

**Adopt 701, effective 4/17/14 (Document #10570) and expired 4/17/24, cited and to read as follows:**

PART Nur 701 NURSING ASSISTANT REGISTRY

Nur 701.01 Purpose. These rules set forth requirements pursuant to RSA 326-B:9 and RSA 326-B:32 requiring nursing assistant training and competency testing. The Omnibus Budget Reconciliation Act (OBRA) of 1987; Section 1819 and 1919 of the Social Security Act (42 U.S.C. 1395 & 1396) and RSA 326-B authorize a registry that lists all nursing assistants who qualify through education and testing to provide nursing-related activities.

**Adopt Nur 702, effective 4/17/14 (Document #10570) and expired 4/17/24, cited and to read as follows:**

PART Nur 702 COMPETENCY EVALUATION

Nur 702.01 Frequency and Place.

(a) The board shall arrange with other boards, agencies, associations, or organizations for the purchase, administration, use and scoring of competency evaluations consisting of a written or oral portion, and skills evaluation.

(b) Competency evaluations shall be administered to applicants at a time and place determined by the number of applicants, security requirements, and cost.

Nur 702.02 Subject Matter.

(a) The skills part of the competency evaluation shall consist of a minimum of 5 nursing-related activities at varying levels of difficulty commonly performed by nursing assistants and based on content noted in Nur 704.

(b) A New Hampshire registered nurse skilled in testing methods and using previously determined criteria based on content noted in Nur 704 shall evaluate the nursing assistant's ability to demonstrate mastery of nursing-related activities including any 5 of the following:

- (1) Use of communication techniques;
- (2) Noting observations of a care-recipient's environment;
- (3) Identifying hazardous conditions in the environment;
- (4) Demonstrating emergency measures;
- (5) Manipulating adaptive devices or special equipment;
- (6) Recording stages of the developmental process;
- (7) Ambulating, positioning, supporting or transferring a care-recipient;
- (8) Providing personal care;

**Commented [TK1]:** How is this done in light of OPLC's rules?

- (9) Determining temperature, pulse, respirations or blood pressure;
- (10) Providing nutrition or hydration;
- (11) Recording intake or output;
- (12) Noting abnormalities in behavior or bodily functions;
- (13) Identifying violations of confidentiality or human rights;
- (14) Noting and recording results of simple laboratory tests;
- (15) Identifying infection control techniques;
- (16) Identifying religious symbols and artifacts;
- (17) Identifying nursing and medical equipment;
- (18) Describing and reporting abuse;
- (19) Recognizing, applying, monitoring restraints and restraint alternatives; and
- (20) Manipulating, and utilizing adaptive devices to promote rest, comfort and independence.

(c) The integrated written or oral part of the competency evaluation shall include testing for knowledge and comprehension of commonly performed nursing-related activities as follows:

- (1) Role functions;
- (2) Holistic care through the lifespan;
- (3) Communication skills;
- (4) Safety and emergency procedures;
- (5) Care-recipient's rights, dignity, and confidentiality;
- (6) Personal hygiene;
- (7) Ambulation and movement;
- (8) Nutrition and bodily waste;
- (9) Environmental and personal safety;
- (10) Emotional support;
- (11) The developmental process;
- (12) Utilization of resources;

- (13) Comfort, rest, and activity;
- (14) Physical and occupational skills; and
- (15) Observing, reporting, and documenting.

Nur 702.03 Scores.

(a) A candidate shall successfully complete the written part and the skills demonstration part of the competency evaluation, noted in Nur 702.01(a), as set forth in Nur 702.02(b) and Nur 702.02(c), to be eligible to apply for licensing.

Nur 702.04 Procedure.

(a) The board shall review any testing service's policies to ensure that:

- (1) The test reliability and valid;
- (2) The reading level is consistent with practice as a licensed nursing assistant (LNA) and RSA 326-B:16, II;
- (3) Test items are grounded in common nursing-related activities based on a national or regional job analysis;
- (4) It employs security measures to ensure freedom from tampering and breach of confidentiality;
- (5) The test is legally defensible;
- (6) The administration and evaluation of skills demonstrations will be monitored by registered nurses with 2 years of experience with the elderly, or chronically ill of any age;
- (7) Tests are graded on a pass or fail basis; and
- (8) There will be accurate, concise, and prompt reporting of scores.

