

CHAPTER 6

GUAM BOARD OF NURSE EXAMINERS

NOTE: Rule-making authority cited for Guam Board of Nurse Examiners, 10 GCA Chapter 12 Article 3. New rules were filed with the Legislative Secretary on December 31, 1986. Title 10 Guam Code Annotated Chapter 12 Article 3 includes laws concerning qualifications of applicant for a license to practice professional nursing and for a license to practice as a licensed practical nurse, renewal of license and revocation of licenses.

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Article 1

Standards of Professional Conduct

§6101. Standards of Professional Conduct for Registered Professional Nurse.

§6102. Standards of Professional Conduct for Licensed Practical Nurses.

§6101. Standards of Professional Conduct For Registered Professional Nurses. (a) The Registered Professional Nurse shall:

- (1) Practice in accordance with the Guam Nurse Practice Act and rules;
- (2) Uphold federal and state regulations regarding controlled substances and alcohol.
- (3) Practice nursing only when in functional physical and mental health;
- (4) Be accountable for own nursing actions and competencies;

(5) Practice or offer to practice only within the scope permitted by law and within the registrant's own educational preparation and competencies;

(6) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;

(7) Delegate professional responsibilities only to individuals whom the registrant knows to be or reasonably believes to be qualified by education, experience or licensure to perform and supervise those persons to whom nursing activities have been delegated;

(8) Be accountable for the quality of nursing care delegated to others;

(9) Report unsafe, unethical, or illegal health care or conditions to appropriate authorities;

(10) Maintain a functional level of practice consistent with education and experimental background and in accordance with professional responsibilities;

(11) Assume responsibility for continued professional and personal growth and education to reflect knowledge and understanding of current nursing care practice.

(b) Violation of any of the standards set forth in this Section shall constitute unprofessional conduct and may result in disciplinary action as specified in 10 GCA Section 12324(b).

§6102. Standards of Professional Conduct for Licensed Practical Nurses. (a) The Licensed practical Nurse shall:

(1) Practice in accordance with the Guam Nurse Practice Act and Rules;

(2) Uphold federal and state regulations regarding controlled substances and alcohol;

(3) Practice nursing only when in functional physical and mental health;

(4) Be accountable for own nursing actions and competencies;

(5) Perform only those nursing activities within the scope permitted by law and for which educationally prepared;

(6) Perform nursing actions only under direction except as stated in the Guam Nurse Practice Act in the event of an emer-

gency in which an individual's life or health are in imminent danger;

(7) Seek instruction and supervision from qualified individuals when implementing new or unfamiliar nursing activities;

(8) Report unsafe, unethical and illegal health care practice or conditions to appropriate authorities;

(9) Assume responsibility for continued growth and education to reflect knowledge and understanding of current nursing care practice;

(b) Violation of any of the standards set forth in this Section shall constitute unprofessional conduct and may result in disciplinary action as specified in 10 GCA Section 12324(b).

Article 2
Standards of Nursing Practice

- §6201. Purpose of Standards.
- §6202. Violations of Standards.
- §6203. Standards of Nursing Practice for the Registered Nurse.
- §6204. Standards of Nursing Practice for the Licensed Practical Nurse.

§6201. Purpose of Standards . (a) To establish minimal acceptable safe levels of nursing practice.

(b) To clarify the scope of practice for the registered nurse and licensed practical nurse.

(c) To provide criteria for the Board to evaluate safe and competent nursing practice.

§6202. Violation of Standards. Violation of any of the standards of nursing practice may result in disciplinary action.

§6203. Standards of Nursing Practice For The Registered Nurse. The following Standards of Practice for registered nurses were adopted from the American Nurses' Code for Nurses and Standards of Practice.

(a) Standards related to the registered nurse's responsibility to apply the nursing process.

(1) Conduct and document nursing assessments of the health status of individuals and groups by:

(A) Collecting objective and subjective data from observations, examinations, interviews, and written records in an accurate and timely manner.

(B) Sorting, selecting, reporting and recording the data.

(C) Validating, refining and augmenting the data by utilizing available resources.

(2) Establish and document nursing diagnosis (evaluation/problem) which serves as the basis for the strategy of care.

(3) Develop the strategy of care based on assessment and nursing diagnosis (evaluation/problem) This includes:

(A) Identifying priorities in the strategy of care.

(B) Setting realistic and measurable goals to implement the strategy of care.

