



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 12 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:25pm</u>
Date	<u>5-12-97</u>

Dear Speaker Unpingco:

Enclosed please find Bill No. 73 (COR), "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CERTIFICATION OF NURSE ASSISTANTS FOR THE GUAM BOARD OF NURSE EXAMINERS", which I have signed into law today as Public Law No. 24-20.

Until this moment there were no rules and regulations governing the certification of nurse assistants in Guam. These dedicated men and women have been serving a vital role in our health care community without proper certification procedures. Establishment of proper safeguards for our island's residents as well as providing guidelines for valuable health care workers is a responsibility the government needs to continue striving to achieve.

These rules and regulations provide a number of safeguards for the community. They set minimum standards of competency and proficiency; they establish educational and examination requirements; and the scope of practice delineated in the rules and regulations acts as a protection for consumers. The rules and regulations also provide for those who are already serving in nurse assistant positions, so that they will continue in this important profession.

A concerted effort among the Guam Board of Nurse Examiners, the Guam Nurse Leaders and the Governor's Office produced these rules and regulations and I am pleased to be able to sign Bill No. 73 to put these


Office of the Speaker
ANTONIO R. UNPINGCO

Date: 5.12.97
Time: 2:05 pm
Rec'd by: [Signature]
Print Name: [Signature]

Speaker/B49-P.L. 24-21
May, 1997 - Page 2

rules and regulations into effect. I thank and congratulate the Legislature for its quick action in addressing these very important rules and regulations.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

Attachment

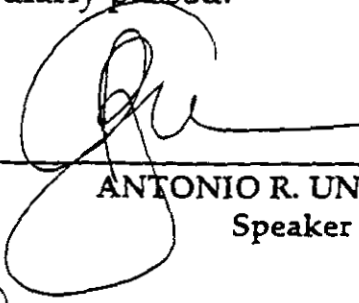
c: The Honorable Joanne M.S. Brown
Legislative Secretary

00197

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 73 (COR), "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CERTIFICATION OF NURSE ASSISTANTS FOR THE GUAM BOARD OF NURSE EXAMINERS," was on the 30th day of April, 1997, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

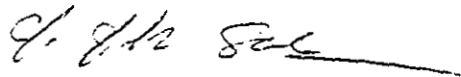
Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by the Governor this DAY day of April 30, 1997, at 11:09 o'clock P.M.

Assistant Staff Officer
Governor's Office



APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

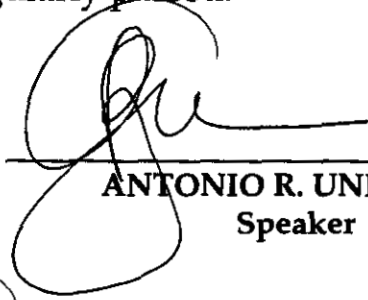
Date: 5-12-97

Public Law No. 24-20

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 73 (COR), "AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CERTIFICATION OF NURSE ASSISTANTS FOR THE GUAM BOARD OF NURSE EXAMINERS," was on the 30th day of April, 1997, duly and regularly passed.

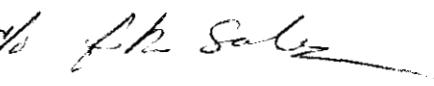


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 24 day of April 30, 1997, at 11:09 o'clock P.M.

Assistant Staff Officer
Governor's Office


APPROVED:

CARL T. C. GUTIERREZ
Governor of Guam

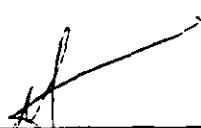
Date: _____

Public Law No. _____

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No: 73 (COR)
As Substituted by the Committee
on Health and Human Services.

Introduced by:


Mark Forbes
by request of the Governor in
accordance with the Organic Act
of Guam.

AN ACT TO ESTABLISH RULES AND
REGULATIONS FOR CERTIFICATION OF NURSE
ASSISTANTS FOR THE GUAM BOARD OF NURSE
EXAMINERS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 **Section 1. Authority for the Guam Board of Nurse Examiners to**
3 **Promulgate Rules and Regulations.** §12316.1 of Title 10, Guam Code Annotated,
4 authorizes the Guam Board of Nurse Examiners to promulgate rules and regulations
5 providing minimum qualifications for certification of nurse assistants and approval of
6 nurse assistants educational programs.

7 In keeping with the spirit of Public Law 22-51, requiring line department,
8 agencies, and instrumentalities of the Government of Guam to "periodically review
9 all fees which are charged by the respective Agencies for services rendered and adjust
10 the same as needed to actual cost of delivering such services", the fees contained in
11 §3200. Fees, are implemented as if part of the rule-making process under the
12 Administrative Adjudication Law, Chapter 9 of Title 5, Guam Code Annotated, and
13 as authorized by statute.

1 **(b) Submission of Rules and Regulations in Bill Form.** Public Law 22-96
2 requires that rules and regulations proposed by a government agency, be transmitted
3 to the Legislature in bill form for the convenience of the Legislature. After passage
4 of Forty-five (45) calendar days, plus seven (7) legislative days, the rules and
5 regulations are approved.

6 **(c) Approval of the Guam Board of Nurse Examiners Certification of**
7 **Nurse Assistants Rules and Regulations.** The following rules and regulations for
8 the nurse assistants are hereby approved:

9 **“RULES AND REGULATIONS**

10 **FOR CERTIFICATION OF NURSE ASSISTANTS**

11 **§100. Purpose.** **(a)** The purpose of these rules and regulations is to ensure that
12 persons functioning as nurse assistants on Guam have met minimum standards of
13 competency as prescribed in these rules; and

14 **(b)** To ensure that nurse assistants meet minimum standards of proficiency
15 and competency set forth by the Guam Board of Nurse Examiners (GBNE); and

16 **(c)** To ensure programs that qualify nurse assistants meet the educational
17 requirements as set forth by the Board; and

18 **(d)** To regulate the scope of practice for nurse assistants in the interest of
19 consumer protection in Guam.