(b) In the event any part of the competency evaluation is lost, destroyed, damaged, or security violated, the applicant shall retake and pass that [particular] part of the competency evaluation prior to application for licensing.

**Adopt Nur 703, effective 4/17/14 (Document #10570) expired 4/17/24, cited and to read as follows:**

PART Nur 703 RECORDS

Nur 703.01 Registry Reporting.

(a) The [board] **OPLC** shall keep on file the name, address, telephone number, date of certification, date license was issued, and license number of every individual providing nursing-related activities.

(b) The registry file shall contain any legally proven acts of neglect, abuse, or misappropriation of personal or public property, and disciplinary actions taken by the board pursuant to OBRA 1987, RSA 326-B, and these rules.

(c) The board shall disclose the date of registry entry of any nursing assistant and upon request shall disclose proven acts of abuse, neglect, or misappropriation of personal or public property or other actions taken by the board.

**Adopt Nur 704.01, effective 4/17/14 (Document #10570) expired 4/17/24, to read as follows:**

Nur 704.01 Purpose.

(a) Pursuant to RSA 326-B:9, and RSA 326-B:32 and to ensure the health, safety, and welfare of individuals and groups for whom nursing care shall be delegated, these rules set forth requirements for programs providing education for persons who wish to become nursing assistants and provide nursing-related activities.

**Readopt with Amendment Nur 704.02, effective 9/17/16 (Document #10570), to read as follows:**

Nur 704.02 Approval.

(a) Individuals or sponsoring institutions who wish to implement a nursing assistant educational program shall seek [board] approval through the OPLC at least 12 months before implementation.

(b) One year following initial approval, the [board's representatives] OPLC shall review the program on site to determine compliance with this chapter.

(c) [F] The form "Nursing Assistant Educational Program Self Assessment Report", 11-2013 noting activities pertinent to this chapter shall be completed and submitted to the [board] OPLC by the sponsoring individuals or sponsoring institutions who wish to implement a nursing assistant educational program on the non-site review years.

(d) Every 2 years following the first on-site review, the program's sponsoring institution shall complete and submit a review summary of the program in accordance with Nur 704.04-Nur 704.10. Every 4 years, after the first on-site review, the program's sponsoring institution shall submit a written request for an onsite visit as a requirement for continued program approval.

(e) The [board] OPLC shall notify in writing the program's sponsoring institution of its action indicating any program deficiencies and actions required for compliance with the rules or law.

(f) The [board] OPLC shall provide for a hearing when a program fails to demonstrate compliance with rules or the law[,] or fails to provide an acceptable plan for correcting identified deficiencies.

(g) A sponsoring institution may appeal the board's decision within 30 days of notification of the board's decision by requesting a hearing with the board.

(h) A sponsoring institution shall be notified of the date, time and place of the appeals hearing.

(i) The board shall, upon review of the evidence pursuant to Nur 704.04 through Nur 704.13, approve a program based on compliance with requirements of this chapter.

(j) The board shall take one of the following actions if an educational program for nursing assistants does not comply with the requirements of this chapter.

(1) Offer recommendations for compliance or program enhancement without changing the approval status of the program where the violations are minor and do not impair the effectiveness of the program;

(2) After opportunity for a hearing pursuant to ~~[Nur]~~ **Plc** 200, approve the program with conditions for compliance within a specified period of time where the violations are more significant than in (1) above, but are still capable of being quickly remedied; or

(3) After opportunity for a hearing pursuant to ~~[Nur]~~ **Plc** 200, withdraw approval of the program where the seriousness or extent of the violations is such that the board determines that the violations cannot be remedied while the program is in operation.

(k) The ~~[board]~~ **OPLC** shall notify the sponsoring institution within 10 working days following the appeals hearing of the board's decision. Failure to take appropriate action as required in the board's decision shall result in denial or withdrawal of approval.

