

license is reactivated. To be placed on inactive status, the APRN must, prior to the expiration date of his/her license, shall submit a written request to be placed on inactive status. An applicant for reinstatement of an inactive license shall:

- (i) Submit the required application for reinstatement and the fee;
  - (ii) Be currently licensed as a registered nurse in Guam; and,
  - (iii) Be currently certified as an APRN by a nationally recognized certifying agent of the appropriated advanced practice organization.
- (f) A temporary APRN license may be issued by the Board to the APRN who holds a current national or state certification to practice as an Advanced Practice Registered Nurse upon submission of the following:
- (1) An application to meet the temporary license requirement to practice as registered professional nurse;
  - (2) Documentation as required by these rules and regulations for license as an APRN;
  - (3) The non-refundable initial licensure fee and the temporary APRN licensure fee.
  - (4) The temporary APRN license is valid for a period of three (3) months upon issuance. The temporary APRN license becomes null and void upon issuance of a current license, upon expiration, or upon withdrawal by Board action.
  - (5) The temporary license is not renewable and does not apply to prescriptive authority.
- (g) An APRN's license shall be automatically suspended upon the occurrence of any of the following:
- (1) Failure of the APRN to attain recertification from the national or state certifying body. The APRN may not practice as or use the title of certified or licensed APRN until she/he has submitted to the Board a copy of current National or State certification. The license must be returned immediately to the Board.
  - (2) The revocation of the APRN's national or state certification for any reason. The APRN shall notify the Board immediately in writing and shall not practice as or use the title of certified or licensed APRN until she/he has submitted to the Board a copy of a current national certification. The license must be returned immediately to the Board.
- (h) It is the responsibility of the APRN to maintain and submit a current national certification to the Board.

### **5.7 Prescriptive Authority.**

- (a) An APRN applicant for prescriptive authority shall:
- (1) Be currently licensed as an APRN to practice in Guam.
  - (2) Provide evidence from the national certifying body that differential diagnosis and prescribing practices are recognized as being within the scope of practice for the applicant's certification category.
  - (3) Provide documentation of successful completion of pharmacology coursework which shall include pharmacokinetics principles and their

clinical application and the prescription of pharmacological agents in the prevention and treatment of illness, and the restoration and maintenance of health. The coursework shall contain a minimum of:

- (i) Three (3) graduate credit hours of a post-baccalaureate pharmacology offered by an accredited college or university; or,
  - (ii) Forty-five (45) contact hours [a contact hour is fifty (50) minutes] of continuing education in pharmacology, offered by an accredited college or university, or sanctioned by a nationally recognized continuing education accrediting body acceptable to the Board; or,
  - (iii) Three (3) graduate credit hours pharmacology course included as part of an advanced practice nursing education program.
- (4) Provide evidence of a minimum of one thousand (1,000) hours of practice in an advanced practice nursing category prior to application for prescriptive authority. The 1,000 hours shall not include clinical hours obtained in the advanced practice nursing education program. The 1,000 hours shall include clinical hours completed and verified by the collaborative physician within the past twenty-four (24) months.
  - (5) Submit the nonrefundable processing fee with the application for prescriptive authority.
  - (6) When approved, a new APRN license card will be issued indicating prescriptive authority.
  - (7) Renewal of prescriptive authority will be part of the APRN renewal process and no additional fee will be assessed.
- (b) Protocols for Prescriptive Authority**  
Protocols shall be made available upon request of the Board. Such protocols shall, at a minimum, include:
- (1) Indications for and classifications of legend drugs, controlled substances (if prescriber holds a DEA registration number) and the therapeutic devices which will be prescribed or administered by the APRN;
  - (2) Date the protocol was adopted or last reviewed, which shall be at least annually.
- (c) Prescribing Privileges**
- (1) The APRN, applying for prescriptive authority, shall acknowledge in the application that he/she is familiar with Guam's and federal laws and regulations regarding prescribing; and shall agree to comply with these laws and regulations.
  - (2) The APRN with prescriptive authority may receive and prescribe legend drugs, medicines, diagnostic studies or therapeutic devices appropriate to the APRN's area of practice. The prescriptive authority for controlled drugs shall only extend to drugs listed in Schedules II through V.
  - (3) Prescribing stipulations are as follows:
    - (i) Legend drugs, diagnostic studies and therapeutic devices that are prescribed by the APRN shall be included as outlined in the protocols section.
    - (ii) Controlled substances (Schedule II – V), defined by PL 24-149 and/or federal controlled substances lists, will be prescribed,

administered or ordered as established in the protocols provided that the APRN has an assigned DEA registration number which is entered on each written prescription for a controlled substance.

- (iii) The APRN shall file his/her DEA registration number with the Board upon receipt.
  - (iv) Advanced practice registered nurses shall not delegate to unlicensed ancillary staff the calling in of prescriptions to the pharmacy.
  - (4) The APRN may prescribe a legend drug, medicine, diagnostic studies or therapeutic device not included in the written protocols only as follows:
    - (i) Upon specific written or verbal order obtained from the collaborating physician before the prescription or order is issued by the APRN; and
    - (ii) Include documentation of consultation as described above in the client's medical record to be signed by the APRN;
    - (iii) Schedule I controlled substance shall not be prescribed under the APRN's certificate of prescriptive authority.
  - (5) The APRN shall note prescriptions on the client's medical record and include the following information:
    - (i) Medication and strength;
    - (ii) Dose;
    - (iii) Amount prescribed;
    - (iv) Directions for use;
    - (v) Number of refills; and
    - (vi) Initials or signature of APRN.
  - (6) The Board shall be responsible for keeping an up-to-date record, available to the public, of the APRNs authorized to prescribe in Guam.
  - (7) Advanced practice registered nurses in the category of certified registered nurse anesthetists shall not be required to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicines necessary for such care.
- (d) Written Prescription Format
- (1) All written prescriptions issued by the APRN shall contain the name of the client, the APRN's name, telephone number, signature with the **appropriate identifying** initials prescribing identification number issued by the Board, and should include information contained in (c) (5) i-vi of this Article 5.
  - (2) All prescriptions for controlled substances shall be written in accordance with federal regulations. The APRN's assigned DEA registration number shall be written on the prescription form when a controlled substance is prescribed.
- (e) Receiving prepackaged drug samples
- (1) APRNs who have fulfilled requirements for prescriptive authority may receive legend drugs samples and therapeutic devices appropriate to their area of practice, including controlled substances contained in Schedules II through V of the Controlled Substance Act, which have been prepared, packaged, or fabricated by a pharmaceutical

- manufacturer in accordance with Guam Control Substance Act, Pharmacy Practice Act, and their rules and regulations.
- (2) Records must comply with all applicable federal and Guam laws and regulations.
- (f) Termination of Prescriptive Authority**  
Prescriptive authority may be terminated by the Board when the prescriber:
- (1) Failed to maintain current active licensure as a registered nurse and or as an APRN;
  - (2) Violates provisions of the Nurse Practice Act and /or regulations established by the Board and/or Pharmacy Practice Act and its administrative rules.
  - (3) Violates any of Guam's or federal law or regulations applicable to prescriptions; or
  - (4) Fails to follow any of the imposed conditions.
- (g) Lapsed Prescriptive Authority.**
- (1) The authority to prescribe is automatically terminated if the APRNs license is not renewed or placed in an inactive status by the expiration date.
  - (2) Any licensee whose prescriptive authority has lapsed or been inactive over a twenty-four month period must submit to the Board:
    - (i) A new application for prescriptive authority and a current license as an APRN;
    - (ii) Evidence of a minimum of one thousand (1,000) hours of practice in an APRN category prior to application for prescriptive authority. The 1,000 hours shall not include clinical hours obtained in the advanced practice nursing education program. The 1,000 hours shall include hours completed within the past twenty-four months and verified by the collaborating physician.
    - (iii) The non-refundable reinstatement fee.
  - (3) Any person engaged in practicing within the scope of his or her certificate of prescriptive authority during the time his or her APRN license has lapsed shall be considered an illegal practitioner and is subject to the penalties provided for violation of the Nurse Practice Act.
- (h) Inactive Status**
- (1) A prescriptive authority will automatically be considered lapsed and subject to the requirements of these rules when a licensee places his or her APRN license in inactive status.
  - (2) While the prescriptive authority or APRN license is inactive, the licensee shall not engage in any practice within the scope of an APRN with prescriptive authority.
  - (3) If the nurse desires to resume practice in Guam, he or she shall request a reinstatement/renewal application, which shall be completed and submitted with a renewal fee or reinstatement fee. Fees are nonrefundable.
  - (4) All licensure requirements for reinstatement/renewal shall apply.

- (5) If disciplinary proceedings on an inactive licensee have been initiated, the license shall not be re-instated/renewed until the proceedings have been completed.

**5.8 Lost, Stolen or Destroyed License.**

- (a) A duplicate license shall be issued when the licensee submits a notarized statement to the Board that the document is lost, stolen, or destroyed, and pays a re-issuance fee.
- (b) The license will be marked “duplicate” and date of issuance noted.

**5.9 Name or Address Change.**

- (a) A licensee whose name is legally changed shall be issued a replacement license following submission of the current license, along with an affidavit, copy of marriage license or court action, and the required re-issuance fee.
- (b) A licensee whose address changes from the address appearing on the current license shall immediately notify the Board of the change. The Board shall not issue a new license; but shall make such changes in current license files.

**5.10 Disciplinary Provisions.**

- (a) The Board may deny licensure or re-licensure, revoke or suspend licensure, place on probation and censure or reprimand an APRN upon proof that the license holder has:
  - (1) Had a license to practice nursing revoked or suspended or has been otherwise disciplined;
  - (2) Used the title APRN or any similar title or has acted as an APRN without having obtained a license pursuant to these rules and regulations.
  - (3) Directly or indirectly held or represented herself/ himself to the public as a physician, or as practicing independently as a physician;
  - (4) Exceeded her/his authority as an APRN;
  - (5) Violated or cooperated in the violation of the laws or regulations governing the practice of medicine, nursing or APRNs;
  - (6) Become unable to practice with reasonable skill and safety as the result of physical or mental illness or the excessive use of alcohol, drugs, narcotics, chemicals or any other substance;
  - (7) Violated or attempted to violate or has cooperated with others in violating or attempting to violate any law or regulations, territorial, state or federal, relating to the possession, use, dispensing, administration or distribution of drugs; or,
  - (8) Breached the approved agreements or protocols contained therein.
- (b) Hearing:
  - (1) The provision of the Administrative Adjudication Law shall govern proceedings on questions of violation of these regulations.
  - (2) The Commission on Licensure to practice the Healing Art in Guam, as well as the collaborating physician/agency, shall be notified promptly of any complaint filed with the Board against an APRN shall be informed of any action taken by the Board.

- (3) The Board shall conduct all hearings prescribed herein and shall take action as appropriate.

#### **5.11 Standards of Education for APRNs.**

- (a) The purpose, philosophy, and objectives of the program of study shall be in written form and shall meet the following criteria:
  - (1) Purpose - the purpose shall be the preparation of registered nurses to provide primary health care.
  - (2) Philosophy - the philosophy shall be clearly defined.
  - (3) Objectives - the objectives shall reflect the philosophy, using behavioral terms, and describe the theoretical knowledge and clinical competencies of the graduates.
- (b) The program of study shall be administered to ensure that it will:
  - (1) Be conducted in conjunction with an institution of higher education that offers a baccalaureate or higher degree in Nursing, medicine or public health.
  - (2) Have admission requirements and policies for withdrawal, dismissal and readmission clearly stated and available to the student in written form.
  - (3) Have written policies that clearly inform applicants of the academic status of the program (i.e., its accreditation).
  - (4) Provide the graduates with official evidence indicating that they have demonstrated clinical competence in delivering primary health care and have achieved all other objectives of the program.
  - (5) Maintain systematic, retrievable records of the program including philosophy, objectives, administration, faculty, curriculum, students, graduates, and transcripts. In case of program discontinuance, the Board shall be notified of the method provided for record retrieval.
  - (6) Provide for program evaluation by faculty and students during and following the program and make results available for public review.
- (c) There shall be an adequate number of qualified faculty members to develop and implement the program and to achieve the stated objectives.
  - (1) Each faculty member shall demonstrate current competence in the area in which she/he teaches.
  - (2) The director or co-director and faculty of the program shall meet the same requirements as those set for school of professional nursing.
  - (3) Faculty in the theoretical portion of the program shall hold a Master's or higher degree in the area in which they teach.
  - (4) Clinical instructors shall hold a current Guam Registered Professional Nurse License to practice their profession, be licensed by the Board as APRNs or licensed physician, and must demonstrate current clinical competence.
  - (5) Clinical instructors shall participate in teaching, supervising and evaluating students in areas pertaining to their specialty.
- (d) The curriculum of the program shall meet the following criteria:
  - (1) The program shall include all theoretical and clinical instruction necessary to enable the graduate to provide primary health care for persons for whom she/he will provide care.

- (2) The program shall provide evaluation of previous education and/or experience to primary health care for the purpose of granting credit for meeting program requirements.
- (3) Training for practice in an area of specialization shall be broad enough to not only detect and control presenting symptoms but to minimize the potential for disease progression.
- (4) Curriculum, course content, and plans for clinical experience shall be developed through collaboration of the total faculty.
- (5) Curriculum, course content, methods of instruction and critical experience shall be consistent with the philosophy and objectives of the program.
- (6) Outlines and descriptions of all learning experiences shall be available, in writing, prior to enrollment of students in the program.
- (7) The program shall be a minimum of one academic year in length. It may be full-time or part-time and shall be comprised of not less than thirty (30) semester units or forty-five (45) quarter units. It shall include theory and planned clinical practice under the direction of a preceptor.
- (8) The course of instruction shall be calculated according to the following formula:
  - (i) One (1) hour of instruction in theory each week throughout a semester or quarter, equal one (1) unit/credit.
  - (ii) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit/credit.
  - (iii) One (1) semester equals 16 to 15 weeks and one (1) quarter equals 10 to 12 weeks.
- (9) Following acquisition of basic theoretical knowledge prescribed by the curriculum, the student shall receive supervised experience and instruction in an appropriate clinical setting.
- (10) The duration of clinical experience and the setting shall be such that the student will receive intensive experience in performing the diagnostic and treatment procedures essential to the practice for which the student is being prepared.
- (11) The program shall have responsibility for arranging the supervised clinical instruction of the student.
- (12) The curriculum shall include, but is not limited to, the following courses which shall be relevant to the practice of the APRN in the specialized field:
  - (i) Normal growth and development
  - (ii) Pathophysiology
  - (iii) Interviewing and communication skills
  - (iv) Eliciting, recording and maintaining a developmental health history
  - (v) Comprehensive physical examination
  - (vi) Psychosocial assessment
  - (vii) Interpretation of laboratory findings  
Evaluation assessment data to define health and developmental problems
  - (viii) Pharmacology

- (ix) Nutrition
  - (x) Disease management
  - (xi) Principles of health maintenance
  - (xii) Assessment of community resources
  - (xiii) Initiating and providing emergency treatments
  - (xiv) Practitioner role development
  - (xv) Instruction in legal ethical and professional responsibilities of an APRN
  - (xvi) Health care delivery systems
  - (xvii) Supervised clinical practice of those skills essential for the APRN in the specialized field
- (13) The course of instruction of a program conducted in a nonacademic setting shall be equivalent to that conducted in an academic setting.
- (14) Major curriculum changes must first be approved by the Board.
- Continued approval/withdrawal of approval of a program shall be governed by the requirements set forth in ARTICLE 6, NURSING EDUCATION.