20 **§200. Legal Authority.** §12316.1 of Title 10, Guam Code Annotated
21 empowers the Guam Board of Nurse Examiners to establish minimum qualifications
22 through rules and regulations and to set standards for certified nurse assistants
23 educational programs. §12316.1 of Title 10, Guam Code Annotated, provides:
24 'Minimum Requirements for and Certification of Nurse Assistants and the Education
25 Programs. The Board shall establish by regulation minimum requirements for nurse
26 assistants and criteria for evaluating such requirements. The Board may also

1 establish and administer such procedures as may be necessary to certify that an
2 applicant meets duly established minimum requirements. Such procedures shall
3 include a provisional period for remedial training of nurse assistants who are
4 employed as of the effective date of such regulations and do not meet minimum
5 requirements. Disciplinary procedures for decertification of incompetent nurse
6 assistants may be established by the Board. The Board shall maintain a registry of
7 certified nurse assistants. The Board may approve and reapprove nurse assistants
8 educational and continuing education programs.

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

- 12 **(a)** Adopt, and from time to time, revise such rules and regulations as may
13 be necessary to carry out the provisions of §12316.1 of Title 10, Guam
14 Code Annotated, in compliance with the Administrative Adjudication
15 Law, Chapter 9 of Title 5, Guam Code Annotated;
- 16 **(b)** Develop and maintain a nurse assistants registry;
- 17 **(c)** Develop and enforce standards and periodically evaluate the basic nurse
18 assistants education programs, and approve the programs that meet the
19 requirements as set forth in these rules;
- 20 **(d)** Deny or withdraw approval of nurse assistants educational programs that
21 do not meet the prescribed standards in accordance with Chapter 2 of the
22 Administrative Adjudication Law and Chapter 9 of Title 5, Guam Code
23 Annotated;

- 1 **(f)** Implement a disciplinary process consistent with the Administrative
2 Adjudication Law, Chapter 9 of Title 5, Guam Code Annotated;
- 3 **(g)** Issue certification documentation to the nurse assistants who have
4 successfully met the requirements for inclusion on the nurse assistants
5 registry;
- 6 **(h)** Notify all nurse assistants listed on the nurse assistants registry of
7 changes in laws, rules and regulations pertaining to nurse assistants;
- 8 **(i)** Determine and collect reasonable fees;
- 9 **(j)** Act as an evaluating and approving body for the nurse assistants
10 educational programs in the American Pacific region. The request must
11 come from the appropriate governing body, and all expenses for the
12 evaluation shall be paid by the requesting jurisdiction;
- 13 **(k)** Give the nurse assistants examination according to the rules and
14 regulations formulated by the National Council of State Boards of
15 Nursing, its designated testing service and the Board;
- 16 **(l)** Deny a certificate to unqualified applicants;
- 17 **(m)** Issue certificate to qualified applicants who have successfully met the
18 requirements of a nurse assistant.
- 19 **(n)** Have the power to issue subpoenas, require the attendance of witnesses,
20 administer oaths to persons giving testimony, and enforce compliance
21 upon application to the Superior Court of Guam;
- 22 **(o)** Maintain records as required by Guam law; and
- 23 **(p)** Conduct public hearings, investigations, and studies of nurse assistants
24 practice, nurse assistants education and related matters; and to prepare
25 and issue such publications as will allow the nurse assistants profession
26 to provide safe and effective nurse assistants services to the public.

1 **§400. Definitions.** For purposes of this Rules and Regulations, the following
2 terms are defined to mean:

3 **(a) "Abuse"** includes, but is not limited to: physical injury caused by other
4 than accidental means; neglect which leads to physical harm; failure to
5 provide direct care for resident or patient; verbal abuse; theft or misuse
6 of resident funds or property; wrongful touching; or any other
7 deprivation of patient or resident's rights, which may be the result of
8 intentional or negligent behavior.

9 **(b) Accountability** means the state of being responsible, answerable or
10 legally liable for actions done by a nurse assistants.

11 **(c) Approval** means the process by which the Board evaluates and grants
12 official recognition to a nurse assistants educational program which
13 meets established standards.

14 **(1) Initial approval** means a status granted for authorization to admit
15 students and enter into contractual agreements for client facilities.
16 It is granted only after an application has been submitted and
17 reviewed and a survey visit has been conducted by the Board. No
18 students shall be admitted into the program until the institution has
19 received written notification that initial approval has been granted.

20 **(2) Conditional approval (Probation)** means the status designated to
21 a program which has been determined to be deficient by the
22 Board, and to which written notice is sent to the program provider
23 specifying the deficient areas and the time limit within which the
24 deficiencies are to be corrected.

25 **(3) Full approval** means a status granted to a program that meets the
26 requirements of the law, and the rules and regulations of the

1 Board. Continuation of full approval is contingent upon the
2 submission of the annual report of the program.

3 (4) **Approved program** means a course of training conducted by an
4 educational or health care institution which implements the basic
5 nurse assistants curriculum as prescribed and approved by the
6 Board.

7 (5) **Basic emergency procedures** means the care of individuals of all
8 ages with perceived physical or emotional alterations which are
9 undiagnosed and may require prompt intervention.

10 (6) **Board** means the Guam Board of Nurse Examiners.

11 (7) **Board of Nursing** means other nursing boards within the United
12 States and its territories.

13 (8) **Certificate by endorsement** means the process by which
14 individuals holding a current certification, within the United States
15 or its territories, upon meeting all requirements set forth by the
16 Board, can practice as a nurse assistants on Guam.

17 (9) **Clinical facilities** means those institutions which are established
18 in a community for the delivery of health care services such as
19 hospitals, extended care facilities, nursing homes, or other sites.

20 (10) **Competency** means the ability to perform skillfully and
21 proficiently the role of the certificate holder. The role
22 encompasses essential knowledge, judgment, attitudes, values,
23 skills and abilities which are varied in range and complexity.
24 Competency is a dynamic concept, changing as the certified nurse
25 assistants achieves a higher stage of development within the role.