(l) The ~~[board]~~ **OPLC** shall review a program, if it receives complaints from students, consumers, instructors, employers, or others concerned with students or graduates of the program.

(m) Programs proposed or implemented by sponsoring institutions determined to be in noncompliance with federal or state rules~~[/]~~ **or** laws shall not be granted approval, or shall have their program approval withdrawn until requirements are met.

(n) Program proposals not approved by the board may be revised and submitted for reconsideration, but the program shall not be implemented during the revision period.

**Adopt Nur 704.03, effective 4/17/14 (Document #10570) expired 4/17/24, to read as follows:**

Nur 704.03 Initial Approval.

(a) Any sponsoring institution planning to offer a program designed to educate nursing assistants shall initially submit documents to the ~~[board]~~ **OPLC** for approval at least 12 months prior to the implementation of the program.

(b) ~~[Board-a]~~ **A**pproval shall be received by the sponsoring institution prior to initiating a program and shall be based upon compliance with Nur 704.04 through Nur 704.10.

(c) Documents to be submitted for program approval shall include the following:

(1) A comprehensive feasibility study that shall address at least the following:

a. Documentation of the need and demand for such a program in New Hampshire;

- b. The projected impact the program would have on existing programs in the region where the program is being proposed;
- c. A hiring plan for qualified program administrators, faculty, and staff;
- d. The sources and number of potential students; and
- e. The names of proposed cooperating agencies, including evidence of their intent to contribute to the achievement of the clinical objectives of the program;

- (2) Credentials of the program coordinator;
- (3) Credentials of the instructor(s);
- (4) Philosophy of the educational program with expected student outcomes;
- (5) Curricular organization;
- (6) Course and unit objectives;
- (7) Course outlines describing content;
- (8) Schedule of instruction indicating classroom and clinical hours, examinations;
- (9) Methods of instruction and evaluation;
- (10) Clinical experiences and list of cooperating agencies;
- (11) Program policies; and
- (12) Written narrative describing items noted in Nur 704.03(c)(1) through (11).

(d) Directors of board-approved registered or practical nurse educational programs noted in Nur 600 may issue nursing assistant certificates to students who have successfully completed course content noted in Nur 704.09.

**Readopt with Amendment Nur 704.04, effective 4/26/19 (Document #12835), to read as follows:**

Nur 704.04 Program Coordinator Qualifications.

(a) The **appointed representative of the** sponsoring institution shall appoint the program coordinator who shall have the responsibility and accountability for program administration. The **appointed representative of the** sponsoring institution shall complete and submit ~~[Form]~~ **the** “Application for Faculty Approval[;] **at a** Board Approved Education Programs[;]” [11-14-2013] for approval of the [appointed] program coordinator. ~~[Additionally, the sponsoring institution shall cause to be submitted a current resume including employment experience and length of employment documenting compliance with Nur 704.04 for program coordinator qualifications, Nur 704.06 for instructor qualifications, Nur 805.03 for medication nurse reviewer qualifications, and Nur 805.04 for medication skills instructor qualifications.]~~ **The “Application for Faculty Approval at a Board Approved Education Programs” shall require the following information to be provided:**

- (1) The program coordinator's full legal name;
- (2) Any other names the program coordinator has ever been known by;
- (3) The program coordinator's e-mail address;
- (4) The program coordinator's license type;
- (5) The program coordinator's New Hampshire license or registration number;
- (6) The license or registration expiration date;
- (7) The program coordinator's date of birth;
- (8) The nursing program's name, physical address, phone number, fax number, and e-mail address;
- (9) The program coordinator's employment status by checking one of the following:
  - a. Full time;
  - b. Part time;
  - c. Per diem; or
  - d. Adjunct
- (10) Indicate the type of educational program for which the faculty approval is being requested by checking one of the following:
  - a. Registered nurse education program;
  - b. Licensed Nursing assistant program;
  - c. Licensed practical nurse education program;
  - d. Medication nursing assistant program;
  - e. Licensed practical nurse IV therapy;
  - f. Paid feeding assistant program;
  - g. Refresher RN or LPN program;
  - h. NA Train the trainer; or
  - i. LNA medication certification program;
- (11) Indicate the type of approval that is being requested for the faculty:
  - a. RN-DEMN director;

