

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2022-60 Rule Number Nur 301.05 and Nur 302.07

<p>1. Agency Name & Address:</p> <p>Board of Nursing c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 326-B:9, I</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p><input checked="" type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.)</p> <p><input type="checkbox"/> Repeal</p> <p><input type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **Licensure of Nursing Assistants and Restricted Licensure**

6. Contact person for copies and questions:

Name:	Tina M. Kelley	Title:	Program Specialist IV
Address:	Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	Phone #:	(603) 271-5247

7. The rulemaking notice appeared in the Rulemaking Register on **June 17, 2021**.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)**

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

9. Yes ☐ N/A ☒ Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
10. Yes ☒ N/A ☐ The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
11. Yes ☐ N/A ☒ The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Notice Number 2022-60

Rule Number Nur 301.05 and Nur 302.07

1. Agency Name & Address:

**Board of Nursing
c/o Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority:

RSA 326-B:9, I

3. Federal Authority:

n/a

4. Type of Action:

Adoption

X

Repeal

Readoption

Readoption w/amendment

X

5. Short Title: **Licensure of Nursing Assistants and Restricted Licensure**

6. (a) Summary of what the rule says and of any proposed amendments:

Nur 301.05 describes the criteria for those individuals' seeking licensure as a nursing assistant by competency examination or by having received a comparable education and is being readopted with amendment to exempt those individuals who have submitted a copy of the educational program certificate or the written clinical competency testing results from having to submit them a second time.

Nur 302.07 is being adopted to allow an individual to obtain a restricted RN or LNA license while waiting for the results of the FBI criminal records check.

6. (b) Brief description of the groups affected:

Individuals applying for licensure as a nursing assistant.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute Implemented
Nur 301.05	RSA 326-B:9, I; RSA 326-B:19
Nur 302.07	RSA 326-B:9, I; RSA 326-B:16, V

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional
Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **(603) 271-0597**

E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or
dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thurs., May 26, 2022 at the conclusion of the public hearing.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 26, 2022 at 8:15 a.m.**

Place: **Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 22:060, dated 4/8/2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may decrease costs to certain citizens (for the amendment to Nur 301.05- fewer copies for the applicant to submit). Not applicable to Nur 302.07, which is a new rule.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

For the amendment to Nur 301.05, state citizens who are practicing as an RN or LNA could experience decreased cost with the elimination of having to submit paperwork a second time. For the new rule Nur 302.07, State citizens could experience an increase in income as the rule allows RNs or LNAs to practice nursing as they are waiting for their background check to be completed. Allowing RNs and LNAs to practice nursing while waiting for the background check could also be a benefit to political subdivisions and independently owned businesses who hire them allowing for the hiring process to happen in a timelier manner.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

See #3 above.

- C. **To independently owned businesses:**
See #3 above

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

Readopt with amendment Nur 301.05, effective 12/19/15 (Document #10996), to read as follows:

Nur 301.05 Licensed Nursing Assistant.

(a) This section shall apply to those who seek licensure as a nursing assistant (LNA) by competency examination or by having received a comparable education.

(b) Each person seeking licensure as a nursing assistant, regardless of method of qualification, shall:

(1) Submit an “Application for Initial New Hampshire Nursing Assistant License;” Nur 301.05 Form “Initial New Hampshire Nursing Assistant License”, as amended 1/2015;

(2) Submit to the department of safety, division of state police, a notarized Criminal Record Release Authorization along with any required fee, with the board identified as the recipient of the record or records; and

(3) Pay the application fee of \$35.

(c) Subject to (d), below, each applicant seeking licensure as a nursing assistant by competency examination shall, in addition to complying with (b) above:

(1) Submit a copy of his or her LNA Education Program Certificate to demonstrate successful completion of such program; and

(2) Submit a copy of the final report for the Written and Clinical Competency Testing results showing the applicant to be competent in all areas tested.

(d) An applicant shall not be required to submit the copies required by (c), above, if the program from which the applicant graduated has already provided information to the board that the applicant has successfully completed the program and passed the competency test.

(e) Each applicant seeking licensure as a nursing assistant by comparable education shall, in addition to complying with (b) above shall submit one of the following:

(1) His or her nursing program transcript, showing successful completion of nursing fundamentals coursework that contains content noted in Nur 704.09, within 5 years immediately prior to date of application;

(2) A letter from the nursing program verifying successful completion of nursing fundamentals coursework, that contains content noted in Nur 704.09, within 5 years immediately prior to date of application; or

(3) A Challenge Examination Certificate and a final report for the Written and Clinical Competency Evaluation Results showing the applicant to be competent in all areas tested.

(f) An applicant who has satisfactorily met the requirements of this section shall:

(1) Receive a nursing assistant license; and

(2) Be authorized to use the title LNA.

Edit: Replace with a comma.
"Shall" has already been stated.

Edit: lowercase

Edit: Lowercase

Adopt Nur 302.07 to read as follows:

Nur 302.07 Restricted Licensure Pending Criminal Records Check.

(a) Notwithstanding Nur 302.01(c), an applicant who meets all other qualifications shall be issued a restricted, single-state license pending receipt of the results of the criminal records check.

(b) Upon receipt of the results of the criminal records check demonstrating that the requirement of Nur 302.01(c) has been met, the restricted license shall be converted to a regular license without further action by the holder of the restricted license, provided that for RNs and LPNs, the regular license shall be multi-state license.

Edit: "be a"

(c) Upon receipt of the results of the criminal records check demonstrating that the requirements of Nur 302.01(c) are not met, then:

(1) The restricted license shall be immediately suspended under RSA 541-A:30, III; and

(2) The board shall commence an adjudicative proceeding to determine whether to revoke the restricted license

Edit: period at the end of the sentence.

Edit: Place the Appendix on page 2. It does not need to be on a separate page.

APPENDIX I

Rule	Specific State Statute the Rule Implements
Nur 301.05	RSA 326-B:9, I; RSA 326-B:19; Executive Order 2021-12, dated November 23, 2021
Nur 302.07	RSA 326-B:9, I; RSA 326-B:16, VI; Executive Order 2021-12, dated November 23, 2021