1 Competency is based on educational training, preparation and
2 expertise.

3 (11) **Course** means a series of class sessions devoted to one specific
4 area of a subject. It may include a number of related topics.

5 (12) **Curriculum** means the systematic arrangement of learning
6 experiences that include courses, clinical experience and other
7 activities needed to meet the requirements of the nurse assistants
8 program and of the certificate conferred by the program provider
9 (parent institution).

10 (13) **Date of application** means the date on which the application form
11 was received by the Health Professional Licensing Office staff
12 working for the Board .

13 (14) **Denial** means refusal to issue a current certification.

14 (15) **Director** means a professional registered nurse of a health agency
15 who has been designated by the controlling authority or program
16 provider to administer the nurse assistants educational program.

17 (16) **Federal requirements** means the Omnibus Budget Reconciliation
18 Act of 1987 and the regulations adopted pursuant thereto.

19 (17) **Graduate nurse assistant** means an individual who has
20 successfully completed a basic nurse assistants educational
21 program but has not received certification through examination.

22 (18) **Inactive status** means the status a nurse assistants is classified on
23 the registry to signify he/she is not currently certified on Guam.
24 This status must be officially requested by the certificate holder.

- 1 **(19) Incomplete application** means an application which either lacks
2 the required documents or has not been properly completed by the
3 applicant.
- 4 **(20) Lapsed certificate** means an individual's certificate to practice as
5 a nurse assistants has expired.
- 6 **(21) Licensed nurse** means a registered nurse or licensed practical
7 nurse currently licensed in Guam.
- 8 **(22) Medicaid** means the federal program of medical care designed for
9 those unable to afford regular medical services and financed by
10 the state and federal governments.
- 11 **(23) Medicare** means the federal government program of medical care
12 especially designed for the elderly.
- 13 **(24) Nurse assistant** means a nurse aide or home health aide who has
14 been certified by successfully completing the educational
15 requirements for the nurse assistants and passing a Board
16 approved examination after the enactment of these rules. Only
17 certified nurse assistants shall use the title N.A. and provide
18 nursing support services as supervised by a registered nurse
19 licensed on Guam. Nurse assistants prior to the enactment of
20 these rules are waived from the examination requirements.
- 21 **(25) Nurse assistant certification examination** means the national
22 board approved examination required for certification.
- 23 **(26) Nurse assistant educational program** means a program designed
24 to prepare nurse assistants, which is offered by a school, college,
25 nursing facility or other institution that has received prior
26 authorization by the Board to conduct such a program.

- 1 **(27) Nurse assistant registry** means a listing of all individuals who
2 have been certified by the Board.
- 3 **(28) Practice** means the performance of services by a nurse assistants
4 that requires education, training, and skills as specified in these
5 rules and regulations.
- 6 **(29) Primary instructor** means a registered nurse, currently licensed
7 on Guam, who is responsible for teaching and evaluating the
8 students enrolled in a nurse assistants educational program.
- 9 **(30) Program** means a plan of study which consists of several related
10 courses and has as its objective the preparation of individuals to
11 function safely as nurse assistants.
- 12 **(31) Program Director** means a registered nurse, currently licensed on
13 Guam who is administratively responsible and accountable for a
14 nurse assistants educational program.
- 15 **(32) Program provider** means a school, college, nursing facility or
16 other institution that conducts a nurse assistants educational
17 program.
- 18 **(33) Reinstatement** means the procedure of restoring a nurse assistants
19 certificate which has lapsed, was inactive, suspended or revoked.
- 20 **(34) Reissuance** means the process of replacing a nurse assistants
21 certification by giving a duplicate original copy.
- 22 **(35) Revocation** means withdrawal of a certificate to practice as a
23 nurse assistants, or an order of annulment or cancellation of a
24 certificate.

1 when providing care, and report all events that pose an actual or
2 potential safety risk to patients or staff;

3 (c) Demonstrate the ability to follow patient care plans, directions,
4 assignments and designated responsibilities;

5 (d) Demonstrate the ability to perform general nursing care, following
6 established procedures;

7 (e) Document clearly and concisely, using proper notations and
8 abbreviations, all patient care and procedures;

9 (f) Maintain open communication and positive working relationships with
10 patients, peers, other employees, supervisors; and managers;

11 (g) Maintain certification and regularly assess own skills and training needs.

12 **§700. Grandfather Clause.** A nurse assistants who is currently practicing on
13 Guam prior to the effective date of these rules and regulations must submit the
14 following within one hundred twenty (120) days of the effective date of these rules to
15 qualify for certification:

16 (a) A completed, notarized application, provided by the Board.

17 (b) A two inch by two inch (2"x 2") signed and dated photograph taken
18 within the past year;

19 (c) A verification of current employment as a nurse assistants from an
20 employer; and

21 (d) Payment of the appropriate fee. Fees remitted to the Board are non-
22 refundable.

23 **§800. Responsibilities of the applicant.** It shall be the responsibility of the
24 applicant to:

25 (a) Correspond or communicate directly with the Board.

- 1 (b) Follow through with the submission of all required documents until
2 application is completed.
- 3 (c) Periodically contact the Board concerning the status of the application .
- 4 (d) Inform the Board in writing to withdraw an application.
- 5 (e) Inform the Board of any change in name or address. A nurse assistants
6 who has a change in name shall submit a notarized copy of a marriage
7 certificate, or court order showing the change to the Board. A duplicate
8 certificate with the change shall be issued by the Board upon receipt of
9 such evidence and payment of the required fee. All certificate renewals
10 will be mailed to the most current known address on file.
- 11 (f) Give written notification to the Board office prior to an examination
12 date, if unable to take the scheduled examination. A specific reason
13 must be indicated. If the reason is acceptable to the Board, i.e.,
14 candidate is ill, death in immediate family, accident, etc., the applicant's
15 examination date may be extended to the next examination date. Failure
16 to take the assigned examination without prior Board approval may
17 result in removal of the applicant from the eligibility list. A re-
18 examination fee will be charged to all applicants who are rescheduled to
19 take the examination. A reexamination fee will not be charged to those
20 applicants who are rescheduled due to lack of space.
- 21 (g) Notify the Board, in writing, of the loss of a certificate. A duplicate
22 certificate for the current renewal period shall be issued by the Board
23 upon receipt of the required documents and payment of fees.
- 24 (h) Maintain a current Guam nurse assistants certification.