- b. RN or LPN refresher coordinator;
- c. NA train the trainer instructor or coordinator;
- d. RN DEMN educator;
- e. RN-BS director;
- f. RN or LPN refresher educator;
- g. MNA program reviewer;
- h. RN-BS Educator;
- i. MNA program instructor
- j. RN-AD educator;
- k. LPN-IV director;
- l. LPN director;
- m. LPN educator;
- n. NA program coordinator;
- o. NA program instructor; or
- p. Other and list;

(12) The faculty's clinical specialty area by check all that apply for the following:

- a. Adult;
- b. Pediatrics;
- c. Maternal/child;
- d. OB, GYN, or Woman's Health;
- e. Medical or surgical;
- f. Mental health;
- g. Community;
- h. Long term care;
- i. Oncology;

j. Trauma; or

k. Gerontology;

(13) For the practical nurse with an associates or bachelor's degree in nursing the following:

a. The name of the program they attended;

b. The city and state the program is located; and

c. The date of graduation;

(14) For the graduate nurse with an MSN or PHD the following:

a. The name of the program they attended;

b. The city and state the program is located; and

c. The date of graduation; and

(15) A complete description of how the faculty member meets the experience requirements;

(16) The faculty members signature and date of signing; and

(17) The appointed representative of the educational program's signature and date of signing;

(b) The appointed representative of the educational program shall submit the following with the application described in (a) above:

(1) For the RN or LPN education program faculty the following documents shall be submitted with the application:

a. An official copy of the faculty members college transcripts; and

b. A resume or curricula vitae documenting compliance with Nur 602.05 and Nur 602.07(a), (b), or (c);

(2) For the nursing assistant education program faculty, the representative of the educational program shall submitted with the application a copy of faculty's resume showing employment experience and length of employment as follows:

a. For the program coordinator as described in Nur 704.04;

b. For the instructor as described in Nur 704.076;

c. For the medication nurse reviewer as described in Nur 805.03; and

d. For the Medication skills instructor as described in Nur 805.04;

~~[(b)]~~**(c)** If in compliance with the following criteria, the coordinator shall receive ~~[board]~~ approval:

- (1) Possesses a current New Hampshire unencumbered registered nurse license or a multi-state RN license from another compact state;
- (2) Validates 2 years experience with the elderly or chronically ill of any age with 1 year experience in the provision of long term care (LTC) facility services; and
- (3) Demonstrates competence to teach adult learners through one of the following:
  - a. Baccalaureate educational preparation; or
  - b. Successful completion of a board-approved Train-the-Trainer course:
    1. Taught by a registered nurse with 3 years of clinical experience;
    2. Reviewed by the board every 2 years for compliance with Nur 704; and
    3. Offering a curriculum related to:
      - (i) Learning styles;
      - (ii) Written and clinical performance;
      - (iii) Evaluations;
      - (iv) Teaching strategies;
      - (v) Textbook selection; and
      - (vi) Classroom management.

**Adopt Nur 704.05 through Nur 704.11, effective 4/17/14 (Document #10570) expired 4/17/24, to read as follows:**

Nur 704.05 Coordinator Responsibilities.

- (a) The coordinator shall:
  - (1) Be responsible for planning, implementing and evaluating the program;
  - (2) Maintain:
    - a. Course documents, including descriptions of each course's content;
    - b. A list of nursing-related activities;
    - c. A list of individuals who successfully complete the program; and

- d. A list of the as dates of all programs;
- (3) Maintain a physical presence in New Hampshire during all hours of instruction in the nursing assistant program;
- (4) Provide a certificate to the student upon successful program completion; and
- (5) Submit to the board names, address, telephone number, and employer, if known, of those persons successfully completing a nursing assistant program within 30 days of program completion.

Nur 704.06 Instructor Qualifications.