## **Article 6**

### **Nursing Education**

#### **6.1 Legal Authorization.**

10 Guam Code Annotated, Sections 12307 and 12321, authorizes the Board of Nurse Examiners to adopt administrative rules and regulations which establishes standards concerning approval of practical nursing, basic and advanced nursing education/training programs on Guam.

#### **6.2 Purpose of Nursing Education Standards.**

- (a) To ensure that graduates of nursing education programs are prepared for safe and effective nursing practice.
- (b) To establish criteria for the development, evaluation and improvement of new and existing nursing education programs.
- (c) To assure candidates are educationally prepared for licensure and recognition at the appropriate level and to facilitate their licensure by endorsement in other jurisdictions.

#### **6.3 Nursing Education Standards.**

All nursing education programs shall meet these standards:

- (a) The purpose and outcomes of the nursing program shall be consistent with the Nurse Practice Act and Board-promulgated administrative rules, regulations and other relevant state statutes.
- (b) The purpose and outcomes of the nursing program shall be consistent with generally accepted standards of nursing practice appropriate for graduates of the type of nursing program offered.
- (c) The input of consumers shall be considered in developing and evaluating the purpose and outcomes of the program.



- (d) The nursing program shall implement a comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and incorporates continuous improvement.
- (e) The curriculum shall provide diverse didactic and clinical learning experiences consistent with program outcomes.
- (f) Faculty and students shall participate in program planning, implementation, evaluation, and continuous improvement.
- (g) The nursing program administrator shall be a professionally and academically qualified registered nurse with institutional authority and administrative responsibility for the program.
- (h) Professionally, academically and clinically qualified nurse faculty shall be sufficient in number and expertise to accomplish program outcomes and quality improvement.
- (i) The fiscal, human, physical, clinical and technical learning resources shall be adequate to support program processes, security and outcomes.
- (j) Program information communicated by the nursing program shall be accurate, complete, consistent and readily available.

**6.4. Required Criteria For Nursing Education Programs.**

The organization and administration of the nursing education program shall be consistent with the laws governing the practice of nursing. The nursing education program shall be an integral part of a governing academic institution that is accredited by a body recognized by the U. S. Secretary of Education, or other accrediting organization acceptable to the Board.

The following minimal criteria serve to support implementation of the nursing education standards:

- (a) Evaluation: A comprehensive nursing education program self-evaluation shall be performed and submitted to the Board annually for quality improvement and shall include but not be limited to:
  - (1) Students' achievement of program outcomes.
  - (2) Evidence of adequate program resources including fiscal, physical, human, clinical and technical learning resources; and the availability of clinical sites and the viability of those sites to meet the objectives of the program.
  - (3) Multiple measures of program outcomes for graduates. Examples of measures include NCLEX pass rates, student and/or employer survey, and successful completion of national certification programs.
  - (4) Evidence that accurate program information for consumers is readily available. Examples of information include fees and admission criteria, which can be made available by oral, written and electronic means.
  - (5) Evidence of support for the program outcomes from the head of the academic institution and its administration.
  - (6) Program administrator and program faculty who meet Board qualifications and are sufficient in number to achieve program outcomes.
  - (7) Recruitment.
  - (8) Faculty changes.
  - (9) Curriculum changes.

- (10) Changes in use of clinical facilities.
  - (11) Evidence that the academic institution assures security and confidentiality of student information.
  - (12) Any other information that may be required by the Board.
- (b) Curriculum:**
- (1) The curriculum of the nursing education program shall enable the student to develop nursing knowledge, skills and competencies necessary for the level, scope and standards of nursing practice consistent with the level of licensure.
  - (2) The curriculum shall reflect the philosophy of the organization, conceptual framework, purpose and objectives of the nursing education program.
  - (3) Faculty members shall be responsible for the development, implementation, and evaluation of the curriculum. Part-time and non-nursing faculty members may be utilized as desired within their area of expertise.
  - (4) There shall be measurable objectives for each nursing course that reflect the philosophy and objectives of the educational program.
  - (5) Related clinical experiences shall be provided concurrently with theory.
  - (6) The ratio between nursing and non-nursing credit shall be based on a rationale to ensure sufficient preparation for the safe and effective practice of nursing.
  - (7) There shall be a general plan of the total curriculum, showing the sequence of courses and clinical experiences, as well as the number of hours allotted to class and clinical experiences.
  - (8) When credit for courses is shown in terms of credit hours, the school shall provide the Board the means to interpret the credit hours used.
  - (9) Current course outlines shall be on file at the school and Board office. They shall include: requirements of the course, expected outcomes, content, suggested learning experiences, methods of teaching, method of evaluation, reference list of texts utilized.
  - (10) The minimum length of an educational program preparing professional nurses shall be two years for an Associate Degree program and four years for a Baccalaureate of Science in Nursing Program.
  - (11) The minimum length of an educational program preparing practical nurses shall be one academic year in a Practical Nurse program or two academic years in an Associate Degree Program.
  - (12) The minimum curriculum shall include:
    - (a) Content regarding legal and ethical issues, history and trends in nursing and health care, fundamentals of nursing and professional responsibilities;
    - (b) Experiences that promote the development of clinical judgment, leadership and management skills, and professional socialization consistent with the scope of practice and level of licensure/certification. This includes demonstration of the ability to supervise others and provide leadership of the profession.

- (c) Learning experiences and methods of instruction, including distance education methods, consistent with the written curriculum plan; and
  - (d) Coursework in the following areas of study:
    - (i) Scientific understanding:  
Subject matter in this area shall include anatomy and physiology, chemistry, microbiology, pharmacology and nutrition. This area shall serve as a foundation for nursing practice. The principles learned shall be applied throughout the program.
    - (ii) Social Sciences:  
Subject matter in this area shall include content drawn from psychology, sociology, growth and development, and mental health.
    - (iii) Didactic content and supervised clinical experience in the prevention of illness and the promotion, restoration, and maintenance of health in clients across the lifespan and in a variety of clinical settings to include:
      - (a) Using informatics to communicate, manage knowledge, mitigate error and support decision making
      - (b) Employing evidence-based practice to integrate best research with clinical expertise and client values for optimal care, including skills to identify and apply best practices to nursing care.
      - (c) Providing client-centered, culturally competent care.
      - (d) Working in interdisciplinary teams to cooperate, collaborate, communicate and integrate client care and health promotion.
      - (e) Participating in quality improvement processes to measure client outcomes, identify hazards and errors, and develop changes in processes of client care.
      - (f) Subject matter that include medical-surgical nursing, community health, nursing leadership, maternal and newborn nursing, nursing of children, and psychiatric-mental health nursing.
- (13) Supervised clinical practice shall include development of skill in making clinical judgments, management and care of groups of clients, and delegation to and supervision of other health care providers.
- (a) Clinical experience shall be comprised of sufficient hours to meet these standards, be supervised by qualified faculty and ensure students' ability to practice at an entry level.
  - (b) All student clinical experiences, including those with preceptors, shall be directed by nursing faculty.

- (c) All experiences of students in the clinical setting shall be under the direct supervision of a faculty member who shall have no other responsibilities during the period of such supervision.
  - (d) There shall be no more than ten (10) students for every faculty member in the clinical area.
- (14) Delivery of instruction by distance education methods must be consistent with the program curriculum plan including supervised clinical practice pursuant to Rule 6.4-B #13 above, and enable students to meet the goals, competencies, and objectives of the educational program and standards of the Board.
- (c) Student Policies will include:
- (1) Students shall be admitted without discrimination as to age, creed, ethnic origin, marital status, race, or sex.
  - (2) Students shall be provided the opportunity to acquire and demonstrate the knowledge, skills, and abilities for safe and effective nursing practice, in theory and clinical experience with faculty oversight.
  - (3) All policies relevant to applicants and students shall be available in writing.
  - (4) Students shall be required to meet health standards.
  - (5) Students shall be required to submit recent criminal background checks.
  - (6) Students shall receive faculty instruction, advisement and oversight.
  - (7) Students shall be held accountable for the integrity of their work.
  - (8) Students shall have the opportunity to participate in the development, conduct, and evaluation of the nursing education program.
  - (9) The number of students to be admitted to the program is determined by the size of the faculty, and the availability of clinical and other educational resources.
  - (10) Students shall be required to maintain a level of personal health that does not jeopardize the welfare of clients.
  - (11) Counseling and guidance shall be made available to all students in the nursing program.
- (d) Administrative and Instructional Personnel:
- (1) Every program must employ a sufficient amount of full-time faculty members to plan, implement, and evaluate the instructional program. The number of faculty shall be determined by the number of students enrolled, classes admitted per year, programs, clinical facilities used and activities for which faculty are responsible.
  - (2) There shall be at least one qualified nursing administrator (an associate or assistant administrator as needed), for each nursing education program. In institutions that offer nursing education programs for more than one level of preparation and where the scope of administrative responsibility so requires, there shall be an individual administrator for each nursing education program.
  - (3) every nursing education program shall maintain and file with the Board the following items:

- (a) A statement regarding the qualifications, rights, and responsibilities of faculty members.
  - (b) Faculty personnel policies concerning evaluation of performance, promotion, and tenure.
  - (c) Job description and terms of employment for all faculty members and administrators.
  - (d) A statement regarding the percentage of time to be allowed the nursing education administrator to carry out administrative responsibilities.
  - (e) A statement assuring that instructional assignments of the administrator are consistent with the governing policies of the parent institution.
  - (f) A statement regarding faculty workload that shall provide for equitable distribution of workload among faculty members and adequate time for class and laboratory preparation, teaching, curriculum revision, improvement of teaching methods, guidance of students, participation in faculty organization and committees, attendance at professional meetings, participation in continuing education activities, research, and community service.
- (4) There shall be sufficient secretarial and clerical staff, and supporting services to maintain records, file correspondence and do support work for faculty and administrative personnel. Persons who provide supporting services shall be responsible to the Director of the nursing education program.
- (e) Administrator Qualifications:
- (1) The qualifications for the Director of Nursing in a program preparing for practical nurse licensure shall include:
    - (a) A current, active and unencumbered registered nurse license on Guam.
    - (b) Must possess both a Bachelor's degree in nursing and a Master's degree in nursing.
    - (c) Educational preparation and at least two years of experience in teaching and learning principles for adult education, including curriculum development and administration, and at least four years of clinical experience; and
    - (d) Current knowledge of nursing practice.
  - (2) The qualifications for the Director of Nursing in a program preparing for registered nurse licensure shall include:
    - (a) A current, active and unencumbered registered nurse license on Guam.
    - (b) A Bachelor's degree in nursing and a Master's degree in nursing and an earned doctoral degree in nursing or a related field;
    - (c) Have additional professional qualifications in nursing administration, leadership, curriculum development, research, teaching and evaluation. These qualifications shall have been attained in a baccalaureate and/or higher degree nursing program;

- (d) Have at least four years experience in professional nursing practice and
  - (e) Have current knowledge of registered nursing practice.
- (f) Faculty:
- (1) There shall be sufficient number of qualified faculty to meet the objectives and purposes of the nursing education program.
  - (2) The nursing faculty shall hold a current, active, and unencumbered registered nurse license on Guam.
  - (3) Evidence that the faculty has maintained competence through such activities as continuing education programs, conferences, workshops, seminars, academic courses, research projects, and professional writings.
  - (4) Qualifications for nursing faculty who teach in a program leading to licensure for **Practical Nurse (PN)**:
    - (a) Have a minimum of a baccalaureate degree with a major in nursing and preferably a Master's degree with a major in nursing or a nursing Doctorate degree;
    - (b) Have at least four years of professional nursing practice of which two years must have been within the previous five years;
    - (c) Current evidence of preparation in teaching and learning principles for adult education.
    - (d) Experience in curriculum development and implementation is preferred.
    - (e) Have current knowledge of licensed practical nursing practice.
  - (5) Qualifications for nursing faculty who teach in a program leading to licensure for **Registered Nurse (RN)**:
    - (a) Have a minimum of a Master's degree with a major in nursing or a nursing Doctorate and preferably an earned doctorate related to nursing education and/or the specific content area that the individual teaches.
    - (b) Have at least four years of professional nursing practice of which two years must have been within the previous five years;
    - (c) Current evidence of preparation in teaching and learning principles for adult education.
    - (d) Experience in curriculum development and implementation is preferred.
    - (e) Have current knowledge of registered nursing practice.
  - (6) Adjunct clinical faculty employed solely to supervise clinical nursing experiences of students shall have at least five years of professional nursing practice of which two years must have been within the previous five years.
  - (7) Clinical preceptors shall have demonstrated competencies related to the area of assigned clinical teaching responsibilities and will serve as a role model and educator to the student. Clinical preceptors may be used to enhance faculty-driven clinical learning experiences. Clinical preceptors shall be licensed as a nurse at or above the level for which the student is preparing.
  - (8) Faculty members who do not meet qualifications:

A nursing education program may appoint a faculty member who does not meet all of the above qualifications if it submits to the Board, within four weeks after the appointment, a plan agreed upon by the nursing program and the faculty member for meeting the above requirements. This plan must be approved by the Board and shall indicate how the faculty member intends to meet the requirements and the time frame in which he/she will do so. In its annual report to the Board, the nursing program shall present evidence concerning the faculty member's attainment of the qualifications.