(C) Prescribing nursing intervention(s) based on the nursing diagnosis (evaluation/problem).

(D) Identifying measures to maintain comfort, to support human functions and responses, to maintain an environment conducive to well-being, and to provide health teaching and counseling.

(4) Implement are the strategy of care by:

(A) Initiating nursing interventions through

(i). Giving direct care.

(ii) Assisting with care.

(iii) Delegating.

(B) Provide an environment conducive to safety and health.

(C) Documenting nursing interventions and responses to care.

(D) Communicating nursing interventions and responses to care to other members of the health team.

(5) Evaluate the response to individuals or groups to nursing interventions. Evaluation shall involve the client, family, significant others and health team members. [5]

(A) Evaluation data shall be documented and communicated to appropriate members of the health care team.

(B) Evaluation data shall be used as a basis for reassessing client health status, modifying nursing diagnosis (evalua-

tion/ problem), revising strategies of care, and prescribing changes in nursing interventions.

(b) Standards related to the registered nurse's responsibilities as a member of the nursing profession.

The registered nurse:

(1) Shall have knowledge of the status and regulations governing nursing and function within the legal boundaries of nursing practice.

(2) Shall report deviations from the regulations within legal boundaries governing nursing practice.

(3) Shall accept responsibility for individual nursing actions and competence.

(4) Shall obtain instruction and supervision as necessary when implementing nursing techniques or practice.

(5) Should function and collaborate with other members of the health team to provide optimum patient care.

(6) Shall consult with nurses and other health team members and make referrals as necessary.

(7) Should contribute to the formulation, interpretation, implementation, and evaluation of the objectives and policies related to nursing practice within the employment setting.

(8) Should participate in the evaluation of nursing through peer review.

(9) Shall delegate to another only those nursing measures which that person is prepared, qualified, or licensed to perform and shall supervise others to whom nursing interventions are delegated.

(10) Shall retain professional accountability for nursing care when delegating nursing interventions.

(11) Shall conduct practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin or handicap.

(12) Shall recognize the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problem.

(13) Shall maintain the client's right to privacy by protecting confidential information unless obligated, by law, to disclose the information.

(14) Shall safeguard the property of clients, family, significant others and the employer.

§6204. Standards of Nursing Practice For The Licensed Practical Nurse. (a) Standards related to the licensed practical nurse's contribution to the nursing process. Under the direction of a registered nurse, licensed physician, or dentist, the licensed practical nurse shall:

(1) Contribute to the nursing assessment by:

(A) Collecting, reporting and recording objective and subjective data in an accurate and timely manner.

(B) Observing the condition or change in condition of the client including signs and symptoms of deviation from normal health status.

(2) Participate in the development of the strategy of care by:

(A) Providing data.

(B) Contributing to the identification of priorities.

(C) Contributing to setting realistic and measurable goals.

(D) Assisting in the identification of measures to maintain comfort, to support human functions and responses, to maintain an environment conducive to well-being, and to provide health teaching and counseling.

(3) Participate in the implementation of the strategy of care by:

(A) Providing direct patient care.

(B) Providing an environment conducive to safety and health.

(C) Documenting nursing interventions and response to care.

(D) Communicating nursing interventions and responses to care to appropriate members of the health team.

(4) Contribute to the evaluation of the responses of individuals or groups to nursing interventions.

(A) Evaluation data shall be documented and communicated to appropriate members of the health care team.

(B) The licensed practical nurse shall contribute to the modification of the strategy of care on the basis of the evaluation.

(b) Standards related to the licensed practical nurse's responsibilities as a member of the health team.

The licensed practical nurse:

(1) Shall have knowledge of the status and regulations governing nursing and function within the legal boundaries of practical nursing practice.

(2) Shall report deviations from the regulations within the legal boundaries governing nursing practice.

(3) Shall accept responsibility for individual nursing actions and competence.

(4) Shall function at the direction of a registered nurse, physician, or dentist.

(5) Shall consult with registered nurses and/or other health team members and seek guidance as necessary.

(6) Shall obtain instruction and supervision as necessary when implementing nursing techniques or practices.

(7) Should function as a member of the health team.

(8) Should contribute to the formulation, interpretation, implementation and evaluation of the objectives and policies related to practical nursing practice within the employment setting.

(9) Should participate in the evaluation of nursing through peer review.

(10) Shall conduct practice without discrimination of the basis of age, race, religion, sex, sexual preference, national origin or handicap.