25 **§900. Responsibility of the Employer.** Nursing administrators, agency heads
26 or other employers, who employ nurse assistants without current certification are in

1 violation of the Nurse Practice Act, Article 3, Chapter 12 of Title 10, Guam Code
2 Annotated, and these rules and regulations.

3 **§1000. Certification by Examination.** The following certification by
4 examination and endorsement shall apply to those persons who wish to be certified as
5 a nurse assistant:

6 (a) The certifying examination of the National Council of State Boards of
7 Nursing constitute the Board examination for nurse assistants
8 certification.

9 (b) The minimum passing score on the examination for nurse assistants will
10 be the passing score as established by the National Council of State
11 Boards of Nursing.

12 (c) The Board shall administer examination for nurse assistants certification
13 according to the dates established for all states and its territory by the
14 National Council of State Boards of Nursing.

15 (d) All graduates of a nurse assistants educational program, after the
16 enactment of these rules and regulations, shall write the National
17 Council of State Boards of Nursing examination for nurse assistants on
18 the first scheduled date after approval by the Board.

19 (e) Student nurses and graduates of a board approved nursing program who
20 meets Guam's minimum educational nurse assistants requirements shall
21 be allowed to take the examination.

22 (f) If a candidate does not write the examination when scheduled, the
23 application shall be retained on file for one year.

24 **§1100. Examination Requirements.**

25 (a) Be a graduate of an approved high school or the equivalent General
26 Education Courses (GED) certificate.

1 (b) Complete a Board-approved program for the preparation of nurse
2 assistants or a program or course of study that meets the requirements as
3 set by these rules and regulations.

4 (c) Complete and submit a notarized Board application form within the
5 deadlines and policies of the Board.

6 (d) Request the school providing the nursing program or nurse assistants
7 program to submit an official Certificate of Nursing Education and
8 transcript directly to the Board.

9 (e) Submit a two inch by two inch (2"x2") signed photograph taken within
10 the past year.

11 (f) Submit the required examination fee.

12 (g) Persons who have served on active duty in a health related field of the
13 U.S. Armed Forces may apply to the Board for evaluation of records.
14 Applicant must:

15 (1) Submit proof of having had at least twelve (12) months service on
16 active duty in a health related field of any of the U.S. Armed
17 Forces rendering bedside direct patient care.

18 (2) Submit proof of having completed a basic course of instruction
19 which shall be equivalent to the course requirements set by these
20 rules and regulations, while in the Armed Forces

21 (3) Submit proof that the claimed service was honorable. These
22 documents shall be certified by the Armed Forces and submitted
23 directly to the Board.

24 §1200. Policies for examination. The following policies shall apply for
25 examinations.

- 1 **(a)** Applications and fees for the certifying examination shall be submitted
2 to the Board office no later than the Board's examination deadline.
- 3 **(b)** Applications containing fraudulent or misrepresented information shall
4 be cause for denial of certification.
- 5 **(c)** Applications that are not completed and/or inactive will become null and
6 void after one(1) year. The Board will dispose of the application as
7 governed by the Government of Guam statute.
- 8 **(d)** Candidates shall take the first certifying examination offered after
9 approval of application by the Board.
- 10 **(e)** Applicants for examination shall be required to pass the National
11 Council of State Boards of Nursing Nurse Assistants certifying
12 examination within two (2) years after graduation from a Board
13 approved nursing program or nurse assistants training program.
14 Applicants applying after the two (2) year limitation period shall be
15 considered by the Board on a case by case basis. The applicant may be
16 required to satisfactorily complete an approved program or course of
17 study, including basic skills in nurse assistants, or follow specific
18 remedial measures, as prescribed by the Board, prior to being scheduled
19 to take an examination.
- 20 **(f)** Transcripts shall include information on the nursing education
21 program(s), including programs which were completed in less than the
22 usual length of time, through advance standing or transfer of credits from
23 one institution to another.
- 24 **(g)** Credentials of education and certification, if not in English, shall be
25 accompanied by a certified translation.

- 1 **(h)** Any change of name, after filling the original application, must be
2 supported by an affidavit satisfactory to the Board.
- 3 **(i)** Any applicant who cannot demonstrate fulfillment of the education
4 requirements shall be notified in writing and must satisfy the deficiency
5 before being admitted to the examination.
- 6 **(j)** An applicant who meets the deadline and is granted Board and National
7 Council of State Boards of Nursing examination approval is entitled to a
8 preassigned seating and site to write the examination.
- 9 **(k)** The deadline for completion of application is one hundred ten (110) days
10 prior to a scheduled examination. Candidates with disabilities shall be
11 requested to submit a completed application at least one hundred twenty-
12 five (125) days in advance of the scheduled exam date to facilitate
13 necessary modification of testing service.
- 14 **(l)** Applicant(s) giving and/or receiving unauthorized access or assistance
15 on the national certifying examination shall:
- 16 **(1)** Not be allowed to continue writing the examination and will be
17 removed from the examination site;
- 18 **(2)** Forfeit the examination results;
- 19 **(3)** Be reported in writing to the Board;
- 20 **(4)** Be allowed an appeals hearing if requested.
- 21 **(m)** Candidates shall be required to rewrite lost or destroyed test(s), at no
22 cost to the applicant.

23 **§1300. Examination; Retakes.** All applicants wishing to retake the National
24 Council of State Boards of Nursing examination for nurse assistants shall submit to
25 the Board a reexamination form, any applicable fees and any updates as necessary.

1 (a) Applicants retaking the examination for the second or third time shall be
2 responsible for self study remedial measures.

3 (b) Applicants retaking the examination four or more times shall be required
4 to follow specific remedial measures, that include basic nursing skills, as
5 prescribed by the Board.