**(g) Responsibilities of Administrative and Instructional Personnel**

- (1) The Director of each program shall be responsible to the governing institution and shall:
  - (a) Prepare and administer the program's budget.
  - (b) Screen and recommend candidates for faculty appointments, retention, tenure, and promotion.
  - (c) Develop and supervise the program.
  - (d) Develop and maintain satisfactory relationships with the governing institution, other programs, cooperating agencies, and community groups.
  - (e) Organize and administer the program by having:
    - (1) The relationship between the faculty and the Director clearly defined.
    - (2) Appropriate distribution of the workload.
    - (3) Provision for regularly scheduled meetings available for reference
  - (f) Create and maintain an environment conducive to teaching, learning, scholarly pursuits and the sharing of faculty expertise through involvement in professional and community activities.
  - (g) Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation.
- (2) The faculty of each nursing education program shall assist and advise the Director in all matters regarding:
  - (a) Development, implementation, and evaluation of the philosophy and objectives of the program.
  - (b) Development, implementation, and evaluation of the curriculum.
  - (c) Budget preparation and administration.
  - (d) Development of criteria for student admission, progression, and graduation.
  - (e) Selection, assignment, and supervision of clinical learning experiences.
  - (f) Evaluation of student achievement on the basis of curriculum objectives as related to both nursing knowledge and practice.
  - (g) Academic guidance and counseling of students.
  - (h) The activities of the total faculty of the parent institution in ways that benefit the institution, the program of nursing, and the faculty.
  - (i) Maintenance and improvement of their nursing competence in areas outside of teaching.

- (j) Development of effective working relationships between students and clinical facilities.
    - (k) Professional and community activities for the purpose of bringing education, service, and research findings together for the improvement of health care.
    - (l) Screening and recommending candidates for faculty appointments, retention, tenure, and promotion.
  - (3) Part-time faculty members, guest lecturers, and others who contribute to the education of students on a part-time basis shall be utilized in accordance with the policies of the parent institution.
- (h) Admission Requirements:**
- (1) Applicants to an approved nursing education program shall meet the admission requirements of the governing institution.
  - (2) The program's faculty shall be responsible for developing admission policies in keeping with the admission requirements of the governing institution.
  - (3) The Admission requirements shall be printed in at least one school document in accordance with institutional policies.
- (i) Special Admissions:**
- Every nursing program shall maintain specific written policies for advanced standing challenge examinations, transfer of courses and readmission of students, which shall provide that:
- (1) A student requesting admission to a program from another approved nursing program, or requesting readmission to the program, shall meet the program's current standards for the regularly enrolled students;
  - (2) The programs faculty shall determine the amount of course credit to be allowed a transfer student;
  - (3) A program may permit student to shorten the time period for fulfillment of academic requirements only according to a written plan which has been mutually agreed upon by the student and approved by the Board;
  - (4) A minimum of one school year shall be spent in the school of professional nursing granting the diploma or degree. A minimum of four months shall be spent in the school of practical nursing granting the diploma or degree. The student during this period shall gain an understanding of the philosophy, objectives, and conceptual framework of the nursing program; and
  - (5) The transfer student's official record shall indicate which courses he/she was given advanced or transfer credit for, the nursing courses it is equivalent to, and the amount of credit(s) given.
- (j) Promotion, Continuation and Graduation**
- (1) Each program shall maintain written policies regarding:
    - (a) The level of achievement required for a student to remain in the school or to progress from one level to another;
    - (b) Absence from class;
    - (c) The requirements of each course; and,



(d) The requirements for graduation.

(k) Termination

Every program shall maintain written policies on resignation, suspension, and dismissal of students as well as a written grievance policy, which protects the rights of both the student and the school.

## 6.5 Approval of Nursing Education Programs.

Programs recognized by the Board shall have the status of either Initial Approval, Full Approval, Continuation of Full Approval, or Conditional (Probational) Approval.

(a) **Initial Approval:**

- (1) Initial Approval constitutes an authority for a new program to admit students and to enter into written agreements with clinical sites. Initial Approval must be given before the new program admits students and shall continue unless revoked by the Board or until the Board grants Full Approval. Initial Approval is subject to the following:
- (2) An institution desiring to establish a program of nursing education shall send a **Letter of Intent** to the Board prior to submitting a completed proposal.
- (3) The proposal shall include:
  - (a) Results of a needs assessment, including identification of potential students and employment opportunities for program graduates;
  - (b) Evidence that the program will meet professional nursing needs and has community support;
  - (c) Philosophy and objectives of the program. Descriptions shall include terminal objectives which identify behaviors expected of the graduates at completion of the program;
  - (d) Copies of the governing institution's charter or articles of incorporation authorizing the institution to conduct the nursing program;
  - (e) A description and organization chart of the governing institution and the nursing program;
  - (f) Corporate balance sheets, financial statements, documents describing funding sources, and all other documents describing the institution's finances;
  - (g) Positions, qualifications, and duties of the nursing faculty;
  - (h) Availability of qualified faculty;
  - (i) A description of the clinical facilities to be used by the students and evidence of availability of resources;
  - (j) Proposed curriculum to include:
    - (i) Content
    - (ii) Schedule (course sequence)
    - (iii) Course descriptions
    - (iv) Program evaluation plan
    - (v) Course syllabi
  - (k) Proposed number of students and faculty;
  - (l) Scholastic standards to be met by the students;

- (m) Student policies for admission, progression, retention and graduation.
  - (n) A description of the program's provisions for health and welfare of the students;
  - (o) A proposed timeline for initiating and expanding the program, and
  - (p) Any other information requested by the Board.
- (4) Before establishment of a new nursing education program, the institution shall employ a Registered Nurse (RN) Director for the proposed program for at least one (1) year.
  - (5) A Board member and/or representative of the Board shall make a general survey/site visit to the proposed new program and submit in writing to the Board the following:
    - (a) Justification for the establishment of the nursing education program.
    - (b) Accreditation status/licensing of the institution and the proposed clinical facilities.
    - (c) Evaluation of the clinical resources and the program's physical facility and availability of qualified instructional personnel.
  - (6) Upon submission of the evaluative report and prior to implementation of the program. The Board, at a scheduled meeting, shall consider the proposal, the report of the survey, and such other information as may be presented to the Board. The Board shall determine if all components and processes are completed and in place. The Board shall determine if the program is granted Initial Approval. Within fifteen days of the Board's determination, the Board will notify the program of its decision in writing.
  - (7) After initial approval is granted, the Director of the program shall submit 12 copies of an Annual Report to the Board by June 30 of each year regardless of the program's status. Refer to Article 6.4-A #1-12, for Evaluation requirements.
  - (8) The nursing program shall be evaluated by the Board after the first class of students has graduated and the scores for the licensing examination have been reviewed. The Board shall determine if the program continues to meet Board standards, and is therefore eligible to apply for Full Approval.
  - (9) Initial Approval shall NOT exceed beyond the second (2<sup>nd</sup>) class of graduates.

**(b) Full Approval:**

- (1) The Board may grant Full Approval and an annual Continuation of Full Approval status to a nursing program.
- (2) The program shall apply within six (6) months after eligibility for Full Approval has been determined by the Board.
- (3) Application for Full Approval shall include the following:
  - (i) Submission of the program's annual reports;
  - (ii) Submission of the Self-Evaluation report which addresses compliance with these standards and regulations, success rate of the graduates on the national licensure examination, and the ongoing evaluation plan and data;

- (iii) Evidence that the authorities responsible for the administration of the school allocate funds to enable the school to achieve its stated objectives and to comply with the requirements of the Board;
  - (iv) Evidence that the Director of the program and faculty participate in the preparation of the budget for the school and that the Director administers the budget; and,
  - (v) A site visit assessment made by a Board member(s) or its representatives.
- (4) Failure to apply for Full Approval may result in the Board initiating the revocation process.
  - (5) The Board shall determine adherence of the criteria and may grant Full Approval status within 60 days of the institution's application for Full Approval.
  - (6) The Board shall notify the institution, in writing, within 15 days of its decision to grant Full Approval.
  - (7) The Board may request periodic reports from the new program regarding initial program operations before granting approval.

**(c) Continuation of Full Approval:**

- (1) The Board shall periodically hire a qualified consultant, not associated with the Board or local nursing programs, to evaluate and report to the Board in writing on the continued compliance of the established criteria by the approved programs.
- (2) The Board shall forward a notice of a survey site visit to the nursing programs at least thirty (30) days prior to the scheduled site visit.
- (3) The consultant shall assess each program on dates mutually acceptable to the Board and the Director of the program:
  - (a) At least once every four years for professional nursing programs.
  - (b) At least once every two years for practical nursing and nurse assistant programs.
- (4) The Director of the program shall provide a copy of the self-evaluation report and a copy of the nursing program's catalog to the Board for each of the site visitors. An interim summary report may be requested between survey site visits as the Board deems necessary.
- (5) The Board shall retain a copy of the consultant's report in the office of the Board.
- (6) The Board shall issue an annual Certificate of Continuation of Full Approval to nursing programs that meet the standards set forth herein based on the following criteria:
  - (a) Submission of the program's annual report;
  - (b) Information obtained by the Board's professional staff and/or representatives through consultation and site visits;
  - (c) A minimum success rate of 75% on the national licensing examination achieved by the program's first-write graduates of the PN and RN programs and 80% for the Nurse Assistant programs.
  - (d) Evidence that the authorities responsible for the administration of the school allocate funds to enable the school to achieve its stated objectives and to comply with the requirements of the Board;

- (e) Evidence that the Director of the program and faculty participate in the preparation of the budget for the school and that the Director administers the budget; and,
  - (f) Accreditation visits and reports such as the National League of Nursing (NLN) and Western Association of Schools and Colleges (WASC).
- (d) **Conditional (Probational) Approval:**  
 Conditional Approval will be subject to the following:
- (1) Nursing education programs having Initial or Full Approval that fail to meet the standards established by the Board may be placed on **Conditional (Probational) Approval** status. The Board may establish such conditions and requirements as it sees fit to ensure compliance within a reasonable time frame not to exceed two years.
  - (2) The Board shall inform the program in writing of its Conditional (Probational) Approval status and the rationale for such action. One of more of the following reasons shall warrant a determination of Conditional (Probational) Approval:
    - (a) Failure to submit the required Annual Reports to the Board.
    - (b) Failure to adhere to the program's stated philosophy and curriculum objectives, and repeated violations of stated academic and/or admission policies.
    - (c) Failure to employ and retain an administrator and faculty of adequate size and qualification.
    - (d) Failure to admit and retain students.
    - (e) Utilization of nursing students for nursing service or other purposes whose objective is not primarily educational.
    - (f) Failure to provide adequate learning resources for cognitive and classroom learning and clinical practice.
    - (g) Discrimination against faculty, students, or prospective students on the basis of race, sex, creed, national origin or handicaps irrelevant to the practice of nursing.
    - (h) Two consecutive letters of warning issued by the Board to the school because 25% or more of its graduates failed to pass the national licensing examination.
    - (i) Any other deficiency that, in the opinion of the Board, detrimentally affects the educational process.
  - (3) The Board may require that the program submit special progress and/or consultant reports as a condition to acquiring Full Approval status or take other reasonable steps to monitor the program status and determine if the deficiencies are being corrected.
  - (4) Conditional Approval shall not exceed two consecutive years.

## 6.6 Revocation of Approval.

- (a) The Board may initiate a revocation process for due cause in accordance with the Administrative Adjudication Law.
- (b) Grounds for withdrawal/revocation of a Full Approval status may include but are not limited to the following:

- (1) Substantial noncompliance with the standards set forth in these administrative rules and regulations;
  - (2) Failure to resolve/clear the Conditional (Probational) Approval status beyond the acceptable two (2) consecutive years;
  - (3) Failure to comply with the standards and requirements imposed by the Board within the time period established.
- (c) The nursing program will have ten (10) days to submit to the Board a written request for a hearing. The written request shall include supporting documents and other the materials to be presented in the hearing. Failure to submit the written request shall be cause for denial for a hearing.
- (d) Admission of new students to the program during this period is prohibited.
- (e) Nursing programs without Full Approval or Continuation of Full Approval status shall be removed from the official Board approved listing.
- (f) Upon notice of revocation from the Board, the governing institution shall provide:
- (1) Assistance to students desiring to transfer to another nursing program; and,
  - (2) The Board a list of the names of students who have transferred to other approved programs within six months after the revocation.

**6.7 Reinstatement of Approval.**

The Board shall reinstate Full Approval for a program on conditional approval if the program submits evidence that the program has met the standards set forth herein and has complied with the requirements the Board has imposed on it. The procedure for reinstatement is the same as for Full Approval.

**6.8 Voluntary Discontinuance of an Approved Nursing Education Program.**

- (a) The governing institution that desires to voluntarily close its nursing education program shall:
- (1) Notify the Board in writing, stating the reasons for closure, the intended date of closure, and the plan for closure.
  - (2) Maintain the records of the students and graduates and shall advise the Board in writing of the arrangements for safeguarding and maintaining the records. The plan adopted by the governing institution for closing its program shall ensure that:
- (b) The plan for closure shall ensure that the standards for Approval shall continue to be met until all of the students have graduated or been transferred.
- (c) The effective closing date of the program shall be the date of the degree, diploma or certificate of the last class of graduates or, the date on which the last student was transferred.
- (d) The governing institution shall provide:
- (1) Assistance to students desiring to transfer to another program.
  - (2) The Board a list of students who transferred to other approved nursing programs within thirty (30) days of the last transfer.

**6.9 Reopening Programs of Professional Nursing.**

The procedure for reopening a program of professional nursing is the same as for Initial Approval.

**6.10 Program Changes Requiring Board Notification and/or Approval.**

- (a) Any of the following major program changes requires Board approval and shall be submitted along with the description of the change(s) to the Board in writing at least six months prior to the proposed change:
  - (1) Curriculum changes or course content and description;
  - (2) Integration of courses;
  - (3) The length of the program;
  - (4) Governing institution;
  - (5) Educational or clinical facilities;
  - (6) Projected increase in the ratio of students to faculty which exceeds the ratio approved by the Board; or,
  - (7) Closing of the program.
- (b) Any of the following program changes requires Board notification and shall be submitted to the Board in writing:
  - (1) The program's or institution's name;
  - (2) Proposal for pilot project(s);
  - (3) Faculty membership; or,
  - (4) Any other item of information required of programs seeking accreditation.