(11) Shall recognize the dignity and rights of clients regardless of social or economic status, personal attributes or nature of health problems.

(12) Shall maintain the client's right to privacy by protecting confidential information, unless obligated, by law, to disclose such information.

(13) Shall safeguard the property of clients, family, significant others, and the employer.

Article 3
Advanced Practitioner of Nursing

- §6301. Purpose.
- §6302. Categories of Certified Nurse Practitioners.
- §6303. Nomenclature.
- §6304. Independent and Dependent Functions.
- §6305. Scope of Practice.
- §6306. Certification.
- §6307. Disciplinary Provisions.
- §6308. Standards of Education for Practitioners.

§6301. Purpose. To assure the health, safety, and welfare of the people of the Territory of Guam by regulating the practice of the advanced practitioner.

§6302. Categories of Certified Nurse Practitioners. (a) The Board shall certify nurse practitioners in the following categories:

- (1) Adult Nurse Practitioner
- (2) Family Nurse Practitioner
- (3) Pediatric Nurse Practitioner
- (4) Family Planning Nurse Practitioner
- (5) Obstetric/Gynecologic Nurse Practitioner
- (6) Emergency Room Nurse Practitioner
- (7) Geriatric Nurse Practitioner
- (8) Certified Nurse Anesthetist Practitioner
- (9) Certified Nurse Midwife Practitioner
- (10) School Nurse Practitioner
- (11) Medical Nurse Practitioner
- (12) Maternal Child Health Practitioner
- (13) Neonatology Nurse Practitioner
- (14) Women's Health Care Practitioner

(b) Other categories of nurse practitioners may be certified if the Board determines that the category meets the requirements of these regulation.

§6303. Nomenclature. (a) A registered nurse holding a Certificate of Advanced Nursing Practice granted by the Board to practice as an "advanced practitioner of nursing" (hereinafter "practitioner") shall use the title:

- (1) Certified Registered Nurse Practitioner (CRNP);
- (2) Certified Registered Nurse-Midwife (CRNM); or,
- (3) Certified Registered Nurse-Anesthetist (CRNA).

No other person shall assume such a title or abbreviation.

(b) Any licensed practical nurse or registered nurse who uses the title Advanced Practitioner of Nursing or Certified Registered Nurse Practitioner or any similar title or who acts as an advanced practitioner of nursing without having obtained a certificate pursuant to this Section is guilty of unprofessional conduct.

(c) The practitioner shall conspicuously display on his or her clothing a name plate designating him or her as a Certified Registered Nurse Practitioner and indicating the area of specialty.

(d) The practitioner shall display at his or her place of employment a current GBNE certification to practice as a practitioner in the Territory of Guam.

§6304. Independent and Dependent Functions . (1) The practitioner may act independently or in collaboration with others in the maintenance of mental and physical health, in the prevention of illness, in the management, observation and counsel of the ill or injured or in the supervision and teaching of others. These functions require specialized judgment and skill based on knowledge and application of the principles of biological, physical, and social science.

(b) Those acts related to treatment as delegated by a licensed medical practitioner are dependent functions of the practitioner, and do require established written protocols.

§6305. Scope of Practice . The practitioner has been prepared through education and experience to assume responsibility and accountability for the continuity of health care of the consumer. The health care which the practitioner provides shall involve the performance of procedures which are specific to each specialty area. The expanded role of the practitioner involves an independent and dependent relationship with the medical profession and is clearly defined by the Scope of Practice.

The Scope of Practice for certified practitioners shall be in accordance with the functions and standards of the respective National certifying bodies for each practitioner as follows:

(a) American Nurse's Association or National League of Nursing for the Certified Registered Nurse Practitioner.

(b) American Association of Nurse Anesthetics for the Certified Registered Nurse Anesthetist.

(c) American College of Nurse Midwives for the Certified Registered Nurse-Midwife.

§6306. Certification. (a) The practitioner applying for Board certification must hold a current license to practice nursing in the Territory of Guam and submit to the Board the following:

(1) An official transcript showing successful completion of an educational program designed to prepare nurse anesthetists, nurse midwives or nurse practitioners that is either:

(A) Approved by the Board, or

(B) Approved or recognized by a certifying body approved by the Board.

(2) Current national or state certification to practice as a practitioner.

