**SB 273: Relative to Regulation of Nursing Assistants**

**Title/Introduction:** SB 273 AN ACT relative to the regulation of nursing assistants by the board of nursing. This bill propose changing nursing assistance to being certified, no longer licensed.

**History/Context:** The New Hampshire Office of Professional Licensure and Certification received a Federal grant to examine job positions where the required elements to perform the work are not consistent with the need for licensure. Since most states do not license nursing assistants (only 6 license), the Board of Nursing (BON) examined the ramifications of the cessation of licensing nursing assistants and reverting back to a certification process for nursing assistants (certification was standard prior to 2001 with passage of HB 408).

Historically, the process for licensing nursing assistants has been slowed by the requirement for a second criminal background check conducted at the time of licensure (a criminal background check is completed prior to entry in an accredited training program). Many healthcare employers struggle to fill open positions for nursing assistants and this delay in licensure delays the hiring process.

Senator Jay Kahn introduced a bill to cease licensing nursing assistants and revert to a certification process. Educational requirements will remain unchanged, both to become a nursing assistant and for continuing education (which exceed minimum Federal requirements). If this bill becomes law, nursing assistants, upon completion of required training and passage of the certification exam, will be designated as a certified nursing assistant and immediately available to work. No additional background check will be required by the state and no licensing fee will need to be paid.

**Pros:**

- Nursing assistants will not need to pay a $35.00 licensing fee and the renewal fee of $25.00 every two years
- Nursing assistants will not need to pay for the criminal background check at time of licensure ($47.00)
- Education requirements remain unchanged.
- Complaint process remains unchanged, handled by BON.

**Cons:**

- A survey of LNA’s conducted by NHNA indicated that the majority of responding LNAs perceive the loss of “licensed” in their title as a loss of professionalism; they did not support this change.
- LNA’s have not had a voice in this process that profoundly affects them.
Associations representing nursing employers (NHHA, HCA, NHHCA) are concerned that this will result in a loss of nursing assistants to the profession. They would like more time to evaluate the matter.

The bill does not fix the root problem, the delay in processing the criminal background check.

**Sponsor(s):** Sen. Kahn, Dist 10 (Prime Sponsor); Sen. Watters, Dist 4; Sen. Reagan, Dist 17; Sen. Ward, Dist 8; Rep. McGuire, Merr. 29

**Committee:** Senate Executive Departments & Administration Committee

**Position of the CGA:** Opposed to current language of SB 273, but will support if amended to reflect the formation of a study committee.

[Click here](#) to access SB 273 on the NH General Court website.

A hearing on SB 273 by the Senate Executive Departments & Administration Committee is held for 02-06-19. NHNA testified at this hearing in opposition to the current language of the bill, but indicating support if amended to a study commission. The Senate ED&A Committee voted Ought to Pass with Amendment ([#2019-0859s](#)) (5:0). This amendment changes the bill to form a study committee. This bill voted Ought to Pass with Amendment by full Senate on 03-14-19.

This bill was introduced to the House on 03-20-19 and referred to the House Executive Departments & Administration Committee. A hearing of the House ED&A Committee was held on 04-02-19. A subcommittee work session was held on 04-10-19. The subcommittee voted to recommend to full Committee ought to pass with amendment. Executive Session meeting was held on 04-30-19. House ED&A Committee voted (19:0) ought to pass with amendment ([#2019-1423h](#)) on 05-01-19.

Senator Carson moved to concur with the House Amendment on 06-13-19. **Chapter Law 0284.**