**6.11 List of Approved Schools of Nursing.**

The Board shall maintain a current list of ALL Board approved schools of nursing and nurse assistant educational programs in Guam.

**6.12 Records.**

- (a) The nursing education program shall maintain an accurate and complete system of records which shall:
  - (1) Be safely stored to prevent loss, destruction or unauthorized use; and,
  - (2) Be available to the faculty.
- (b) Records shall include:
  - (1) Course outlines
  - (2) Minutes of faculty and committee meetings
  - (3) Pertinent correspondence
  - (4) Reports of standardized tests
  - (5) Reports of the program
  - (6) Reports from territorial, regional and national accrediting bodies
  - (7) Fiscal accounting records
  - (8) Program bulletins
- (c) Be available to the Board during evaluation visits.

**6.13 Student Records.**

- (a) Each nursing education program shall maintain a file on each student which must include:
  - (1) The student's application, health record, high school transcript or a copy of high school equivalency or achievement and performance evaluations.
  - (2) A final or current record/transcript.
  - (3) Student evaluations.
- (b) Student files shall be made available to the Board during evaluation visits.

**6.14 Faculty File Records.**

Records shall be kept current and shall include:

- (a) Curriculum vitae (filed with the Board upon employment and upon revision).
- (b) Job descriptions and terms of employment.
- (c) Evidence of appropriate educational degree for the level of the nursing program.
- (d) Evidence of continuing education activities.
- (e) Evidence of membership and participation in relevant professional and community activities.
- (f) Evidence of a current Guam RN license.
- (g) Evidence of current and completed faculty evaluations.

**6.15 Evaluations.**

- (a) Written evaluations of students, which shall include academic achievement and clinical performance, shall be made by the faculty following the conclusion of each course. Students shall be allowed to participate in their evaluations.
- (b) Written evaluations of each course shall be made by the students and the faculty following the conclusion of each course.
- (c) Written performance evaluations of the faculty shall be made annually by the Director and the students of the program.
- (d) A systematic program evaluation of the total nursing program shall be made by the faculty biannually to appraise the following:
  - (1) Evidence of implementation of the stated philosophy, objectives, and conceptual framework of the program;
  - (2) Achievement of graduates on National Council Licensing/Certification Examination; and,
  - (3) Professional performance of graduates.
- (e) Written evaluations of the current Program Director

**6.16 School Bulletins or Catalogues.**

The nursing education program shall maintain written bulletins or catalogues which shall include information pertaining to:

- (a) Policies regarding admission, attendance, progression, and graduation of students;
- (b) The nature, philosophy, and objectives of the governing institution and the nursing program; curriculum plan; course description; list of courses to be taken and proposed schedule; and faculty staff roster;
- (c) School's grievance policy;
- (d) Policy statement that addressing discrimination of students or employees on the basis of age, creed, ethnic origin, marital status or gender;
- (e) Fees, expenses and financial aid;
- (f) Educational facilities;
- (g) Living accommodations;
- (h) Student activities and services.

**6.17 Continuing Education.**

Continuing education courses offered shall meet the criteria and guidelines developed by a National Continuing Education approving organizations.

**6.18 Advisory Committee.**

All nursing programs approved by the Board shall have an advisory committee which meets at least two (2) times during the school year whose major function shall be advisory and supportive. There shall be written rules describing its purpose, objectives, function, structure, and membership. Minutes of all its meetings shall be on file in the administrative records of the governing facility.

**6.19 School Offices.**

The Director of a program shall have an office which will provide privacy for work and individual conferences. Faculty members shall be provided with offices which shall be accessible to students and convenient to classrooms.

**6.20 Nurse Assistant Educational Program.**

The nurse assistant educational program shall prepare students to function in the role of nurse assistants under the supervision of a registered nurse. The nurse assistant shall be able to perform basic, non-invasive nursing procedures in a variety of settings.

**6.21 Requirements for Establishing a Nurse Assistant Educational Program.**

To establish a Nurse Assistant educational program, the institution shall have employed a Registered Nurse (RN) Director for the proposed program for at least one (1) year.

**(a) Application to the Board.** The program provider shall submit an application with a **Letter of Intent** to the Board at least Ninety (90) days in advance of the expected opening date. The Application and Letter of Intent shall include, but not be limited to:

- (1) Results of a needs assessment, including identification of potential students and employment opportunities for program graduates;
- (2) Identification of sufficient financial and other resources;
- (3) Governing institution approval and support;
- (4) Description and organizational chart of the governing institution and nurse assistant program;
- (5) Community support;
- (6) Type of Nurse Assistant educational program proposed;
- (7) Student policies for admission, progression, retention and graduation;
- (8) Philosophy, conceptual framework and objectives of the program. Description shall include terminal objectives which identify behaviors expected of the graduates at the completion of the program;
- (9) Content of educational program to be offered;
- (10) Total number of hours of theoretical, laboratory and clinical instructions;
- (11) The behavioral objectives of each module of instruction;
- (12) The methods of instruction to be used to teach each module;
- (13) The methods to be used to evaluate the achievement of behavioral objectives;
- (14) A description of the facilities to be used for theoretical, laboratory and clinical instructions;
- (15) Clinical opportunities and availability of qualified faculty;
- (16) Proposed timeline for initiating and expanding the program; and,
- (17) Any other information requested by the Board;
- (18) The application shall be accompanied by all applicable fees.

**(b)** When the Board evaluates the application and determines that all components are complete and in place, the Board shall notify the institution of its decision of



**Initial Approval** in writing for the institution to establish the proposed Nurse Assistant educational program and admit students into the program.

- (c) If the application to establish a Nurse Assistant program is disapproved, the program provider may request for a hearing before the Board, pursuant to the provisions of the Administrative Adjudication Law.

## 6.22 Approval Process for the Nurse Assistant Educational Program.

The institution of the proposed Nurse Assistant educational program shall provide verification to the Board that the following program components and processes have been completed in order for the Board to approve/authorize the program provider/institution to admit students to the Nurse Assistant program.

### (a) Phase I. Initial Approval - Admission of Students

- (1) Nursing faculty employed to develop the program
- (2) Overview of the total Nurse Assistant curriculum.
- (3) Course sequence
- (4) Course descriptions and syllabi
- (5) Contracts for clinical sites
- (6) Program evaluation plan
- (7) Program must provide at least one hundred (100) hours of instruction which must include forty (40) hours classroom instruction, twenty (20) hours laboratory instruction and forty (40) hours in clinical practice.
- (8) Curriculum shall include:
  - (i) The roles and responsibilities of a nurse assistant; and
  - (ii) Basic nursing care.
- (9) At least forty (40) hours of instruction in the classroom must be completed, before a student is directly involved with a client, in the areas of:
  - (i) Communication and interpersonal skills;
  - (ii) The control of infections;
  - (iii) Safety and emergency procedures;
  - (iv) Confidentiality of information;
  - (v) Observation skills; and
  - (vi) Promoting the independence of clients and respecting their rights.
- (10) The instructor, student-ratio shall be one (1) instructor to twelve (12) students in laboratory and clinical; and one (1) instructor to twenty (20) students in the classroom setting.
- (11) Instructional personnel must be on site solely to supervise the students, when they are giving direct patient care to clients. The nurse assistant program shall be responsible for ensuring the facilities meet the learning needs of the students.
- (12) A Board member and/or representative of the Board may make a general survey/site visit to the Nurse Assistant program facility.

### (b) Phase II. Full Approval. The Board may grant Full Approval of the Nurse Assistant program upon:

- (1) Graduation of the first class;
- (2) Completion of Board program survey visit concurrent with graduation of the first class or eligibility for the national certification examination;
- (3) Submission of program's ongoing evaluation plan and data;

- (4) Satisfactory survey report that verifies that the program is in compliance with the Board's Nursing Education Standards in Article 6.
- (5) The Board may request periodic reports from the program/institution regarding initial program operations before granting full approval.
- (c) A program is valid for three (3) years from the date of Full Approval by the Board. An annual report shall be submitted to the Board by July 31<sup>st</sup> of each year. The Board has the discretion to re-evaluate the program in the interim.
- (d) **Phase III. Continuation of Full Approval.**
  - (1) The Board shall periodically hire a qualified consultant, not associated with the Board or local nursing programs, to evaluate and report to the Board in writing on the continued compliance of the established criteria by the approved programs.
  - (2) The Board shall forward a notice of a survey site visit to the nursing programs at least thirty (30) days prior to the scheduled site visit.
  - (3) The consultant shall assess each program on dates mutually acceptable to the Board and the Director of the program at least once every two years for nurse assistant programs.
  - (4) The Director of the program shall provide a copy of the self-evaluation report and a copy of the nursing program's catalog to the Board for each of the site visitors. An interim summary report may be requested between survey site visits as the Board deems necessary.
    - (a) The Board shall retain a copy of the consultant's report in the office of the Board.
    - (b) The Board shall issue an annual Certificate of Continuation of Full Approval to nurse assistant educational programs that meet the standards set forth herein based on the following criteria:
      - (i) Submission of the program's annual report;
      - (ii) Information obtained by the Board's professional staff and/or representatives through consultation and site visits;
      - (iii) A minimum success rate of 80% on the national certification examination achieved by the program's first-write graduates of the Nurse Assistant programs.
      - (iv) Evidence that the authorities responsible for the administration of the school allocate funds to enable the school to achieve its stated objectives and to comply with the requirements of the Board;
      - (v) Evidence that the Director of the program and faculty participate in the preparation of the budget for the school and that the Director administers the budget; and,
      - (vi) Accreditation visits and reports such as the National League of Nursing (NLN), Western Association of Schools and Colleges (WASC) or other nationally recognized accrediting organization.

**6.23 Conditional Approval of the Program.**

- (a) The program shall be placed on *conditional approval* if:

- (1) The program fails to comply with the requirements of the statute of these rules and regulations;
  - (2) Less than eighty percent (80%) of the students in the program pass the nurse assistant national certification examination.
  - (3) The program has not admitted any students within the previous twelve (12) months; or
  - (4) The Board finds three (3) or more instances in which one (1) or more students of the program has engaged in unsafe or abusive conduct during the year.
- (b) The executive director of the Board shall send a written notice of the conditional approval by certified mail to the administrative body and Program Director of the approved program.
  - (c) The Board shall provide the program with the list of deficiencies and a time frame of at least one (1) year to correct the deficiencies.
  - (d) The program shall submit to the Board a plan of correcting the deficiencies.

**6.24 Personnel Requirements for Nurse Assistant Program.**

- (a) Program Director. The program director shall be a Registered Nurse (RN) who shall be administratively responsible and accountable for the nurse assistant educational program and has been employed for at least one (1) year prior to the start of the Nurse Assistant program.
- (b) The primary instructor may be the program Director of the nurse assistant educational program.
- (c) Duties of the program director shall be to:
  - (1) Assist with the development of the budget for the program.
  - (2) Assist with the development of procedures for admission to the Program
  - (3) Select and supervise such number of qualified instructors as is necessary to carry out the program.
  - (4) Obtain adequate educational facilities for training, including areas to practice nursing skills.
  - (5) Obtain adequate clinical facilities for training.
  - (6) Provide each student with the necessary instructional materials.
  - (7) Plan an orientation program for students at each clinical facility used for instruction. The time spent for orientation is not included in the one hundred (100) hours required for the program.
  - (8) Ensure that each student is clearly identified as a student in a manner which is easily recognizable to each patient, member of a patient's family, visitor or member of the medical staff with whom the students works.
  - (9) Develop a system of maintaining permanent records essential to the operations of the program which includes the current and final records of each student including a list of the duties to be performed and the skills to be learned in the program, with notation of satisfactory or unsatisfactory performances, the date of the performance and the name of the supervising instructor.
- (d) The primary instructor shall have a current Guam license as a registered nurse.
- (e) The responsibilities of the primary instructor shall include:
  - (1) Participation in the planning of each learning experience;
  - (2) Ensuring that course objectives are accomplished;

- (3) Ensuring that students perform direct services only in the areas they have received instructions.
- (4) Ensuring that these regulations are maintained;
- (5) Maintenance of records as required;
- (6) Performance of other activities necessary to comply with these regulations; and
- (f) Other instructional personnel shall be required to:
  - (1) Hold a current Guam license as a registered nurse; and
  - (2) Have had at least one (1) year of direct patient care experience as a registered nurse, within the preceding five (5) years.
- (g) The program may utilize resource personnel who have had at least one (1) year of experience in their specialty field, within the past two (2) years.

**6.25 Instruction Requirements for Nurse Assistant Programs.**

Instructions in the classroom, laboratory and clinical practice shall include:

- (a) Basic nursing care;
- (b) Personal care;
- (c) Basic rehabilitation;
- (d) Mental health and social needs;
- (e) Care of the cognitively impaired patient/client;
- (f) Patient/clients' rights;
- (g) Legal and ethical concepts in relation to self, health team members, patients, and families.

**6.26 Unit Objectives for Nurse Assistant Program.**

- (a) Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.
- (b) Objectives shall be reviewed with the students at the beginning of each unit.

**6.27 Characteristics of Nurse Assistant Graduates.**

The graduate of the Nurse Assistant educational program shall be prepared to:

- (a) Communicate and interact competently, effectively and respectfully on a one-to-one basis with clients, co-workers and supervisors;
- (b) Demonstrate sensitivity to clients' emotional, social and mental health needs through skillful directed interactions;
- (c) Assists clients in attaining and maintaining functional independence;
- (d) Exhibit attitude and behaviors that supports and promotes the rights of clients;
- (e) Demonstrate professional, ethical and legal behavior consistent with the application of the standards of practice for nurse assistants, local and federal laws and regulations and agency policies;
- (f) Demonstrate skills in observation, monitoring and documentation of the assessment of client's health, physical condition and well-being as delegated by the licensed nurse or physician;
- (g) Demonstrate attitude and behaviors or responsibility and flexibility in personal and workplace environments;
- (h) Demonstrate competency and compliance in the application of health and safety policies, procedures and regulations, including equipment and hazardous material handling; and,

- (i) Demonstrate the ability to perform duties and responsibilities as a nurse assistant under stress especially when confronted with emergency or critical situations with clients.

**6.28 Records of Nurse Assistant Approved Programs.**

The Program Director of an approved nurse assistant program shall maintain the permanent records and reports of the program. The records shall include:

- (a) The name, address, birth date, and social security number of each student who enters, withdraws and completes the program.
- (b) A transcript of each student.
- (c) A copy of the certificate of completion given to each student.
- (d) The date on which each training cycle begins and ends.
- (e) The name, address, and license number of each registered nurse instructor.