6 **§1400. Prioritization of Examination Candidates.** Admission to the Nurse
7 assistants national certification examination shall be based on the following priority
8 of graduates from:

9 (a) A Board approved nurse assistants program on Guam;

10 (b) A nurse assistants program of the United States or its territories;

11 (c) A nursing or nurse assistants program, approved for proctoring, by a
12 Board of Nursing of the United States or its territories;

13 (d) An approved foreign nursing program that meets the Board's
14 requirements.

15 **§1500. Certification by Endorsement.** An applicant for endorsement to
16 practice as a nurse assistants on Guam shall submit and remit:

17 (a) A current registration or certification as a nurse assistants from a
18 certifying US state or territory that meets Guam's requirements; and

19 (b) An official transcript and certification of training from an approved
20 nurse assistants educational program or an approved program that meets
21 the requirements set by these rules and regulations; and

22 (c) A completed, notarized application, provided by the Board; and

23 (d) A two inch by two inch (2"x 2") signed photograph taken within the past
24 year

25 (e) A Verification of passing the National Council of State Boards of
26 Nursing nurse assistants certification examination or a Board approved

1 practical or professional nursing examination. This requirement is
2 waived if the applicant was functioning as a nurse assistants prior to the
3 enactment of these rules and regulations.

4 (f) Verification of original certification and evidence that the certification
5 has not been suspended, revoked or restricted for any reason other than
6 failure to renew or obtain the required continuing education credits to be
7 completed by the certifying US state or territory;

8 (g) Verification of last employment;

9 (h) Payment of the required fee.

10 **§1600. Renewal of Certification.**

11 (a) Nurse assistants certifications shall be renewed biennially by September
12 30th of even numbered years. Failure to renew certification shall result
13 in forfeiture of the right to work as a nurse assistants on Guam, until
14 such time the certification has been renewed.

15 (b) Applications for renewal will be mailed to the last known address.
16 Failure to receive the application for renewal shall not relieve the
17 certificate holder from the responsibility of renewing his or her
18 certificate.

19 (c) The certified nurse assistants shall return to the Board a completed
20 renewal application form with the required fee.

21 (d) Any person employed as a nurse assistants after a certificate has lapsed
22 or been revoked shall be considered as working illegally and shall be
23 subjected to prosecution under the provisions of the Nurse Practice Act,
24 Article 3, Chapter 12 of Title 10, Guam Code Annotated.

25 **§1700. Continuing Education Requirements.**

1 (a) Nurse assistants shall submit to the Board evidence of one (1)
2 Continuing Education Unit (CEU) or 10 contact hours:

3 (1) In a health related education or other self development activities as
4 approved by the Board;

5 (2) Within the renewal period to be eligible for certification renewal
6 or endorsement.

7 (b) Nurse assistants, who have been practicing, but do not meet (a) of this
8 section, at the time of renewal shall be issued a conditional certification
9 until the requirements have been met.

10 **§1800. Reinstatement of lapsed certification.**

11 (a) Any person whose certification has lapsed due to failure to renew by
12 September 30th of the renewal year may apply to the Board for
13 reinstatement upon submission of:

14 (1) A completed application for reinstatement;

15 (2) Verification of continuing education units as required by the
16 Board.

17 (3) A written explanation why the certificate has lapsed; and

18 (4) Payment of the reinstatement fee.

19 (b) The Board may request a nurse assistants seeking reinstatement to
20 appear before the Board.

21 (c) The holder of a lapsed certificate is subject to all laws in effect at the
22 time of the reapplication.

23 **§1900. Inactive status.** A certificate holder may make a written request to be
24 placed on an inactive status. When an inactive status is granted, the certificate holder
25 cannot function as a certified nurse assistants on Guam until the certification is
26 reactivated.

1 (a) The certificate holder must, prior to the expiration date of the current
2 certification, submit to the Board a written request to be placed on
3 inactive status.

4 (b) The certificate holder may remain on inactive status indefinitely.

5 (c) The Board's requirements for renewal of certification must be met, when
6 a person in inactive status desires to reactivate his or her certificate.

7 **§2000. Nurse assistants educational program.** The nurse assistants
8 educational program shall prepare students to function in the role of nurse assistants
9 under the supervision of a registered nurse. The nurse assistants shall be able to
10 perform basic, non-invasive nursing procedures in a variety of settings.

11 **§2100. Requirements for establishing a nurse assistants educational**
12 **program.**

13 (a) The program provider shall submit an application to the Board at least
14 ninety (90) days in advance of the expected opening date. The
15 application must be in writing on a form provided by the Board and shall
16 include, but not be limited to:

17 (1) The content of the educational program to be offered.

18 (2) The number of hours of theoretical, laboratory and clinical
19 instructions.

20 (3) The behavioral objectives of each module of instruction.

21 (4) The methods of instruction to be used to teach each module.

22 (5) The methods to be used to evaluate the achievement of behavioral
23 objectives.

24 (6) A description of the facilities to be used for theoretical
25 instructions, and laboratory and clinical experience.

26 (b) The application shall be accompanied by all applicable fees.

- 1 (c) The Board will evaluate the application to determine whether the
2 educational program qualifies as an approved program.
- 3 (d) If an educational program application is disapproved, the program
4 provider may request for a hearing before the Board, pursuant to the
5 provisions of the Administrative Adjudication Law.
- 6 (e) A program is valid for three (3) years from the date of approval by the
7 Board. An annual report shall be submitted to the Board by July 31st of
8 each year. The Board has the discretion to re-evaluate the program in the
9 interim.

10 **§2200. Approval of the nurse assistants educational program.** The nurse
11 assistants educational program shall demonstrate evidence of compliance with the
12 following

- 13 (a) The educational program must provide at least one hundred (100) hours
14 of instruction which must include forty (40) hours classroom instruction,
15 twenty (20) hours laboratory and forty (40) hours in clinical practice.
- 16 (b) The nurse assistants curriculum shall include:
- 17 (1) The roles and responsibilities of a nurse assistants; and
18 (2) Basic nursing care;
- 19 (c) At least twenty (20) hours of instruction in the classroom must be
20 completed, before a student is directly involved with a client, in the areas
21 of:
- 22 (1) Communication and interpersonal skills;
23 (2) The control of infections;
24 (3) Safety and emergency procedures;
25 (4) Confidentiality of information;
26 (5) Observation skills; and

1 (6) Promoting the independence of clients and respecting their rights.