(a) The sponsoring institution shall submit for faculty approval for program instructors. The sponsoring institution shall complete and submit [Form] the “Approval for Board Approved Education Programs,” 11-14-13;

(b) The instructor shall:

- (1) Comply with Nur 704.04(b) (1) and Nur 704.04(b)(3); or
- (2) Comply with Nur 704.04(b)(2) and (3) and possess a current New Hampshire unencumbered licensed practical nurse license (LPN) or a multi-state LPN license issued by a compact state.

Nur 704.07 Instruction.

(a) The instructor shall be responsible for classroom and clinical teaching.

(b) Instructors shall implement and give to each student written policies regarding:

- (1) Class attendance;
- (2) Academic achievement;
- (3) Theoretical and clinical competence; and
- (4) Other program policies affecting students.

(c) The student-to-instructor ratio shall not exceed 8:1 in the clinical setting.

(d) The instructor shall have no other work responsibilities while instructing clinical and classroom learning experiences.

(e) Qualified resource people from the health-care field appointed by the course coordinator may participate in instructing students.

(f) The instructor assigning learning activities to students shall determine whether they are qualified, through classroom and laboratory experience, to perform nursing-related activity(s).

(g) Students shall be responsible and accountable for the activities assigned and shall not perform nursing-related activities for which they have not been theoretically and clinically prepared.

(h) At all times, students shall be clearly identified as acting in the student role.

Nur 704.08 Admission Standards. Each applicant for admission to a nursing assistant program shall:

(a) Document the ability to read, comprehend, write, and communicate in English, relative to job-related assignments;

(b) Not have been convicted of a crime constituting any of the following unless such conviction was annulled by a court of competent jurisdiction:

- (1) Murder or manslaughter;
- (2) Robbery;
- (3) Felonious theft;
- (4) Felonious assault;
- (5) Sexual crime involving a child;
- (6) Kidnapping; and
- (7) Endangering the welfare of a child or incompetent person.

Nur 704.09 Curriculum.

(a) The philosophy of the program shall be written and clearly reflect the sponsoring institution's beliefs regarding care-recipients, care-providers, care-characteristics, environment within which care shall be provided, and educational preparation for providing nursing-related activities.

(b) The course objectives shall identify expected student outcomes.

(c) Following successful completion of the program, a nursing assistant shall be able to:

- (1) Form a relationship, communicate, and interact effectively with individuals and groups;
- (2) Demonstrate comprehension related to individuals' emotional, mental, physical, and social health needs through skillful, direct nursing-related activities;
- (3) Assist individuals to attain and maintain functional independence in a home or health-care facility;
- (4) Exhibit behaviors supporting and promoting care-recipients' rights;
- (5) Demonstrate observational and documenting skills required for reporting of people's health, safety, welfare, physical, and mental condition, and general well-being; and

(6) Provide safe nursing-related activities under the supervision of a registered or licensed practical nurse.

(d) Content shall include the following information:

(1) Pathological, physical, psychological, social, cultural, and religious influences related to the life cycle and the aging process;

(2) End of life issues; and

(3) Legal, ethical, and moral issues involved when providing nursing-related activities.

(e) Prior to direct care with care-recipients, students shall receive 16 hours of instruction including the following:

(1) Orientation to the role;

(2) Holistic approach to care throughout the lifespan;

(3) Communication skills;

(4) Safety and emergency procedures including the Heimlich Maneuver; and

(5) Protection of care-recipients' rights, dignity and their confidentiality.

(f) Theoretical and clinical experiences shall include assisting care-recipients with nursing-related activities in the following areas:

(1) Personal hygiene including bathing, grooming, dressing;

(2) Ambulation, and movement including range of motion, turning, positioning, transferring;

(3) Nutrition and elimination including feeding and hydration, toileting, bowel, and bladder training;

(4) Environmental and personal safety involving housekeeping concerns, adaptive devices, special clothing;

(5) Emotional support including appropriate responses and techniques used with the cognitively impaired and demented, the aging process, identification of resources, preservation of dignity, assuring freedom from fear and reprisal;

(6) Comfort, rest, and activities including privacy, physical and occupational skills; and

(7) Emergency situations including appropriateness of action or non-action, fire drills, security of the environment, resources available.