**6.29 Faculty File Records.**

Records shall be kept current and shall include:

- (a) Curriculum vitae (filed with the Board upon employment and upon revision).
- (b) Job descriptions and terms of employment.
- (c) Evidence of appropriate educational degree for the level of the nursing program.
- (d) Evidence of continuing education activities.
- (e) Evidence of membership and participation in relevant professional and community activities.
- (f) Evidence of a current Guam RN license.
- (g) Evidence of current and completed faculty evaluations.

**6.30 Evaluations.**

- (a) Written evaluations of students, which shall include academic achievement and clinical performance, shall be made by the faculty following the conclusion of each course. Students shall be allowed to participate in their evaluations.
- (b) Written evaluations of each course shall be made by the students and the faculty following the conclusion of each course.
- (c) Written performance evaluations of the faculty shall be made annually by the Director and the students of the program.
- (d) A systematic program evaluation of the total nursing program shall be made by the faculty biannually to appraise the following:
  - (1) Evidence of implementation of the stated philosophy, objectives, and conceptual framework of the program;
  - (2) Achievement of graduates on National Council Licensing Examination; and,
  - (3) Professional performance of graduates.
- (e) Written evaluations of the current Program Director

**6.31 Revisions of Approved Programs.**

- (a) The following major program revisions requires Board approval and must submitted along with the description of the change(s) to the Board in writing prior to implementation.
  - (1) Curriculum changes or course content and description;
  - (2) Integration of courses;

- (3) The length of program;
  - (4) Governing institution;
  - (5) Educational or clinical facilities;
  - (6) Projected increase in the ratio of students to faculty which exceeds or is less than the ratio approved by the Board; and
  - (7) Closing of the program.
- (b) The following program changes require Board notification and shall be included in the program's annual report to the Board.
- (1) The program's or institution's name;
  - (2) Proposal for pilot project (s);
  - (3) Faculty membership; and
  - (4) Any other item of information required of programs seeking accreditation.

**6.32 Revocation of Approval of a Nurse Assistant Program.**

- (a) The Board may revoke its approval of a nurse assistant program if the program fails to correct the deficiencies within the required time frame.
- (b) The executive director of the Board shall send a written notice by certified mail to the administrative body and the Program Director of an approved program of the Board's intent to revoke its approval of that program. The notice must specify the reasons for the revocation. The Program Director of the administrative body may request for an appeals hearing to provide evidence within fifteen (15) days after the date the notice is received. The executive director will send a written notice of the final determination of the Board of the administrative body and the program director, in compliance with the Administrative Adjudication Law, Chapter 9 of Title 5, Guam Code Annotated.
- (c) If the Board revokes its approval, the Program Director and the Administrative body shall take such action as is necessary to retain safely the record of each student in the program and shall assist in the placement of students in other programs to complete their education.

**6.33 Voluntary Discontinuance of an Approved Nursing Education Program.**

- (a) The governing institution that desires to voluntarily close its nursing education program shall:
  - (1) Notify the Board in writing, stating the reasons for closure, the intended date of closure, and the plan for closure.
  - (2) Maintain the records of the students and graduates and shall advise the Board in writing of the arrangements for safeguarding and maintaining the records. The plan adopted by the governing institution for closing its program shall ensure that:
- (b) The plan for closure shall ensure that the standards for Approval shall continue to be met until all of the students have graduated or been transferred.
- (c) The effective closing date of the program shall be the date of the degree, diploma or certificate of the last class of graduates or, the date on which the last student was transferred.
- (d) The governing institution shall provide:
  - (1) Assistance to students desiring to transfer to another program.
  - (2) The Board a list of students who transferred to other approved nursing programs within thirty (30) days of the last transfer.

**6.34 Reinstatement of Approval.**

The Board shall reinstate Full Approval for a program on conditional approval if the program submits evidence that the program has met the standards set forth herein and has complied with the requirements the Board has imposed on it. The procedure for reinstatement is the same as for Full Approval.

**6.35 Reopening of Nursing Programs.**

The procedure for reopening a nursing program begins with the same process as the Initial Approval.

**Article 7**

**Certification of Nurse Assistants**

**7.1 Purpose.**

- (a) The purpose of these rules and regulations is to ensure that persons functioning as Nurse Assistants on Guam have met minimum standards of competency as prescribed in these rules; and
- (b) To ensure that Nurse Assistants meet minimum standards of proficiency and competency as set forth by the Guam Board of Nurse Examiners (GBNE); and
- (c) To ensure programs that qualify Nurse Assistants meet the educational requirements as set forth by the Board; and
- (d) To regulate the scope of practice for Nurse Assistants in the interest of the consumer protection in Guam.

**7.2 Legal Authority.**

P.L. 24-20 and §12316.1 of Title 10, Guam Code Annotated empowers the Guam Board of Nurse Examiners to establish minimum qualifications through rules and regulations and to set standards for Certified Nurse Assistant educational programs. §12316.1 of Title 10, Guam Code Annotated, provides “Minimum Requirements for and Certification of Nurse Assistants and the Education Programs”.

The Board shall establish by regulation minimum requirements for Nurse Assistants and criteria for evaluating such requirements. The Board may also establish and administer such procedures as may be necessary to certify that an applicant meets duly established minimum requirements. Such procedures shall include a provisional period for remedial training of Nurse Assistants who are employed as of the effective date of such regulations and do not meet minimum requirements. Disciplinary procedures for decertification of incompetent nurse assistants may be established by the Board. The Board shall maintain a registry of Certified Nurse Assistants. The Board may approve and re-approve nurse assistants educational and continuing education programs.

**7.3 Powers and Duties.**

The Board shall enforce the provisions of §12316.1 of Title 10, Guam Code Annotated, as well as other duties, powers and authority as granted by appropriate statutes to include the following:

- (a) Adopt, and from time to time, revise such rules and regulations as may be necessary to carry out the provisions of §12316.1 of Title 10, Guam Code Annotated, in compliance with the Administrative Adjudication Law, Chapter 9 of Title 5, Guam Code Annotated;
- (b) Develop and maintain a Nurse Assistant registry;
- (c) Develop and enforce standards and periodically evaluate the basic Nurse Assistant educational program and approve the programs that meet the requirements as set forth in these rules;
- (d) Deny or withdraw approval of Nurse Assistant educational programs that do not meet the prescribed standards in accordance with Chapter 2 of the Administrative Adjudication Law and Chapter 9 of Title 5, Guam Code Annotated;
- (e) Develop and enforce standards and criteria for certification of Nurse Assistants;
- (f) Implement a disciplinary process consistent with the Administrative Adjudication Law, Chapter 9 of Title 5, Guam Code Annotated;
- (g) Issue certification documentation to the nurse assistants who have successfully met the requirements for inclusion on the Nurse Assistants registry;
- (h) Notify all nurse assistants listed on the Nurse Assistants registry of changes in laws, rules and regulations pertaining to nurse assistants;
- (i) Determine and collect reasonable fees;
- (j) Act as an evaluating and approving body for the nurse assistants educational programs in the American Pacific region. The request must come from the appropriate governing body, and all expenses for the evaluation shall be paid by the requesting jurisdiction;
  
- (k) Give the Nurse Assistants' examination according to the rules and regulations formulated by the National Council of State Boards of Nursing, its designated testing service and the Board;
- (l) Deny certification to unqualified applicants;
- (m) Issue certificate to qualified applicants who have successfully met the requirements of a Nurse Assistant;
- (n) Have the power to issue subpoenas, require the attendance of witnesses, administer oaths to persons giving testimony and enforce compliance upon application to the Superior Court of Guam;
- (o) Maintain records as required by Guam law; and
- (p) Conduct public hearings, investigations, and studies of nurse assistants' practice, nurse assistants' education and related matters; and to prepare and issue such publications as will allow the nurse assistants' profession to provide safe and effective nurse assistants' services to the public.

#### 7.4 **Definitions.**

For purposes of these Rules and Regulations, the following terms are defined to mean:

- (a) **“Abuse”** includes, but is not limited to physical injury caused by other than accidental means; neglect which leads to physical harm; failure to provide direct care for resident or patient; verbal abuse; theft or misuse of resident funds or property; wrongful touching; or any other deprivation of patient or resident's rights, which may be the result of intentional or negligent behavior.
- (b) **Accountability** means the state of being responsible, answerable or legally liable for actions done by a nurse assistant.



- (c) **Approval** – the process by which the Board evaluates and grants official recognition to a nursing education or nurse assistant program which meets established uniform and reasonable standards. There are four (4) categories of approval:
- (1) **Initial Approval** – an authorization granted by the Board for new nursing programs to admit students and to enter into contractual agreements with clinical facilities. No student shall be admitted until the institution has received the written notification of Initial Approval from the Board subsequent to the application review and site visit.
  - (2) **Full Approval** – status granted by the Board to programs that meet the requirements of the law and the Administrative Rules and Regulations of the Board.
  - (3) **Continuation of Full Approval** – status granted annually by the Board to programs that meet the standards set forth herein. A Certificate of Continuing Full Approval is contingent upon an annual review of the program by the Board.
  - (4) **Conditional/Probational Approval** – status designated to a program which is determined to be deficient in a specified area. The Board shall notify the program of the specific deficient area(s) and the time limitation to correct the stated deficiencies.
- (d) **Approved program** means a course of training conducted by an educational or health care institution which implements the basic nurse assistant curriculum as prescribed and approved by the Board.
- (e) **Basic emergency procedures** mean the care of individuals of all ages with perceived physical or emotional alterations which are undiagnosed and may require prompt intervention.
- (f) **Certificate of endorsement** means the process by which individuals holding a current certification, within the United States or its territories, upon meeting all requirements set forth by the Board, can practice as a nurse assistant on Guam.
- (g) **Clinical facilities** means those institutions which are established in a community for the delivery of health care services such as hospitals, extended care facilities, nursing homes or other sites.
- (h) **Competency** means the ability to perform skillfully and proficiently the role of the certificate holder. The role encompasses essential knowledge, judgment, attitudes, values, skills and abilities which are varied in range and complexity. Competency is a dynamic concept, changing as a Certified Nurse Assistant achieves a higher stage of development within the role. Competency is based on educational training, preparation and expertise.
- (i) **Date of application** means the date stamped on the application form as received by the Health Professional Licensing Office staff.
- (j) **Denial** means refusal to issue certification.
- (k) **Director** means a professional Registered Nurse (RN) of a health agency who has been designated by the controlling authority or program provider to administer the nurse assistants' educational program.
- (l) **Graduate Nurse Assistant** means an individual who has successfully completed a basic nurse assistants' educational program but has not received certification through examination.

- (m) **Inactive status** means the status of a nurse assistant who is not currently certified on Guam.
- (n) **Lapsed certificate** means an individual's certificate to practice as a nurse assistant has expired.
- (o) **Licensed nurse** means a Registered Nurse (RN) or a Licensed Practical Nurse (LPN) currently licensed in Guam.
- (p) **Nurse Assistant (N.A.)** means a nurse aide or home health aide who has been certified by successfully completing the educational requirements for the Nurse Assistant and passing a Board approved examination after the enactment of these rules. Only a certified nurse assistant shall use the title N.A. and provide nursing support services as supervised by the Registered Nurse licensed to practice in Guam. Nurse assistants prior to the enactment of these rules and regulations are waived from the examination requirements.
- (q) **Nurse Assistant (N.A.) certification examination** means the nationally board approved examination required for certification to practice as a Nurse Assistant.
- (r) **Nurse Assistant (N.A.) educational program** means a program designed to prepare nurse assistants, which is offered by a school, college, nursing facility or other institution that has received prior authorization by the Board to conduct such a program.
- (s) **Nurse Assistant (N.A.) registry** means a listing of all individuals who have been certified by the Board.
- (t) **"OBRA"** means the "Omnibus Budget Reconciliation Act" of 1987 or "OBRA '87" (PL#100-203) that creating Federal statutory requirements for nurse assistants' education and certification and requiring the establishment of a registry of nurse assistants employed in long-term care facilities. The Federal guidelines now include home care agencies and home health aides.
- (u) **Standards** means an authoritative statement by which the Board can judge the quality of the Nurse Assistants' education or practice.
- (v) **Supervision** means provision of guidance of a nurse assistant's task or activity with specific direction of the task or activities by a licensed registered nurse.
- (w) **Suspension** means an order of withdrawal of a nurse assistant's right to practice for a definite or indefinite period of time.

## 7.5 Certification Requirements.

Certification with the Guam Board of Nurse Examiners is **mandatory** and is the responsibility of the individual Nurse Assistant who provides services for compensation on Guam. The certification shall be obtained prior to employment.

- (a) In order to practice as a nurse assistant in Guam, it is mandatory to obtain a certificate from the Guam Board of Nurse Examiners. Obtaining a Guam certificate to practice as a nurse assistant is the responsibility of the individual nurse assistant pursuant to P.L. 24-20, "An Act to Establish Rules and Regulations for Certification of Nurse Assistants for the Guam Board of Nurse Examiners" of Title 10 Guam Code Annotated (Effective Date: May 12, 1997).
- (b) Any person who holds a license or certificate to practice nursing or nurse assistant in Guam shall use the legal title or the abbreviation as set forth in the Guam Nurse Practice Act of Title 10 Guam Code Annotated, Article 3, (1983; 1997; 1998; and, 2003 Updates) and P.L. 24-20. No other person shall assume any other name, title or abbreviation or any words, letters, signs, or devices that would cause a

reasonable person to believe the user is licensed/certified to practice as a registered nurse (RN), an advanced practice registered nurse (APRN), licensed practical nurse (LPN) or certified nurse assistant (CNA).

- (c) Any person licensed or certified to practice nursing or as a nurse assistant shall wear an insignia to identify himself or herself by his/her name and appropriate legal title or abbreviation during times when such person is providing health care to the public for compensation.
- (d) The insignia shall be prominently displayed and clearly legible such that the person receiving care may readily identify the type of nursing personnel providing the care.

