care professional or in training to be a health care professional or from having a household member who is a health care professional or in training to be a health care professional; prohibiting consumer members from participating or ever having participated in commercial or professional fields, having a household member who participates in commercial or professional fields, or having financial interests within a period of time; providing term requirements for consumer members; and generally relating to requirements for consumer members on health occupations boards and committees.

HB 1190 – Health Occupations Boards – Discipline of Health Care Providers – Failure to Comply with Governor’s Order

FOR the purpose of authorizing certain health occupations boards to take certain actions against certain health care providers under certain circumstances and subject to certain hearing provisions; prohibiting certain health care providers from knowingly and willfully failing to comply with certain provisions of law; subjecting certain health care providers to certain discipline under certain circumstances; and generally relating to the discipline of health care providers for the failure to comply with the Governor’s order relating to catastrophic health emergencies.

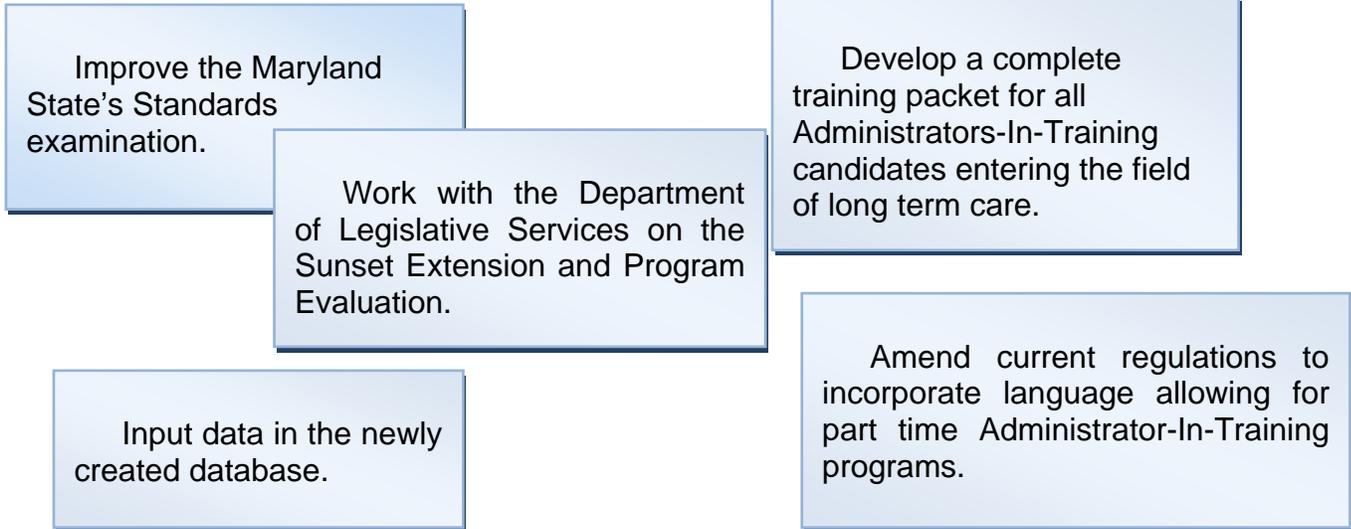


The Board projects an \$18,335 increase in revenue in FY 2011 due to the new fee schedule. This is \$29,162 above the revenues for FY 2009. FY 2010 had a partial increase due to the fees changing mid-fiscal year.

Expenditure Details:		
	Budget for 2010	Actual for 2010
Salaries and Wages	\$133,428	\$120,164
Board Members/Court Reporters	12,439	9,285
Communication (Postage, Telephones)	5,472	4,852
In-State Travel (Mileage Reimbursement)	4,578	5,486
Contractual Services (Examinations, equipment, etc.)	10,353	11,904
Supplies and Materials	2,869	2,828
National Association Dues	1,200	1,200
Totals	\$171,339	\$155,719*

**\$15,620 was returned to the General Fund due to furloughs, restricted out-of-state travel and other cost saving efforts.*

Goals for FY 2011



Staff

Dedicated Staff	Partial Dedicated Staff	Shared Staff (shared with other Health Occupation Boards)
<p>Patricia A. Hannigan Executive Director</p> <p>Eleanor L. Eines Deputy Executive Director</p>	<p>David Wagner, Esquire Assistant Attorney General Counsel to the Board (Also works with the Board of Physicians)</p> <p>John Robert Thomas, Jr. Health Occupations Investigator (20% dedicated to Board, also serves as investigator for four other health occupation boards)</p>	<p>Linda Beyer, Fiscal Analyst</p> <p>Robin Bailey Legislative/Regulatory Specialist</p> <p>Henry Harle Network Support Specialist</p> <p>Vladimir Konstantinov, and Oladunni Akinpelu Database Specialists</p>

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