2 (d) The instructor, student-ratio shall be one (1) instructor to twelve (12)
3 students in laboratory and clinical; and one (1) instructor to twenty (20)
4 students in the classroom setting.

5 (e) Instructional personnel must be on site solely to supervise the students,
6 when they are giving direct patient care to clients. The nurse assistants
7 program shall be responsible for ensuring the facilities meets the
8 learning needs of the students.

9 **§2300. Personnel requirements.**

10 (a) Program Director. The program Director shall be administratively
11 responsible and accountable for the nurse assistants educational
12 program.

13 (b) The primary instructor may be the program Director in a nurse assistants
14 educational program.

15 (c) Duties of the program Director shall be to:

16 (1) Assist with the development of the budget of the program .

17 (2) Assist with the development of procedures for admission to the
18 program.

19 (3) Select and supervise such number of qualified instructors as is
20 necessary to carry out the program.

21 (4) Obtain adequate educational facilities for training, including areas
22 to practice nursing skills.

23 (5) Obtain adequate clinical facilities for training.

24 (6) Provide each student with the necessary instructional materials .

- 1 (7) Plan an orientation program for students at each clinical facility
2 used for instruction. The time spent for orientation is not included
3 in the one hundred (100) hours required for the program.
- 4 (8) Ensure that each student is clearly identified as a student in a
5 manner which is easily recognizable to each patient, member of a
6 patient's family, visitor or member of the medical staff with whom
7 the student works .
- 8 (9) Develop a system of maintaining permanent records essential to
9 the operation of the program which includes the current and final
10 records of each student including a list of the duties to be
11 performed and the skills to be learned in the program, with
12 notation of satisfactory or unsatisfactory performance, the date of
13 the performance and the name of the supervising instructor.
- 14 (d) The primary instructor shall have a current Guam license as a registered
15 nurse.
- 16 (e) The responsibilities of the primary instructor shall include:
- 17 (1) Participation in the planning of each learning experience;
18 (2) Ensuring that course objectives are accomplished;
19 (3) Ensuring that students perform direct services only in the areas
20 they have received instructions.
- 21 (4) Ensuring that these regulations are maintained;
22 (5) Maintenance of records as required;
23 (6) Performance of other activities necessary to comply with these
24 regulations; and
- 25 (f) Other instructional personnel shall be required to:
- 26 (1) Hold a current Guam license as a registered nurse; and

1 (2) Have had at least one (1) year of direct patient care experience as a
2 registered nurse, within the preceding five (5) years.

3 (g) The program may utilize resource personnel who have had at least one
4 (1) year of experience in their specialty field, within the past two (2)
5 years.

6 **§2400. Characteristics of nurse assistants graduates.** The graduate of the
7 nurse assistants educational program shall be prepared to:

8 (a) Communicate and interact competently on a one-to-one basis with
9 clients;

10 (b) Demonstrate sensitivity to clients' emotional, social and mental health
11 needs through skillful directed interactions;

12 (c) Assist clients in attaining and maintaining functional independence;

13 (d) Exhibit behavior in support and promotion of the rights of clients; and

14 (e) Demonstrate skills in observation and documentation needed to
15 participate in the assessment of clients' health, physical condition and
16 well-being.

17 **§2500. Instruction requirements.** Instruction in the classroom, laboratory
18 and clinical practice shall include:

19 (a) Basic nursing care;

20 (b) Personal care;

21 (c) Basic rehabilitation;

22 (d) Mental health and social needs;

23 (e) Care of the cognitively impaired patient/client;

24 (f) Patient/clients' rights;

25 (g) Legal and ethical concepts in relation to self, health team
26 members, patients, and families

1 **§2600. Unit objectives.**

2 **(a)** Objectives for each unit of instruction shall be stated in behavioral terms
3 which are measurable.

4 **(b)** Objectives shall be reviewed with the students at the beginning of each
5 unit.

6 **§2700. Records of approved program.** The Program Director of an
7 approved program shall maintain the permanent records and reports of the program.

8 The records shall include:

9 **(a)** The name, address, birth date, and social security number of each student
10 who enters, withdraws and completes the program.

11 **(b)** A transcript of each student.

12 **(c)** A copy of the certificate of completion given to each student.

13 **(d)** The date on which each training cycle begins and ends.

14 **(e)** The name, address, and license number of each registered nurse
15 instructor.

16 **§2800. Revision of approved program.**

17 **(a)** The following major program revisions requires Board approval and
18 must be submitted along with the description of the change(s) to the
19 Board in writing prior to implementation.

20 **(1)** Curriculum changes or course content and description;

21 **(2)** Integration of courses;

22 **(3)** The length of program;

23 **(4)** Governing institution;

24 **(5)** Educational or clinical facilities;

25 **(6)** Projected increase in the ratio of students to faculty which exceeds
26 or is less than the ratio approved by the Board; and

1 (7) Closing of the program.

2 (b) The following program changes requires Board notification and shall be
3 included in the program's annual report to the Board.

4 (1) The program's or institution's name;

5 (2) Proposal for pilot project (s);

6 (3) Faculty membership; and

7 (4) Any other item of information required of programs seeking
8 accreditation.

9 **§2900. Continued approval of a program.**

10 (a) The Board shall evaluate approved programs at least every three (3)
11 years to maintain continued Board approval.

12 (b) The program shall submit an annual report to the Board. The Board
13 shall have the discretion to evaluate the program in the interim should it
14 be indicated.