#### **7.6 Scope of Practice.**

The Nurse Assistant, under the supervision of a Registered Nurse shall:

- (a) Demonstrate competence in providing patient personal care, basic treatment procedures and exercise plan as directed;
- (b) Facilitate the maintenance of a safe, clean, healthful environment that demonstrates awareness of the patient's safety, comfort and privacy when providing care and report all events that pose an actual or potential safety risk to patients or staff;
- (c) Demonstrate the ability to follow patient care plans, directions, assignments and designated responsibilities;
- (d) Demonstrate the ability to perform general nursing care following established procedures;
- (e) Document clearly and concisely, using proper notations and abbreviations all patient care and procedures;
- (f) Maintain open communication and positive working relationships with patients, peers, other employees, supervisors and managers;
- (g) Maintain certification and regularly assess own skills and training needs.

#### **7.7 Responsibilities of the Nurse Assistant Applicant.**

It shall be the responsibility of the applicant to:

- (a) Correspond or communicate directly with the Board.
- (b) Follow through with the submission of all required documents until application is completed.
- (c) Periodically contact the Board concerning the status of the application.
- (d) Inform the Board in writing to withdraw an application.
- (e) Inform the Board of any change in name or address. A nurse assistant who has a change in name shall submit a notarized copy of a marriage certificate, or court order showing the change to the Board. A duplicate certificate with the change shall be issued by the Board upon receipt of such evidence and payment of the required fee. All certificate renewals will be mailed to the most current known address on file.
- (f) Give written notification to the Board office prior to an examination date, if unable to take the scheduled examination. A specific reason must be indicated. If the reason is acceptable to the Board, for example, candidate is ill, death in immediate family, accident, etcetera, the applicant's examination date may be extended to the next examination date. An examination fee will be charged to all applicants who are rescheduled to take the examination.

- (g) Notify the Board, in writing, of the loss of a certificate. A duplicate certificate for the current renewal period shall be issued by the Board upon receipt of the required documents and payment of fees.
- (h) Maintain a current Guam Nurse Assistant certification.

**7.8 Responsibilities of the Employer.**

Nursing administrators, agency heads or other employers, who employ Nurse Assistants without current certification, are in violation of the Guam Nurse Practice Act, Article 3, Chapter 12 of Title 10, Guam Code Annotated and these rules and regulations.

**7.9 Certification by Examination.**

The following certification by examination shall apply to those applicants who wish to be certified as a Nurse Assistant:

- (a) The Nurse Assistant certification examination of the National Council of State Boards of Nursing is the Board's examination for Nurse Assistant certification.
- (b) The minimum passing score on the examination for nurse assistants will be the passing score as established by the National Council of State Boards of Nursing.
- (c) The Board shall administer examination for nurse assistant certification in accordance with the regulations as set forth by the National Council of State Boards of Nursing.
- (d) Student nurses and graduates of a board approved nursing program who meets Guam's minimum educational nurse assistants' requirements may be allowed to take the examination.
- (e) If a candidate does not write the examination when scheduled, the application may be retained on file for one (1) year.

**7.10 Examination Requirements.**

Individuals seeking to write the Nurse Assistant examination must meet the following requirements:

- (a) Be a graduate of an approved high school or the equivalent General Education Courses (GED) certificate. High School students who complete a nurse assistant program may be allowed to take the National Certification Examination and will be issued the certification upon completion of graduation from high school.
- (b) Complete a Board-approved program for the preparation of Nurse Assistants or a program or course of study that meets the requirements as set by these rules and regulations.
- (c) Complete and submit a notarized Board application form within the deadlines and policies of the Board.
- (d) Request the school providing the nursing program or nurse assistants' program to submit an official Certificate of Nursing Education and transcript directly to the Board.
- (e) Submit a two inch by two inch (2"x2") signed photograph taken within the past year.
- (f) Submit the required examination fee.
- (g) In addition to these requirements, the applicant seeking certification by examination must provide:
  - (1) Identification of any state, territory or country in which the applicant holds a health-related licensure/certification or credentials other than as a nurse

assistant. Identification shall include the number and status of the license/certification or credential and the original state or country of licensure or credentialing.

- (2) Information about current employer if employed in health care, to include address, telephone number, position and date of employment.
  - (3) Information regarding previous employer in health care, if any, if current employment is less than 12 months.
  - (4) Information related to the applicant's background in the following areas:
    - (a) Pending disciplinary action or investigation regarding any professional license or credential.
    - (b) Any pending criminal charges - national or international.
    - (c) Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
    - (d) Any chemical, physical or mental impairment and/or disability that impacts the applicant's ability to practice safely, and a description of accommodations and/or practice limitations needed, if any.
    - (e) Any current substance abuse.
  - (5) Official record of local, state and federal criminal background checks completed within the last 2 months.
- (h)** Persons who served on active duty in a health related field of the U. S. Armed Forces may apply to the Board for evaluation of records. Applicant must:
- (1) Submit proof of having had at least twelve (12) months service on active duty in a health related field of any of the U.S. Armed Forces rendering bedside direct patient care.
  - (2) Submit proof of having completed a basic course of instruction which shall be equivalent to the course requirements set by these rules and regulations while in the Armed Forces.
  - (3) Submit proof that the claimed service was honorable. These documents shall be certified by the Armed Forces and submitted directly to the Board.

#### **7.11 Policies for Examination.**

The following policies shall apply for nurse assistant examinations.

- (a) Applications and fees for the certifying examination shall be submitted to the Board office by the Board's examination deadline.
- (b) Applications containing fraudulent or misrepresented information shall be cause for denial of certification.
- (c) Applications that are not completed and/or inactive will become null and void after one (1) year. The Board will dispose of the application as governed by the Government of Guam statute.
- (d) Candidates shall take the first certifying examination offered after approval of application by the Board.
- (e) Applicants for examination shall be required to pass the National Council of State Boards of Nursing Nurse Assistants' certifying examination within two (2) years after graduation from a Board approved nursing program or nurse assistants' training program. Applicants applying after two (2) year limitation period shall be considered by the Board on a case by case basis. The applicant may be required to satisfactorily complete an approved program or course of study,

including basic skills in nurse assistants' practice or follow specific remedial measures as prescribed by the Board prior to being scheduled to take an examination.

- (f) Transcripts shall include information on the nursing education program(s), including programs which were completed in less than the usual length of time, through advance standing or transfer of credits from one institution to another.
- (g) Credentials of education and certification, if not in English, shall be accompanied by a certified translation.
- (h) Any change of name, after filing the original application, must be supported by an affidavit satisfactory to the Board.
- (i) Any applicant who cannot demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being admitted to the examination.
- (j) Candidates with disabilities shall be requested to submit a completed application at least one hundred twenty-five (125) days in advance of the scheduled exam date to facilitate necessary modification of testing service.
- (k) Applicant(s) giving and/or receiving unauthorized access or assistance on the national certifying examination shall:
  - (1) Not be allowed to continue writing the examination and will be removed from the examination site;
  - (2) Forfeit the examination results;
  - (3) Be reported in writing to the Board;
  - (4) Be allowed an appeals hearing if requested.
- (l) Candidates shall be required to rewrite lost or destroyed test(s) at no cost to the applicant.

#### **7.12 Examination Retakes.**

All applicants wishing to retake the National Council of State Boards of Nursing certification examination for Nurse Assistants shall submit to the Board an examination application form, applicable fees and any updates as necessary.

- (a) Applicants retaking the examination for the second or third time shall be responsible for self study remedial measures.
- (b) Applicants retaking the examination four or more times shall be required to follow specific remedial measures that include basic nurse assistant skills as prescribed by the Board.

#### **7.13 Prioritization of Examination Candidates.**

Admission to the Nurse Assistants' national certification examination shall be based on the following priority of graduates from:

- (a) A Board approved Nurse Assistants' program on Guam;
- (b) A Nurse Assistants' program of the United States or its territories;
- (c) A nursing or nurse assistants' program, approved for proctoring, by a Board of Nursing of the United States or its territories or an equivalent training/experience in the U.S. Armed Forces;
- (d) An approved foreign nursing program that meets the Board's requirements.

#### **7.14 Certification by Endorsement.**

An applicant for endorsement to practice as a nurse assistant on Guam shall submit and remit:

- (a) A current registration or certification as a nurse assistant from a certifying U.S. state or territory that meets Guam's requirements; and
- (b) An official transcript and certification of training from an approved nurse assistant educational program or an approved program that meets the requirements set by these rules and regulations; and
- (c) A completed, notarized application, provided by the Board; and
- (d) A two inch by two inch (2" x 2") signed photograph taken within the past year; and,
- (e) A verification of passing the National Council of State Boards of Nursing nurse assistant certification examination; and,
- (f) Verification of original certification and evidence that the certification has not been suspended, revoked or restricted for any reason other than failure to renew or obtain the required continuing education credits to be completed by the certifying U.S. state or territory; and,
- (g) Verification of last employment;
- (h) In addition to the above requirements, the applicant seeking a Guam certification by endorsement shall provide the following as applicable to the applicant's status:
  - (1) Identification of any state, territory or country in which the applicant holds a license/certification/credential to practice in a health profession other than as a nurse assistant. Identification shall include the number and status of the license/certification/credential and the original state or country of licensure/certification/credential.
  - (2) Information about current or previous employer if employed in health care, to include address, telephone number, position title and dates of employment.
  - (3) Information related to the applicant's background such as pending disciplinary action or investigation; any pending criminal charges – national or international; criminal conviction; nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction; any chemical, physical or mental impairment and/or disability that impacts the applicant's ability to practice safely and a description of accommodations and/or practice limitations needed, if any; and any current substance abuse.
  - (4) Official record of local, state or federal criminal background checks completed within the last two (2) months; and,
- (i) Payment of the required fee.

#### **7.15 Renewal of Certification.**

- (a) Nurse assistant certifications shall be renewed biennially by September 30<sup>th</sup> of even numbered years. Failure to renew certification shall result in forfeiture of the right to work as a nurse assistant on Guam, until such time the certification has been renewed.
- (b) Applications for renewal will be mailed to the last known address. Failure to receive the application for renewal shall not relieve the certificate holder from the responsibility of renewing his or her certificate.

- (c) The certified nurse assistants shall return to the Board a completed renewal application form with the required fee.
- (d) Information pertaining to the applicant's background in the following areas shall also be required of the licensee to submit to the Board:
  - (1) Pending disciplinary action or investigation regarding any professional license or credential;
  - (2) Pending criminal conviction;
  - (3) Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction since the last renewal;
  - (4) Any chemical, physical or mental impairment and/or disability that impacts the nurse's ability to practice nursing safely, and a description of accommodations and/or practice limitations needed, if any;
  - (5) Any current substance abuse;
  - (6) A detailed explanation and supporting documentation for any of the above information.
  - (7) Official record of local, state and federal criminal background checks completed within the last two (2) months.
- (e) Any person employed as a nurse assistant after a certificate has lapsed or been revoked shall be considered as working illegally and shall be subjected to prosecution under the provisions of the Nurse Practice Act, Article 3, Chapter 12 of Title 10, Guam Code Annotated.

**7.16 Continuing Education Requirements.**

- (a) Nurse assistants shall submit to the Board evidence of fifteen (15) Continuing Education hours or such other amount as the Board may determine:
  - (1) In a health related education/training program as accepted by the Board;
  - (2) Within the renewal period to be eligible for certification renewal or endorsement.
- (b) Nurse assistants, who have been practicing, but do not meet (a) of this Section, at time of renewal may be issued a *conditional certification* to last no more than three (3) months for the applicant to meet the requirements.

**7.17 Reinstatement of Lapsed Certification.**

- (a) Any person whose certification has lapsed due to failure to renew by September 30<sup>th</sup> of the renewal year may apply to the Board for reinstatement upon submission of:
  - (1) A completed application for reinstatement;
  - (2) Verification of continuing education units as required by the Board;
  - (3) A written explanation why the certification has lapsed; and
  - (4) Payment of the reinstatement fee.
- (b) Other requirements. In addition to these requirements, the applicant seeking certification by reinstatement must provide:
  - (1) Identification of any state, territory or country in which the applicant holds a health profession license or credentials other than nursing. Identification shall include the number and status of the license or credential and the original state or country of licensure or credentialing.
  - (2) Information about current employer if employed in health care, to include address, telephone number, position and date of employment.



- (3) Information regarding previous employer in health care, if any, if current employment is less than 12 months.
- (4) Information related to the applicant's background in the following areas:
  - (i) Pending disciplinary action or investigation regarding any professional license or credential.
  - (ii) Any pending criminal charges - national or international.
  - (iii) Criminal conviction, nolo contendere plea, Alford plea or other plea arrangement in lieu of conviction.
  - (iv) Any chemical, physical or mental impairment and/or disability that impacts the nurse's ability to practice nursing safely, and a description of accommodations and/or practice limitations needed, if any.
  - (v) Any current substance abuse.
- (5) Official record of local, state and federal criminal background checks completed within the last 2 months.
- (c) The Board shall review applications only after all the above requirements have been submitted.
- (d) At any time after a certification has lapsed or been inactive, the Board may require evidence of the applicant's current nursing knowledge and skill before reinstating the certification to active status.
- (e) An individual who applies for reinstatement of certification who has been out of practice for three (3) years or longer shall provide evidence of passing a refresher course approved by the Board.
- (f) The Board may request a nurse assistant seeking reinstatement to appear before the Board.
- (g) The holder of a lapsed certificate is subject to all laws in effect at the time of the application.

#### **7.18 Characteristics of Nurse Assistants.**

The graduate of the Nurse Assistant educational program shall be prepared to:

- (a) Communicate and interact competently, effectively and respectfully on a one-to-one basis with clients, co-workers and supervisors;
- (b) Demonstrate sensitivity to clients' emotional, social and mental health needs through skillful directed interactions;
- (c) Assists clients in attaining and maintaining functional independence;
- (d) Exhibit attitude and behaviors that supports and promotes the rights of clients;
- (e) Demonstrate professional, ethical and legal behavior consistent with the application of the standards of practice for nurse assistants, local and federal laws and regulations and agency policies;
- (f) Demonstrate skills in observation, monitoring and documentation of the assessment of client's health, physical condition and well-being as delegated by the licensed nurse or physician;
- (g) Demonstrate attitude and behaviors or responsibility and flexibility in personal and workplace environments;
- (h) Demonstrate competency and compliance in the application of health and safety policies, procedures and regulations, including equipment and hazardous material handling; and,

- (i) Demonstrate the ability to perform duties and responsibilities as a nurse assistant under stress especially when confronted with emergency or critical situations with clients.

