

HB 1188-FN - AS AMENDED BY THE HOUSE

28Mar2024... 1025h

2024 SESSION

24-2074
09/05

HOUSE BILL

1188-FN

AN ACT relative to qualifications for licensed nursing assistants.

SPONSORS: Rep. Grote, Rock. 24; Rep. Bordes, Belk. 5; Rep. Grassie, Straf. 8

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill amends the requirement that a licensed nursing assistant must have the ability to read and write in the English language and allows the board of nursing to establish rules on the level of English proficiency required.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to qualifications for licensed nursing assistants.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16 to read as follows:
2 326-B:16 Licensure; All Applicants.

3 ***I. All applicants seeking licensure as an APRN, RN, or LPN shall:***

4 ~~[I.]~~ ***(a) Submit a completed application and fees as established by the ~~board~~ executive***
5 ***director.***

6 ~~[II.]~~ ***(b) Have the ability to read and write in the English language.***

7 ~~[III.]~~ ***(c) Report any pending criminal charges, criminal convictions, or plea arrangement in***
8 ***lieu of convictions.***

9 ~~[IV.]~~ ***(d) Have committed no acts or omissions which are grounds for disciplinary action as***
10 ***set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary***
11 ***action, the board has found, after investigation, that sufficient restitution has been made.***

12 ~~[V.]~~ ***(e) Meet continuing competence requirements as defined in rules adopted under RSA***
13 ***541-A.***

14 ~~[VI.]~~ ***(f) Meet other criteria as established by the board.***

15 ***II. All applicants seeking licensure as an LNA shall:***

16 ***(a) Submit a completed application and fees as established by the executive***
17 ***director.***

18 ***(b) Have sufficient aptitude in the English language as defined in rules adopted***
19 ***under RSA 541-A.***

20 ***(c) Report any pending criminal charges, criminal convictions, or plea***
21 ***arrangement in lieu of convictions.***

22 ***(d) Have committed no acts or omissions which are grounds for disciplinary***
23 ***action as set forth in this chapter, or, if such acts have been committed and would be***
24 ***grounds for disciplinary action, the board has found, after investigation, that sufficient***
25 ***restitution has been made.***

26 ***(e) Meet continuing competence requirements as defined in rules adopted under***
27 ***RSA 541-A.***

28 ***(f) Meet other criteria as established by the board.***

29 2 Effective Date. This act shall take effect 60 days after its passage.

HB 1188-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1025h)

AN ACT relative to qualifications for licensed nursing assistants.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Revenue Fund(s)	Office of Professional Licensure and Certification Fund			
Expenditures	\$0	\$0	\$0	\$0
Funding Source(s)	None			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ N/A
- Does this bill authorize new positions to implement this bill? ☒ N/A

METHODOLOGY:

This bill amends the requirement that a licensed nursing assistant must have the ability to read and write in the English language and allows the board of nursing to establish rules on the level of English proficiency required.

The Office of Professional Licensure and Certification (OPLC) states the bill divides application requirements into two groups: one for APRNs, RNs, and LPNs, and another for LNAs. A notable distinction between the categories is that APRNs, RNs, and LPNs must demonstrate proficiency in reading and writing English, a requirement that will no longer apply to LNAs. The OPLC is uncertain about the number of additional applications it would receive due to the revised requirements, particularly the elimination of the English language proficiency requirement for LNAs. However, currently there are 18,191 licensed LNAs with a license fee of \$35 for a two year term. The OPLC states they do not track denials but they do know they have not denied anyone, to this point, for failure to meet the English language proficiency requirement. This change will have an indeterminable fiscal impact on state revenues starting in FY 2025.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