15 (c) The Board will notify the administering body and the Program Director
16 of the outcome of its review

17 **§3000. Conditional approval of the program. _**

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

19 (1) The program fails to comply with the requirements of the statute
20 of these rules and regulations;

21 (2) Less than eighty percent (80%) of the students in the program
22 pass the nurse assistants national certification examination.

23 (3) The program has not admitted any students within the previous
24 twelve (12) months; or

1 (4) The Board finds three (3) or more instances in which one (1) or
2 more students of the program has engaged in unsafe or abusive
3 conduct during the year.

4 (b) The executive director of the Board shall send a written notice of the
5 conditional approval by certified mail to the administrative body and
6 Program Director of the approved program.

7 (c) The Board shall provide the program with the list of deficiencies and a
8 time frame of at least two (2) years to correct the deficiencies.

9 (d) The program shall submit to the Board a plan of action for correcting
10 the deficiencies.

11 **§3100. Withdrawal of approval of the program.**

12 (a) The Board may withdraw its approval of an approved program if the
13 program fails to correct the deficiencies within the required time frame.

14 (b) The executive director of the Board shall send a written notice by
15 certified mail to the administrative body and the Program Director of an
16 approved program of the Board's intend to withdraw its approval of that
17 program. The notice must specify the reasons for the withdrawal. The
18 Program Director or the administrative body may request for an appeals
19 hearing to provide evidence within fifteen (15) days after the date the
20 notice is received. The executive director will send a written notice of
21 the final determination of the Board to the administrative body and the
22 program director, in compliance with the Administrative Adjudication
23 Law, Chapter 9 of Title 5, Guam Code Annotated.

24 (c) If the Board withdraws its approval, the Program Director and the
25 administrative body shall take such action as is necessary to retain safely

1 the records of each student in the program and shall assist in the
2 placement of students in other programs to complete their education.

3 **§3200. Fees.** Fees will be assessed for certification of nurse assistants
4 educational programs and certification and recertification of nurse assistants, as well
5 as, for other action to be taken by the Board with respect to such certifications. All
6 fees are payable at the time of application and are not refundable.

7 **SCHEDULE OF FEES**

8 NA Examination Registration As established by the Examining Center

9	NA Application for Exam	\$25.00
10	Endorsement	20.00
11	Reinstatement	30.00
12	Certification Renewal	20.00
13	Certification Verification	15.00
14	Reissuance of Certification	5.00
15	Rules and Regulations	10.00
16	Photocopy (5 pages or less)	3.00
17	Photocopy (per page)	.50
18	Program Approval Fee	75.00
19	Program Renewal Fee	50.00

20 **§3300. Grounds for disciplinary action.** The Board may deny, suspend, or
21 revoke a nurse assistants certificate in accordance with the Administrative
22 Adjudication Law or issue a reprimand to a certified nurse assistants for the following
23 causes:

- 24 (a) Conviction of a crime where such crime bears a demonstrable
25 relationship to the duties of a nurse assistants as determined by the
26 Board;

- 1 **(b)** Any willful fraud or misrepresentation in applying for or procuring a
2 certificate or renewal thereof;
- 3 **(c)** Physical or mental condition that makes the certificate holder unable to
4 perform the duties of a nurse assistants;
- 5 **(d)** Conduct unbecoming a nurse assistants in the performance of duties.
- 6 **(1)** Leaving a nurse assistants assignment without properly notifying
7 appropriate personnel;
- 8 **(2)** Failure to report to proper authorities, facts known regarding
9 incompetent, unethical, or illegal practice of any health care
10 provider;
- 11 **(3)** Failure to respect client rights and dignity. regardless of social or
12 economic status, personal attributes, or nature of health problems;
- 13 **(4)** Failure to report actual or suspected incidents of client abuse;
- 14 **(5)** Aiding, abetting, or assisting an individual in violating or
15 circumventing any law, rule or regulation intended to guide the
16 conduct of other health care providers;
- 17 **(6)** Violating the rights of privacy, confidentiality of information, or
18 knowledge concerning the client, unless required by law to
19 disclose such information;
- 20 **(7)** Discriminating against a client on the basis of age, race, religion,
21 sex, sexual preference, national origin, or handicap;
- 22 **(8)** Engaging in sexual misconduct or sexual offenses as described in
23 §§25.10 through 25.45 of Title 9, Guam Code Annotated;
- 24 **(9)** Providing, selling, applying for, or attempting to procure a
25 certificate through willful fraud or misrepresentation;

- 1 **(10)** Use of intoxicants, prescription, over the counter, or controlled
- 2 drugs to an extent or in a manner injurious to the nurse assistants
- 3 or others, or to the extent that such use impairs the ability to
- 4 conduct safely the duties of a nurse assistants.
- 5 **(11)** Unlawful possession, or obtaining, selling or furnishing controlled
- 6 substances;
- 7 **(12)** Neglecting or abusing a client physically, verbally or emotionally;
- 8 **(13)** Failure to competently perform duties of a nurse assistants;
- 9 **(14)** Soliciting, borrowing, or removing a client's property or money
- 10 without prior approval of the client;
- 11 **(15)** Taking drugs, supplies, property, or money, not belonging to the
- 12 nurse assistants, without prior authorization."

PL 20-70

Committee on Health and Human Services

24th Guam Legislature

155 Hesler Street

Agana, Guam 96910

Tel: 472-3581 Fax: 472-3582

April 30, 1997

Honorable Antonio R. Unpingco
Speaker
Twenty Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

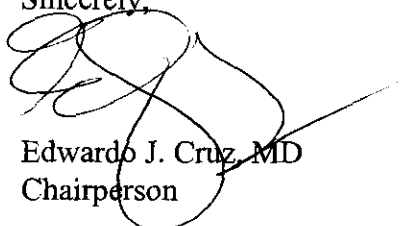
The Committee on Health and Human Services, to which was referred Bill No. 73 "An Act to establish Rules and Regulations for certification of nurse assistants for the Guam Board of Nurse Examiners." Has had the same consideration, and now wishes to report back the same with the recommendation to do as substituted.