#### **7.19 Grounds for Disciplinary Action.**

The Board may deny, suspend, or revoke a nurse assistant certificate in accordance with the Administrative Adjudication Law or issue a reprimand to a certified nurse assistant for the following causes:

- (a) Conviction of a crime where such crime bears a demonstrable relationship to the duties of a nurse assistant as determined by the Board;
- (b) Any willful fraud or misrepresentation in applying for or procuring a certificate or renewal thereof;
- (c) Physical or mental condition that makes the certificate holder unable to perform the duties of a nurse assistant;
- (d) Conduct unbecoming a nurse assistants in the performance of duties.
  - (1) Leaving a nurse assistant assignment without properly notifying appropriate personnel;
  - (2) Failure to report to proper authorities, facts known regarding incompetent, unethical, or illegal practice of any health care provider;
  - (3) Failure to respect clients rights and dignity, regardless of social or economic status, personal attributes, or nature of health problems;
  - (4) Failure to report actual or suspected incidents of client abuse;
  - (5) Aiding, abetting, or assisting an individual in violating or circumventing any law, rule or regulation intended to guide the conduct of other health care providers;
  - (6) Violating the rights of privacy, confidentiality of information, or knowledge concerning the client, unless required by law to disclose such information;
  - (7) Discriminating against a client on the basis of age, race, religion, sex, sexual preference, national origin, handicap or socioeconomic status;
  - (8) Engaging in sexual misconduct or sexual offenses as described in §25.10 through 25.45 of Title 9; Guam Code Annotated;
  - (9) Providing, selling, applying form, or attempting to procure a certificate through willful fraud or misrepresentation;
  - (10) Suspicious use of intoxicants, prescription, over the counter, or controlled drugs to an extent or in a manner injurious to the nurse assistants or others, or to the extent that such use impairs the ability to conduct safely the duties of a nurse assistant. A positive drug screen result for which there is no lawful prescription;
  - (11) Unlawful use or possession, or obtaining, selling or furnishing controlled substances;
  - (12) Neglecting or abusing a client physically, verbally, emotionally or financially;
  - (13) Failure to competently perform duties of a nurse assistants;
  - (14) Soliciting , borrowing, or removing a client's property or money without prior approval of the client;
  - (15) Taking drugs, supplies, property, or money, not belonging to the nurse assistant, without prior authorization; and,

(16) Threatening or violent behavior in the workplace.

**7.20 Fees.**

In addition to the application fee, the applicant shall remit payment for the fee of the exam and the applicant shall remit payment for the examination fee directly to the examining center. Fees shall be assessed for the approval of nurse assistant educational programs and certification and recertification of nurse assistants, as well as for other actions to be taken by the Board. All fees are payable at the time of application and are **NOT** refundable.

**Article 8**

**Violations and Penalties**

**8.1 Violations.**

It is unlawful for any person to:

- (a) Engage in the practice of nursing or use any designation by which a person represents to the public that he/she is a licensed nurse, an APRN or a nurse assistant as defined in these Administrative Rules and Regulations without a valid, current license or certification, except as otherwise permitted under the Act;
- (b) Practice nursing under the cover of any diploma, license/certification or record illegally or fraudulently obtained, signed or issued unlawfully or under fraudulent representation;
- (c) Practice nursing during the time a license or certification is suspended, revoked, surrendered, inactive or lapsed;
- (d) Use any words, abbreviations, figures, letters, title, sign, card or device tending to imply that he or she is a registered nurse, licensed practical nurse, advanced practice registered nurse or nurse assistant unless such person is duly licensed or certified to practice under the provisions of the Act;
- (e) Sell or fraudulently obtain or furnish any nursing diploma, license or certification or renewal of a license, certification or record, or aid or abet therein;
- (f) Knowingly employ unlicensed or uncertified persons in the practice of nursing;
- (g) Fail to report information in relation to the violations of the Act;
- (h) Conduct a program for the preparation for licensure under the Act unless the Board has approved the program;
- (i) Conduct courses or provide consultation that conflicts with the scope and standards of practice set forth in the Act;
- (j) Otherwise violate, or aid or abet another person to violate any provision of the Act; or
- (k) Engage in irregular behavior in connection with the licensure or certification examination, including, but not limited to, the giving or receiving of aid in the examination or the unauthorized possession, reproduction or disclosure of examination questions or answers.

**8.2 Penalties.**

- (a) Any person who violates the provisions of Article 8.1 is guilty of a misdemeanor upon conviction of the first such offense. Unless otherwise provided in this Article or any other law, any person who violates the provisions of Article 8.1,

except Subsection (f) of Article 8.1 shall be guilty of a felony upon conviction of the second or subsequent offense.

- (b) Any person who violates the provisions of Subsection (f) of Article 8.1 shall be guilty of a second degree felony.

### **8.3 Criminal Prosecution.**

Nothing in this Article shall be construed as a bar to criminal prosecution for violation of the provisions of these Administrative Rules and Regulations.

## **Article 9**

### **Discipline and Proceedings**

#### **9.1 Authority.**

The Board may exercise its disciplinary authority in accordance with the Act. This authority includes, but is not limited to, the power to:

- (a) Deny the application for a license;
- (b) Refuse to renew a license;
- (c) Revoke a license;
- (d) Suspend a license;
- (e) Limit or restrict a license
- (f) Impose fines of up to \$1,000.00
- (g) Take any other action justified by the facts in the case; or
- (h) Otherwise discipline or place on probation a licensee

#### **9.2 Grounds for Denial of a License.**

Any of the following will be deemed to be grounds for denial of a license:

- (a) Failure to meet any requirement or standard pertaining to nursing practice or licensure established by law or by rules and regulations adopted by the Board.
- (b) Failure to pass the licensing exam.

#### **9.3 Grounds for Discipline.**

- (a) The Board may discipline a licensee or applicant for any one or a combination of the following grounds:
  - (1) False, fraudulent or forged statement or misrepresentation in procuring a license to practice nursing. This shall mean, but shall not be limited to:
  - (2) Procuring or attempting to procure a license to practice nursing by filing forged or altered documents or credentials, falsifying or misrepresenting facts on any application for licensure, examination, re-licensure, or reinstatement;
  - (3) Impersonating any applicant or acting as proxy for any applicant in any examination for licensure; or
  - (4) Practicing nursing under a false or assumed name or carrying out licensed nursing functions while using other than legal name.
- (b) Licensing Exam Violations-conduct that violates the security of the examination, including but not limited to:
  - (1) Copying, disseminating, or receiving of any portion of an examination.
  - (2) Having unauthorized possession of any portion of a future,

- current, or previously administered examination.
- (3) Violating the standard of test administration.
  - (4) Permitting an impersonator to take the examination on one's behalf or impersonating an examinee.
- (c) Criminal Convictions-convictions by a court or entry of an Alford plea or a nolo contendere plea to a crime in any jurisdiction that relates adversely to the practice of nursing or to the ability to practice nursing; conviction or a felony, or crime involving moral turpitude.
  - (d) Fraud and/or Deceit- employing fraud or deceit in representation of self to Board or public, in filing any reports or completing client records, in authenticating any report or records in the nurse's capacity as a registered nurse, licensed practical nurse or advanced practice registered nurse or nurse assistant in submitting any information to the Board.
  - (e) Unethical Conduct- including but not limited to conduct likely to deceive, defraud or harm the public; or demonstrating a willful or careless disregard for the health and safety of a client. Actual injury need not be established. Unethical conduct may include behavior that demeans the nursing profession at large.
  - (f) Action in Another Jurisdiction- a nurse's license to practice nursing or a multi-state practice privilege or another professional license or other credential has been denied, revoked, suspended, restricted or otherwise disciplined in this or any other state or territory.
  - (g) Unsafe Practice/Unprofessional Practice- actions or conduct including, but not limited to:
    - (1) Failure or inability to perform registered nursing, practical nursing, advanced practice nursing or nurse assisting as defined and established in these rules and regulations, with reasonable skill and safety.
    - (2) Unprofessional conduct, including but not limited to:
      - (a) A departure from or failure to conform to nursing standards and current rules and regulations. Performance of acts which are beyond the limits of the practice of professional or practical nursing or nurse assistant, as the case may be;
      - (b) Improper management of client records;
      - (c) Delegating or accepting the delegation of a nursing function or a prescribed health function in a manner contrary to the Nurse Practice Act and/or when the delegation or acceptance could reasonably be expected to result in unsafe or ineffective client care
      - (d) Failure to supervise the performance of acts by any individual working at the nurse's delegation or assignment
      - (e) Failure to take appropriate action in safeguarding the patient from incompetent health care practice;
      - (f) Failure of a clinical nursing instructor to supervise student experiences;
      - (g) Failure to prepare and submit incident reports.
    - (3) Administration of medications and treatments in a negligent manner;
    - (4) Employment or assignment of unqualified persons to perform functions that require a license or a certification to engage in the practice of nursing;

- (5) Assumption of duties and responsibilities in the practice of nursing without adequate education and training or when competency has not been maintained;
  - (6) Practicing nursing without a current Guam license, with a lapsed license or beyond the period of a valid temporary work permit;
  - (7) Leaving a nursing assignment without properly notifying personnel;
  - (8) Violating the confidentiality of information or knowledge concerning a patient;
  - (9) Discriminating in the rendering of nursing services as it relates to human rights and the dignity of the individual;
  - (10) Failure of a chief administrative nurse to follow appropriate and recognized standards and guidelines in providing oversight of the nursing organization and nursing services of a health care delivery system;
  - (11) Conduct or any nursing practice that may create unnecessary danger to a client's life, health or safety.
  - (12) Failure to practice within a modified scope of practice or with the required accommodations, as specified by the Board in granting a modified license as defined in these rules and regulations or any stipulated agreement with the Board.
  - (13) Inability to Practice Safely- demonstration of actual or potential inability to practice nursing with reasonable skill and safety to clients by reason of illness, use of alcohol, drugs, chemicals, or any other material, or as a result of any mental or physical conditions, or by court order adjudging that a licensee is mentally incompetent, or an evaluation by a qualified person indicating that the licensee is mentally or physically incapable of engaging in professional or practical nursing in a manner consistent with sound patient care.
- (h)** Misconduct-actions or conduct that include, but are not limited to:
- (1) Falsifying reports, client documentation, agency records or other essential health documents;
  - (2) Inaccurate recording or other alteration of patient or employee records;
  - (3) Misappropriating drugs, money, supplies or equipment;
  - (4) Failure to cooperate with a lawful investigation conducted by the Board;
  - (5) Failure to maintain professional boundaries with clients and/or family members;
  - (6) Use of excessive force upon or mistreatment or abuse of any client;
  - (7) Engaging in sexual conduct with a client, touching a client in a sexual manner, requesting or offering sexual favors of language or behavior suggestive of the same;
  - (6) Threatening or violent behavior in the workplace.
- (i)** Failure to meet any requirement or standard pertaining to nursing practice or licensure established by law or by rules and regulations adopted by the Board.
- (j)** Gross negligence or recklessness in performing nursing functions, which shall include, but shall not be limited to:
- (1) Any act which deviates from standard of care, which under similar circumstances, would have been exercised by a licensed peer; or,

- (2) Any act or omission, where there was a legal duty to act or to refrain from acting, that a reasonable and prudent practitioner of nursing under same or similar facts and circumstances would have done, would have refrained from doing or would have done in a different manner, and which did or could have resulted in harm or injury to a patient/client; or,
- (3) A substantial departure from the accepted standard of care shall be the exercise of so slight a degree of care as to justify the belief that there was a conscious or overt disregard or indifference for the health, safety, well-being, or welfare of the public.
- (k) Drug Diversion-diversion or attempts to divert drugs or controlled substances.
- (l) Failure to Comply with Alternative Program Requirements – failure of a participant of an alternative (to discipline) program to comply with terms of her/her alternative program agreement. This regulation provides a specific ground for failure to comply with terms of program agreement with the Alternatives to Discipline Program. This addresses the Board to investigate if a nurse or nurse assistant who has been in a program for some time were to relapse and is referred to the Board for possible disciplinary action.
- (m) Other Drug Related- actions or conduct that include, but are not limited to:
  - (1) Use or solicitation of any controlled substance or any drug or device or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use may impair his or her ability to conduct with safety to the public the practice authorized by his or her license;
  - (2) Falsification of or making incorrect, inconsistent or unintelligible entries in any agency, client or other record pertaining to drugs or controlled substances;
  - (3) A positive drug screen for which there is no lawful prescription.
- (n) Unlawful Practice-actions or conduct that include, but are not limited to:
  - (1) Knowingly aiding, assisting, advising or allowing an unlicensed person to engage in the unlawful practice of registered or practical nursing or nursing assistant;
  - (2) Violating a rule adopted by the Board, an order of the Board, or a Guam or Federal law relating to the practice of registered or practical nursing, or a Guam or Federal narcotics or controlled substance law;
  - (3) Practicing beyond the scope of practice as stated in the Nurse Practice Act;
  - (4) Failing to report violations of the Act.

#### **9.4 Procedures.**

- (a) Complaint Investigation:
  - (1) When a complaint is filed with the Board that charges any persons with an act or omission in violation of the Nurse Practice Act and/or these rules and regulations, the Board shall provide for an investigation to determine whether there are sufficient grounds stated in the complaint to warrant further action.
  - (2) The written complaint shall include the name and address of the person against whom the complaint is made, a concise statement of the complaint, and the names and addresses of the persons having knowledge of the incident and signed by the complainant.

- (b) **Complaint Resolution:**
  - (1) Complaints may be settled through informal negotiations with the subject nurse and/or subject nurse's attorney
  - (2) Negotiated settlements shall be reviewed to determine that any proposed remedy is appropriate for the facts as admitted or stipulated.
  - (3) If a complaint cannot be resolved through informal negotiations, the case may be referred for formal administrative hearings.
  - (4) The Board shall review the evidence and record produced at administrative hearings, and recommendations of the administrative law judge to determine whether the burden of proof has been met showing that the licensee has violated one or more grounds for disciplinary action. The Board is responsible for making complain resolution decisions.
- (c) **Hearings:**

If, after an investigation is conducted, the Board determines that there are sufficient grounds to believe that a violation of the Nurse Practice Act and/or these rules and regulations may have been committed, the Chairman of the Board shall schedule a hearing pursuant to the provisions and procedures of the Administrative Adjudication Law. The Board shall have the power to issue subpoenas in accordance with the Administrative Adjudication, Law.
- (d) **Disciplinary Action in another State.** When the Board receives information that a person applying for a license or who is currently licensed in Guam has had a license to practice nursing revoked or suspended in another state, the Board shall:
  - (1) Obtain the findings of fact and conclusions of law from the board of the state or territory that took the disciplinary action; and
  - (2) Determine if the findings warrant suspension or revocation of the person's Guam license or denial of his application for licensure on Guam, and if so, shall take appropriate action.
- (e) **Costs Resulting From Disciplinary Action.** Any licensed nurse whose license has been suspended, restricted or revoked, may have his/her license reinstated when, in the discretion of the Board, the action is warranted; provided, that such nurse may be required by the Board to pay up to 50 percent of the costs of the proceedings resulting in the suspension, revocation, or reinstatement of his/her license or registration certificate, and, in addition thereto, pay the fee for the current year's registration/renewal fee.

