HB 1556: AN ACT relative to licensing requirements for barbers, cosmetologists, estheticians, and licensed nursing assistants

History/Context:
In a move that could increase the work-force and lessen unemployment, HB 1556 seeks to ensure that barbers, cosmetologists, estheticians, and licensed nursing assistants are not barred from employment even if these individuals have a criminal history, so long as the crimes are not violent crimes. This would broaden the pool of applicants eligible for employment in these industries. Currently, applicants for a licensure as a nursing assistant, are required to report to the Board of Nursing any pending criminal charges, criminal convictions, or plea arrangement they have according to RSA 326-B:16 III. HB 1556 sets to limit an applicant’s requirement to report charges, conviction, or plea arrangements only to those concerning violent crimes (as defined in RSA 651:5, XIII) and criminal neglect of elderly, disabled, or impaired adults under RSA 631:8. HB 1556 would prevent the Board of Nursing from receiving notice that applicants have charges, convictions, or pleas arrangements except for in the narrow circumstances of violent crimes or criminal neglect.

Unlike barbers, cosmetologists, and estheticians, who usually practice in a public environment with a non-vulnerable population, licensed nursing assistants practice with a vulnerable population of the ill and/or incapacitated. Moreover, licensed nursing assistants often are found practicing in the home environment where aged or infirmed individuals are vulnerable not just to violent crimes but also to theft and property crimes. Currently, the board may discipline a licensee or applicant for convictions by a court or any plea to a crime in any jurisdiction that relates adversely to the practice of nursing or to the ability to practice nursing. HB 1556 seeks to limit the authority of the Board of Nursing to discipline licensed nursing assistants or applicants for licensure unless the licensee or applicant is convicted of a violent crime or a crime of neglect of the elderly. (Prepared by Davida Rubin-Baker, ADN, JD, RN)

NHNA’s Commission on Government Affairs is opposed to the passage of HB 1556 as currently drafted and will recommend removal of LNA’s from its provisions.

Davida Rubin-Baker, a member of the Commission on Government Affairs, attended and testified in opposition to this bill at the public hearing on February 6, 2018. The bill will likely go to subcommittee for further evaluation.

On February 13, 2018 this bill moved to subcommittee for further consideration. On February 22, 2018 this bill moved to executive session.

On February 23, 2018, the House Executive Departments and Administration Committee voted this bill ought not to pass (12:1).

On March 6, 2018 this bill failed to pass in the House.