

Amendment to SB 152

Amend the bill by replacing all after the enacting clause with the following:

1 Residential Care and Health Facility Licensing; Employment. Amend RSA 151:2-d, III to read as follows:

III. The licensee or certificate holder shall submit the notarized criminal conviction record release authorization form to the division of state police after an applicant accepts a conditional offer of employment. The licensee or certificate holder shall review the results of the criminal conviction record check before making a final offer of employment. ~~[An employee shall not begin work before the final offer of employment is made.]~~ ***Pending the results of the criminal conviction record check an employee may begin working provisionally if he or she is under the supervision of a staff person and he or she has revealed no disqualifying criminal history; provided that this paragraph shall not be construed to waive any statutory requirement for direct supervision of a licensee or certificate holder.***

2 Nurse Practice Act; Temporary Licensure. Amend RSA 326-B:24 to read as follows:

326-B:24 Temporary Licenses; All Licensees.

I. The board ~~[may]~~ ***shall*** issue temporary licenses, as provided in ~~[paragraph]~~ ***paragraphs II and III***, to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 120 days, whichever is less.

II. The following applicants for licensure as RNs or LPNs ~~[may]~~ ***shall*** be issued temporary licenses:

(a) Unlicensed applicants for licensure under paragraph I and applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(b) If they can demonstrate proficiency in English, currently foreign-licensed applicants for licensure under RSA 326-B who have met all requirements for licensure except that they have not yet taken the required examination or the results of the examination are not yet available to the board.

(c) Applicants for licensure under RSA 326-B who have met all of the requirements of that paragraph and are awaiting the board's decision on their application for permanent licensure.

III. ***Applicants for licensure as licensed nursing assistants shall be issued temporary licenses if they have passed the examination required under RSA 326-B:19 and***

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1 *are awaiting the results of the criminal history background check required under*
2 *RSA 326-B:15, provided however that the applicant shall have passed a criminal history*
3 *background check as part of a board-approved nursing assistant education program.*

4 **IV.** Applicants described in ~~[paragraph]~~ **paragraphs II and III** who have received
5 temporary licenses shall practice only under the supervision of an RN currently licensed in
6 New Hampshire.

7 3 Residential Care and Health Facility Licensing; Employment; 2019 Version. Amend RSA
8 151:2-d, III to read as follows:

9 **III.** The licensee or certificate holder shall submit the notarized criminal conviction record
10 release authorization form to the division of state police after an applicant accepts a conditional
11 offer of employment. The licensee or certificate holder shall review the results of the criminal
12 conviction record check before making a final offer of employment. ~~[Pending the results of the~~
13 ~~criminal conviction record check an employee may begin working provisionally if he or she is under~~
14 ~~the supervision of a staff person and he or she has revealed no disqualifying criminal history;~~
15 ~~provided that this paragraph shall not be construed to waive any statutory requirement for direct~~
16 ~~supervision of a license or certificate holder.]~~ **An employee shall not begin work before the**
17 **final offer of employment is made.**

18 4 Temporary Licenses; 2019 Version. Amend RSA 326-B:24 to read as follows:
19 326-B:24 Temporary Licenses; All Licensees.

20 **I.** The board ~~[shall]~~ **may** issue temporary licenses, as provided in ~~[paragraphs II and III]~~
21 **paragraph II**, to applicants who meet entry level licensing requirements in the license category. A
22 temporary license shall expire on the date the board approves or denies the permanent license
23 sought by the holder of the temporary license, or in 120 days, whichever is less.

24 **II.** The following applicants for licensure as RNs or LPNs ~~[shall]~~ **may** be issued temporary
25 licenses:

26 (a) Unlicensed applicants for licensure under paragraph I and applicants for licensure
27 under RSA 326-B who have met all requirements for licensure except that they have not yet taken
28 the required examination or the results of the examination are not yet available to the board.

29 (b) If they can demonstrate proficiency in English, currently foreign-licensed applicants
30 for licensure under RSA 326-B who have met all requirements for licensure except that they have
31 not yet taken the required examination or the results of the examination are not yet available to the
32 board.

33 (c) Applicants for licensure under RSA 326-B who have met all of the requirements of
34 that paragraph and are awaiting the board's decision on their application for permanent licensure.

35 **III.** ~~[Applicants for licensure as licensed nursing assistants shall be issued temporary~~
36 ~~licenses if they have passed the examination required under RSA 326-B:19 and are awaiting the~~
37 ~~results of the criminal history background check required under RSA 326-B:15, provided however~~

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1 ~~that the applicant shall have passed a criminal history background check as part of a board-~~
2 ~~approved nursing assistant education program.~~

3 IV.] Applicants described in ~~[paragraphs II and III]~~ **paragraph II** who have received
4 temporary licenses shall practice only under the supervision of an RN currently licensed in New
5 Hampshire.

6 5 Effective Date.

7 I. Sections 3 and 4 of this act shall take effect June 30, 2019.

8 II. The remainder of this act shall take effect 60 days after its passage.

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2017-0797s

AMENDED ANALYSIS

This bill establishes for 2 years the provision for temporary employment in a residential care facility or as a licensed nursing assistant by persons awaiting the results of a criminal history background check.