

CHAPTER 202  
SB 152 - FINAL VERSION

03/16/2017 0797s  
20Apr2017... 1283h

2017 SESSION

17-0860  
10/01

SENATE BILL **152**

AN ACT relative to criminal history background checks for certain health care workers.

SPONSORS: Sen. Woodburn, Dist 1; Sen. Kahn, Dist 10; Sen. Bradley, Dist 3; Rep. S. Schmidt, Carr. 6; Rep. Fothergill, Coos 1

COMMITTEE: Health and Human Services

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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.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to criminal history background checks for certain health care workers.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            202:1 Residential Care and Health Facility Licensing; Employment. Amend RSA 151:2-d, III to  
2 read as follows:

3            III. The licensee or certificate holder shall submit the notarized criminal conviction record  
4 release authorization form to the division of state police after an applicant accepts a conditional  
5 offer of employment. The licensee or certificate holder shall review the results of the criminal  
6 conviction record check before making a final offer of employment. An employee shall not begin  
7 work before the final offer of employment is made, ***however, pending the results of the criminal***  
8 ***history record check an employer may employ a licensed nursing assistant on a***  
9 ***conditional basis for up to 90 calendar days before the employer receives the results of a***  
10 ***criminal history record check, if the conditional employee:***

11                    (a) ***Is under the direct supervision of a licensed staff person provided that this***  
12 ***paragraph shall not be construed to waive any statutory requirement for direct***  
13 ***supervision of a licensee or certificate holder;***

14                    (b) ***Has passed a criminal history record check within the prior 12 months as***  
15 ***part of a nursing assistant education program approved by the board of nursing;***

16                    (c) ***Has provided the facility with a copy of the criminal history record check***  
17 ***required under subparagraph (b); and***

18                    (d) ***Has provided a written attestation that no disqualifying criminal history***  
19 ***exists.***

20            202:2 Nurse Practice Act; Temporary Licensure. Amend RSA 326-B:24 to read as follows:

21            326-B:24 Temporary Licenses; All Licensees.

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

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

28                    (a) Unlicensed applicants for licensure under paragraph I and applicants for licensure  
29 under RSA 326-B who have met all requirements for licensure except that they have not yet taken

CHAPTER 202  
SB 152 - FINAL VERSION  
- Page 2 -

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 are awaiting the results of the criminal history record check required under RSA 326-B:15, provided however that the applicant within the prior 12 months shall have passed a criminal history record check as part of a nursing assistant education program approved by the board.**

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

202:3 Residential Care and Health Facility Licensing; Employment; 2019 Version. RSA 151:2-d, III is repealed and reenacted 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.

202:4 Temporary Licenses; 2019 Version. Amend RSA 326-B:24 to read as follows:

326-B:24 Temporary Licenses; All Licensees.

I. The board ~~[shall]~~ **may** issue temporary licenses, as provided in ~~[paragraphs II and III]~~ **paragraph II**, 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 ~~[shall]~~ **may** 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

**CHAPTER 202**  
**SB 152 - FINAL VERSION**  
**- Page 3 -**

1 board.

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

4 ~~III. [Applicants for licensure as licensed nursing assistants shall be issued temporary~~  
5 ~~licenses if they have passed the examination required under RSA 326-B:19 and are awaiting the~~  
6 ~~results of the criminal history record check required under RSA 326-B:15, provided however that~~  
7 ~~the applicant within the prior 12 months shall have passed a criminal history record check as part~~  
8 ~~of a nursing assistant education program approved by the board.~~

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

12 202:5 Effective Date.

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

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

Approved: July 05, 2017

Effective Date:

I. Sections 3 and 4 effective June 30, 2019.

II. Remainder effective September 3, 2017