## **9.5 Immunity.**

Any member of the Board or staff, or any person reporting to the Board of Nursing in good faith information relating to alleged incidents of negligence or malpractice or the qualifications, fitness or character of a person licensed or applying for a license to practice nursing shall not be subject to a civil action of damages as a result of reporting such information. The immunity provided by this section shall extend to the members of any professional review committee and witnesses appearing before the committee authorized by the Board to act pursuant to this section.

## **9.6 Notification.**

The Board shall provide information as required by federal law to federal databanks, to the National Council of State Boards of Nursing centralized licensing and discipline



databank (Nursys) and may develop procedures for communicating with others in board policy.

## **Article 10**

### **Emergency Relief**

#### **10.1 Summary Suspension.**

- (a) **Authority.** The Board is authorized to temporarily suspend the license of an RN, LPN, APRN or the certification of a Nurse Assistant without a hearing if:
  - (1) The Board finds that there is probable cause to believe that the nurse or nurse assistant has violated a statute or rule that the Board is empowered to enforce; and
  - (2) Continued practice by the nurse or nurse assistant would create imminent and/or serious risk of harm to others.
- (b) **Duration.** The suspension shall remain in effect until the Board issues a stay of suspension or a final order in the matter after a hearing or upon agreement between the Board and licensee.
- (c) **Hearing.** The Board shall schedule a disciplinary hearing to be held under the Administrative Procedures act, to begin no later than thirty (30) days notice of the hearing.

#### **10.2 Automatic Suspension**

- (a) Unless the Board orders otherwise, a license to practice nursing is automatically suspended if:
  - (1) A guardian of a nurse or nurse assistant is appointed by order of a court of competent jurisdiction;
  - (2) The nurse or nurse assistant is committed by order of a court of competent jurisdiction;
  - (3) The nurse or nurse assistant is determined to be mentally incompetent, mentally ill, chemically dependent or a person dangerous to the public by a court of competent jurisdiction within or outside of Guam.
- (b) The license/certification remains suspended until the nurse or nurse assistant is restored to capacity by a court of competent jurisdiction. The nurse or nurse assistant shall petition the Board for reinstatement. The Board may terminate the suspension after a hearing or upon agreement between the Board and the nurse or nurse assistant.

#### **10.3 Injunctive Relief**

- (a) **Authority.** The Board or any prosecuting officer upon a proper showing of the facts is authorized to petition a court of competent jurisdiction for an order of injunctive relief – to enjoin the individual from practicing professional or practical nursing, as the case may be.
  - (1) Any person who is engaging in the practice of nursing within the meaning of this Act from practicing without a valid license, unless exempted under Article 12.

- (2) Any person, firm, corporation, institution or association from employing any person who is not licensed or certified to practice as a nurse or nurse assistant under this act or exempted under Article 12.
  - (3) Any person, firm, corporation, institution or association from operating a school of nursing without approval.
  - (4) Any person whose license or certification has been suspended or revoked for practicing as an RN, LPN, APRN or NA.
  - (5) Any person to use the title “nurse,” “registered nurse,” “advanced practice registered nurse,” “licensed practical nurse,” or “certified nurse assistant” or other authorized abbreviations unless licensed or certified to engage in the practice of nursing in Guam.
- (b) The court may without notice or bond, enjoin such acts and practice. A copy of the complaint shall be served on the defendant and the proceedings thereafter shall be conducted as in other civil cases. In case of violation of an injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court.

**10.4 Preservation of Other Remedies.** The emergency proceedings herein described shall be in addition to, not in lieu of, all penalties and other remedies provided by law.

## **Article 11**

### **Reporting Requirements**

**11.1 Duty to Report by Licensed Nurses or Certified Nurse Assistants.**

A licensed nurse or a certified nurse assistant shall report names of subject individuals to the Board if the licensed nurse or certified nurse assistant has reasonable cause to suspect that an individual/practitioner has violated any of the grounds for discipline found in Article 9, except for minor incidents as described in this rule.

**11.2 Duty to Report by Other Individuals.**

- (a) Hospitals, nursing homes, temporary staffing agencies, and other employers of registered nurses, licensed practical nurses, advanced practice registered nurses or certified nursing assistants shall report to the Board the names of any licensee, certificate holder or applicant for nursing licensure or certification whose employment has been terminated or who has resigned in order to avoid termination for any reasons stipulated in Article 9.
- (b) Hospitals, nursing homes, temporary staffing agencies, and other employers of registered nurses, licensed practical nurses, advanced practice registered nurses or certified nursing assistants shall report to the Board the names of any licensees, certificate holders or applicants who participated in medical/surgical procedures, interventions or activities that resulted in a malpractice claim or lawsuit. The licensee or certificate holder or applicant may not necessarily be identified or named in the malpractice claim or lawsuit but was involved in the performance of the acts.
- (c) A state/territory agency that licenses registers or certifies a hospital, nursing home, home health agency or other types of health care facilities or agency

sections, or surveys one of these agencies shall report to the Board when that agency has evidence that the licensed nurse or certified nurse assistant has violated the Act.

- (d) Each insurer that provides professional liability insurance that covers claims arising from providing or failing to provide nursing care shall report any payment made on behalf of a licensed nurse or certified nurse assistant in a claim or lawsuit.
- (e) A person who is required to report a licensed nurse or certified nurse assistant under this Article because the licensed nurse or certified nurse assistant is impaired or suspected of being impaired by chemical dependency or mental illness may report to the alternate appropriate authorities.
- (f) The Board shall inform, in the manner the Board determines appropriate, nurses, facilities, agencies and other persons of their duty to report under this Article.
- (g) The Board shall develop procedures to identify criminal convictions of licensed nurses or certified nurse assistants involving:
  - (1) Moral turpitude.
  - (2) Violation of a state or federal narcotics or controlled substances law.
  - (3) Fraud or abuse under the Medicare or Medicaid programs.
  - (4) Court determination that a nurse or nurse assistant is mentally ill or mentally incompetent.
- (h) The Board shall access the National Databank concerning any licensed nurse or certified nurse assistant against whom a malpractice award has been made or who has been a party to a settlement. The Board shall request a report with the following information:
  - (1) Total number of settlement(s) or award(s);
  - (2) Date(s) settlement(s) or award(s) were made;
  - (3) Allegations contained in the claim(s) or complaint(s) leading to the settlement(s) or award(s);
  - (4) The dollar amount of each malpractice settlement or award and whether that amount was paid off as a result of a settlement or of an award; and,
  - (5) The name and address of the licensed nurse or certified nurse assistant against whom an award was made or with whom a settlement was made.

### **11.3 Immunity of Persons Making Reports.**

Any member of the Board or professional review committee authorized by the Board and any witness appearing before the Board, a hearing office, or such a professional review committee shall be immune from suit in any civil action taken by a licensee or certificate holder who is a subject of a professional review proceedings.

### **11.4 Board Surveillance.**

- (a) The Board may query the National Practitioner Data Bank any information pertaining to nurses licensed or nurse assistant certified in Guam.
- (b) The Board will request information from the Superior Court of Guam four (4) times a year, by the first of February, May, August and November, about any judgments pertaining to nurses licensed and nurse assistants certified in Guam.

### **11.5 Minor Incidents.**

- (a) The chief administrative nurse or designee responsible for reviewing incidents of practice breakdown may determine that an incident need not be reported to the Board if all of the following factors exist:
  - (1) The potential risk of physical, emotional, or financial harm to the client due to the incident is minimal;
  - (2) The nurse or nurse assistant exhibits a conscientious approach to and accountability for his or her practice;
  - (3) The nurse or nurse assistant has demonstrated the knowledge and skill to practice safely.
- (b) The review of the incident shall include evaluation of the significance of the event in the practice setting, the context of the event, and the presence of contributing or mitigating circumstances in the nursing care system.
- (c) If an event is determined to be a minor incident:
  - (1) An incident/variance report shall be completed according to the employing facility's policy, including a complete description of the incident, client record number, names of witnesses, identification of subject nurse or nurse assistant and actions taken to correct or remediate the problem.
  - (2) The chief administrative nurse or designee shall maintain a record of each minor incident involving nurses and nurse assistants under his/her supervision.

## **Article 12**

### **Exemptions**

#### **12.1 No provisions of this Act shall be construed to prohibit:**

- (a) The practice of nursing that is an integral part of a program by nursing students enrolled in Board-approved nursing education programs leading to initial licensure/certification;
- (b) The clinical practice needed to fulfill program requirements by a graduate nursing student currently licensed in another jurisdiction who meets criteria set forth in these rules and regulations;
- (c) The practice of professional nursing or the practice of practical nursing in an emergency;
- (d) The rendering of assistance by any nurse or nurse assistant who is currently licensed/certified in another jurisdiction while assisting in a state of an emergency or disaster as a volunteer of any recognized organization;
- (e) The incidental and gratuitous care of the sick by members of the family, friends or companions, or household aides at the direction of a person needing such care who resides independently outside any hospital, nursing or health care facility, or other similar institutional setting;
- (f) Caring for the sick in accordance with tenets or practices of any church or religious denomination that teaches reliance upon spiritual means for healing;
- (g) The practice of any professional nursing by a registered nurse or the practice of practical nursing by a licensed practical nurse who is currently licensed in another state, jurisdiction or territory while in the discharge of his or her official governmental duties as an employee of any bureau, division or agency of the United States government;

- (h) The practice of any professional nursing by a registered nurse or the practice of practical nursing by a licensed practical nurse who is currently licensed in another jurisdiction and employed by an individual, agency or corporation located in such other jurisdiction and whose employment responsibilities include the transporting of patients to health care facilities within Guam. Such exemptions shall be limited to a period no longer than necessary to transfer the care of persons qualified under this Act and shall not exceed five (5) days.
- (i) The practice of professional nursing by a registered nurse who is currently licensed in another state or territory who is in this state/territory on a non-routine basis for a period not to exceed ninety (90) days to:
  - (1) provide professional nursing consulting services; or,
  - (2) attend or present a continuing nursing education program; or,
  - (3) provide other short-term clinical or non-clinical nursing services.
- (j) Any person permitted by these exemptions to practice professional nursing or practical nursing without a license issued by the Guam Board shall be held to the same standard of care as any practitioner licensed by the Guam Board. A person permitted by these exemptions to practice without a license shall register his/her name and practice location with the Board before commencing practice, unless such registration is not possible because of the time or emergency involved.

### **Article 13**

#### **Fees/Record of Payment**

**GUAM BOARD OF NURSE EXAMINERS**

Government of Guam  
P.O. Box 2816  
Hagåtña, Guam 96932

**RECORD OF PAYMENT**

**I. IDENTIFICATION**

NAME \_\_\_\_\_  
(Last) (First) (Middle)

MAILING ADDRESS \_\_\_\_\_  
(Street or P.O. Box #)  
\_\_\_\_\_  
(City) (State) (Zip Code)

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

**II. VERIFICATION OF CERTIFICATION**

Please print the complete name used on original certification and your social security number

\_\_\_\_\_ SS# \_\_\_\_\_

**I. FEE**

Fee paid is **NON-REFUNDABLE**. Make all checks or money orders payable to **TREASURER OF GUAM**

Please check your request (s):

- |   |  |   |
|---|--|---|
| \$100.00 <input type="checkbox"/> RN Exam   | \$200.00 <input type="checkbox"/> RN or PN Continuation of Full Approval Fee | \$ 50.00 <input type="checkbox"/> Nurse Assistant Application For Exam  |
| \$100.00 <input type="checkbox"/> PN Exam   | \$150.00 <input type="checkbox"/> APRN License Application Fee               | \$ 25.00 <input type="checkbox"/> Nurse Assistant Endorsement           |
| \$100.00 <input type="checkbox"/> Endorsement                                     | \$150.00 <input type="checkbox"/> APRN Reinstatement of License              | \$ 40.00 <input type="checkbox"/> Nurse Assistant Reinstatement         |
| \$125.00 <input type="checkbox"/> Reinstatement of Lapsed or Inactive License     | \$100.00 <input type="checkbox"/> APRN License Renewal                       | \$ 25.00 <input type="checkbox"/> Nurse Assistant Certification Renewal |
| \$ 80.00 <input type="checkbox"/> RN License Renewal                              | \$ 75.00 <input type="checkbox"/> APRN Temporary Work Permit                 | \$ 25.00 <input type="checkbox"/> Certification Verification            |
| \$ 60.00 <input type="checkbox"/> LPN License Renewal                             | \$150.00 <input type="checkbox"/> APRN Prescriptive Authority                | \$ 20.00 <input type="checkbox"/> Reissuance of Certification           |
| \$ 25.00 <input type="checkbox"/> License Verification                            | <b>OTHER</b>   | \$ 200.00 <input type="checkbox"/> Nurse Assistant Program Approval Fee |
| \$ 25.00 <input type="checkbox"/> Temporary Work Permit (RN, LPN, CNA)            | \$ 35.00 <input type="checkbox"/> Examination Proctoring                     |   |
| \$ 20.00 <input type="checkbox"/> Reissuance of License                           | \$ 10.00 <input type="checkbox"/> Nurse Practice Act                         |   |
| \$400.00 <input type="checkbox"/> RN or PN Nursing Education Program Approval Fee | \$ 10.00 <input type="checkbox"/> Rules and Regulations                      |   |

Present this form with payment to the cashier at the Department of Public Health & Social Services/ Treasurer's Office then return the processed form to GBNE.

**OFF-ISLAND APPLICANTS:** Return this form with your payment to GBNE at the above address.

<b>FOR OFFICE USE ONLY</b>			
Payment: <input type="checkbox"/> CHECK	<input type="checkbox"/> MONEY ORDER	<input type="checkbox"/> CASH	<input type="checkbox"/> CREDIT CARD
Field Receipt # _____	Date Paid _____		