(g) The course content, learning activities, and objectives shall be offered at the educational level appropriate to the applicants.

(h) Students shall be prepared to observe and report activities appropriately.

(i) The program shall consist of a minimum of 100 hours of instruction. Of this time, there shall be 40 hours of theory and 60 hours of concurrent clinical experience.

(j) Instructors shall prepare and administer written<sup>[1]</sup>, oral<sup>2</sup>, and skills tests formulated from program objectives and expected outcomes.

(k) Instructors shall require the following:

- (1) A grade of 70, or greater, in examinations testing for theoretical content; and
- (2) A grade of “pass” on skills test.

(l) Instructors shall prepare and give to each student at the successful completion of the program a performance record of nursing-related activities that includes but is not limited to:

- (1) Skill(s) performed;
- (2) Date(s) of skill performance;
- (3) Satisfactory or unsatisfactory performance; and
- (4) Instructor signature and date of performance evaluation.

(m) Upon successful completion of the program, the coordinator shall provide to the successful candidate a certificate indicating the following:

- (1) Student name;
- (2) Name of sponsoring agency;
- (3) Hours of clinical and theoretical instruction;
- (4) Date of program initiation and successful completion; and
- (5) Signature of program coordinator.

Nur 704.10 Program Facilities and Resources.

(a) The physical facilities and educational materials shall meet the needs of the program, the number of students, and the instructional staff.

(b) Sponsoring agencies shall provide for:

- (1) Clean, safe environmental conditions with comfortable temperatures;
- (2) Adequate lighting; and
- (3) Audio-visual or simulated equipment necessary for care demonstrations.

(c) Sponsoring institutions that fail to have the appropriate educational facilities may contract with cooperating agencies to provide clinical and classroom facilities prior to student placement. Said contract shall delineate roles, responsibilities, and time-frames pertinent to the program.

(d) The **appointed representative of the** sponsoring institution shall **complete and** submit ~~[Form]~~ **the “Application For Board Approval of a Cooperating Agency for LNA/MNA Education,” 11-2013, 3** months prior to placement of students within the cooperating agency.

(e) The application, noted in (d) above, shall include the following:

- (1) Instructor and staff responsibilities, and orientations;
- (2) Annual meetings addressing the program philosophy, objectives, learning activities, and future plans;
- (3) The student faculty ratio, which shall not exceed 8:1, for each unit;
- (4) Copy of contract or agreement providing for adequate time for termination;
- (5) A description of the planned physical, material, and human resources intended to support learning activities; and
- (6) Cooperative plans with other programs using the agency.

(f) Cooperating agencies shall have sufficient care-recipients, and material resources to provide for learning activities identified by the coordinator~~[/]~~ **or** instructor.

(g) Sponsoring institutions and cooperating agencies~~[/]~~ **or** institutions shall be licensed by the department of health and human services or the appropriate state agency.

Nur 704.11 Comparable Experience.

(a) Individuals may apply for a license as a nursing assistant by documenting comparable or greater nursing educational experience and successfully completing one of the following:

- (1) A registered or practical nursing educational course that contains content noted in Nur 704.09 within 5 years immediately prior to date of application;
- (2) A nursing assistant program that meets the requirements of Nur 704.09(i) within 5 years immediately prior to date of application and a board-approved competency evaluation that measures the content noted in Nur 704.09 within 2 years immediately prior to date of application;
- (3) A challenge examination offered by an approved nursing assistant program and board-approved competency evaluation as described in Nur 702 within 2 years immediately prior to date of application, provided the qualifying applicant possesses an official transcript of structured education that contains curriculum noted in Nur 704.09 taken within 5 years immediately prior to date of application; or
- (4) Have provided 200 hours of nursing or nursing assistant care within 2 years immediately prior to application and appropriate state registry verification of a practice in good standing.

(b) Programs that provide a challenge option for individuals seeking licensure through comparable education shall provide the board with a **self-assessment report**. Any program that provides a challenge option to individuals seeking licensure through comparable education shall complete and submit, on an annual basis, ~~[Form]~~ **the “Nursing Assistant Challenge Program Self-Assessment Report,” 11/2013.**