The Committee votes are as follows:

<u>10</u>	To Pass
_____	Not to Pass
_____	Abstain
_____	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

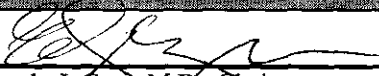

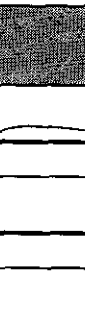
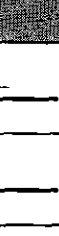
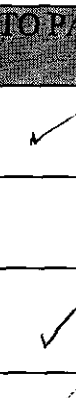


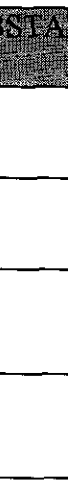
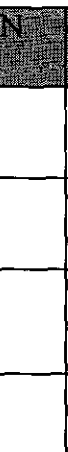
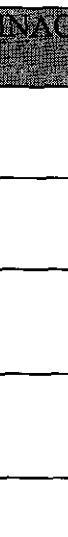
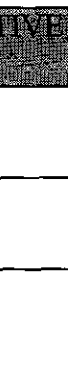


Edwardo J. Cruz, MD
Chairperson

Committee on Health and Human Services

Voting Sheet For BILL 73

AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CERTIFICATION OF NURSE ASSISTANTS FOR THE GUAM BOARD OF NURSE EXAMINERS

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Sen. Eduardo J. Cruz, M.D., Chair	✓			
Sen. John C. Salas Vice Chair				
 Speaker Antonio R. Unpingco, Member	✓			
 Vice Speaker Anthony C. Blaz, Member	✓			
 Sen. Elizabeth Barrett-Anderson, Member	✓			
 Sen. Joanne M.S. Brown, Member	✓			
Sen. Felix P. Camacho, Member				
 Sen. Mark C. Charfauros, Member	✓			
Sen. William B. S/M. Flores, Member				
 Sen. Mark Forbes, Member	✓			
 Sen. Lawrence F. Kasperbauer, Member	X			
 Sen. Alberto A.C. Lamorena, V, Member	✓			
 Sen. Carlotta A. Leon Guerrero, Member	✓			
 Sen. Lou A. Leon Guerrero, Member	✓			
Sen. Francis E. Santos, Member				

Profile on Substitute Bill 73

- Brief Title:** “Rules and Regulations for Certification of Nurse Assistants.”
- Date Introduced:** Introduced on January 28, 1997
- Main Sponsors:** Original bill was sponsored by Mark Forbes at the request of the Governor. The bill is substituted as a result of the public hearing by Senator E. J. Cruz , Committee On Health and Human Services.
- Committee Referral:** Referred by the Committee on Rules to the Committee on Health and Human Services.
- Public Hearing:** March 24, 1997
- Official Title:** AN ACT TO ESTABLISH RULES AND REGULATIONS FOR CERTIFICATION OF NURSE ASSISTANTS FOR THE GUAM BOARD OF NURSE EXAMINERS.
- Mark Up Meeting:** Tuesday April 8, 1997

Co-Sponsors: Committee recommends that the Committee and other members be allowed to co-sponsor Substitute Bill No. 73 if they so desire.

Recommendation: To pass as substituted.

GENERAL OVERVIEW:

The main purpose of Bill 73 is to provide adequate rules and regulations for the proper certification of nurse assistants. These rules and regulations provide for a consistent criteria for applicants desiring certification as Nurse Assistants and a standard listing of fees required by the applicant. These rules and regulations will ensure that a standard is met for certification as a nurse assistant on Guam.

LEGISLATIVE INTENT:

It is the intent of the Guam Legislature to implement the Rules and Regulations for Nurse Assistants for the Guam Board of Nurse Examiners to provide a standard for certified nurse assistants and fees.

FINDINGS:

The Committee on Health And Human Services finds that during the public hearing held on March 24, 1997 several of those testifying had concerns about the specific language in the original bill, however supported the need for rules and regulations for Certification of Nurse Assistants for the Board of Nurse Examiners. Oral or written

testimony was presented by Daisy Tydingco, Guam Board of Nurse Examiners, Theo Cruz, Associate Administrator Guam Memorial Hospital, Julie Taylor, Guam Memorial Hospital, Andrea Fung, Guam Community College, Tina Blas, R.N. , Helen Ripple, R. N., Janette Tanos, HPLO. Maureen Fochman, R. N. .

Changes reflecting many of the concerns expressed at the Public Hearing were made and the Committee has Substituted the attached Bill 73.

SECTION ANALYSIS:

Section 1. Has three parts a, b and c. Part a. states the authority of the Guam Board of Nurse Examiners to promulgate rules and regulations for the Certification of Nurse Assistants in accordance with the rule making processes of the Administrative Adjudication Law, Chapter 9 Title 5 of the Guam Code Annotated and other applicable laws. Part b. speaks to the submission of rules and regulations in bill form. Part c. states the approval of the subsequent rules and regulations provided by the Guam Board of Nurse Examiners. This section includes the following : § 100 Purpose, § 200 Legal Authority, § 300 Powers and Duties, § 400 Definitions § 500 Mandatory Certification, § 600 Scope of Practice § 700 Grandfather Clause, § 800 Responsibilities of the applicant § 900 Responsibility of the Employer § 1000 Certification by Examination § 1100 Examination Requirements § 1200 Policies for examination § 1300 Examination; Retakes § 1400 Prioritization of Examination Candidates § 1500 Certification by Endorsement § 1600 Renewal of Certification § 1700 Continuing Education Requirements § 1800 Reinstatement of lapsed certification § 1900 Inactive Status § 2000 Nurse assistants educational program § 2100 Requirements for establishing a nurse assistants educational program § 2200 Approval of the nurse assistants educational program § 2300 Personal requirements § 2400 Characteristics of nurse assistants graduates § 2500 Instruction Requirements § 2600 Unit Objectives § 2700 Records of approved program §

2800 Revision of approved program § 2900 Continued approval of a program
§ 3000 Conditional approval of the program
§ 3100 Withdrawal of approval of the program § 3200 Fees
§ 3300 Grounds for disciplinary action.