(A) A list of certifying bodies approved by the Board shall include but need not be limited to the following:

(i) American College of Nurse Midwives for nurse midwife practitioners;

(ii) American Nurses' Association for nurse practitioners;

(iii) Council on Certification/Recertification of Nurse Anesthetists for nurse anesthetist practitioners;

(iv) National Board of Pediatric Practitioners and Associates for nurse practitioners; and

(v) Nurses' Association of the American College of Obstetricians and Gynecologists Certification Corporation for nurse practitioners.

(B) Applicants certified by a body other than those approved by the Board shall submit to the Board sufficient data as outlined herein to evaluate the authority of that body, including:

(i) By whom the body is accredited.

(ii) By whom its certifying examinations are developed.

(iii) By whom its examinations are administered.

(iv) The criteria used for program approval (i.e., goals, organization administration, curriculum, length of program, faculty qualifications, resources, and evaluation process).

(v) Curriculum and course description.

(3) Notarized application, on forms supplied by the Board, which shall substantiate that the applicant meets the requirements of this section and the Nurse Practice Act.

(4) Notarized documentation of clinical practice which includes a minimum of 120 patient contacts in the specialty area within the preceding 12 months.

(5) The non-refundable fee required by ARTICLE 7, SECTION 3 of these rules and regulations.

(6) A written plan approved by the Board which shall include:

(A) An agreement signed by the applicant and the collaborating physician(s)/ agency which provides for consultation and periodic review of the services being provided by the practitioner. Periodic review shall be done during the first year of the agreement and every six months thereafter.

(B) Written protocol to be used by the practitioner in the management of patient and referral of cases.

(C) Procedure for an alternate collaborating physician.

(b) If the written agreement between the physician/agency and the practitioner is terminated, the practitioner shall inform the Board in writing within three working days of such termination. The certificate issued to the practitioner shall immediately terminate and be returned to the Board. A new certificate will be issued when another written agreement between the practitioner and a physician/agency is submitted to and approved by the Board.

(c) If the Board finds that the applicant has met all the appropriate requirements set forth in this chapter, a certificate as a practitioner on Guam shall be issued.

(d) Renewal of certification is subject to the following:

(1) Certification as a practitioner shall be renewed biennially at the same time license to practice as a registered nurse in Guam is renewed.

(2) The application for renewal of the certification shall be mailed by the Board to the last known address of each practitioner. Failure to receive renewal notice does not relieve anyone of the responsibility of renewing his/her own Nursing license/certification.

(3) The practitioner shall complete the application for renewal and return it with:

(A) Certification renewal fee.

(B) Copy of current certification by a national or state certifying body recognized by the Board.

(C) Notarized documentation of clinical practice which shall include a minimum of 180 patients within the preceding 24 months.

(D) Evidence of 30 hours of continuing education within the preceding 24 months in a field related to the practitioner's specialty area.

(e) Reinstatement of Certification is subject to the following:

(1) Reinstatement of lapsed certificate. An applicant for reinstatement of a lapsed certificate shall:

(A) File the required application and reinstatement fee;

(B) Be currently licensed as a registered nurse in Guam; and

(C) Meet the requirements of renewal of certification.

(2) Reinstatement of certificate following suspension or revocation. An applicant for reinstatement of a certificate following suspension or revocation of a certificate shall:

(A) Petition the Board for a hearing;

(B) Present evidence that she/he is currently licensed to practice nursing in Guam; and

(C) Present evidence, as required by the Board, that she/he is competent to practice as a practitioner in Guam.

(f) Any person seeking to be approved as a practitioner in Guam and who is approved as a practitioner, or equivalent title, in another state or territory must successfully meet all of the requirements set forth in these rules and regulations.

(g) Temporary certification to practice as a practitioner may be issued by the Board as follows:

(1) A practitioner who does not hold national or state certification may receive temporary approval to practice under a preceptorship agreement by meeting the following criteria.

(A) Submit documents as required by these rules and regulations for certification by the Board;

(B) Write the first available national or state certifying examination. (Temporary approval will terminate if the applicant fails to write or pass the first available examination or if an examination is not available within six months from the time temporary approval is issued); and

(C) Submit a written preceptorship agreement co-signed by the applicant and one physician currently licensed and practicing on Guam.

(2) The practitioner not meeting practice requirements, but who meets all other requirements for Board certification as set forth herein, may be given temporary approval, not to exceed six months, to practice under a preceptorship agreement. Notarized documentation of patient contacts within the specialty, certified by the collaborating physician/ delegated medical official, shall be submitted and approved by the Board.

(h) A practitioner's certification shall be automatically suspended upon the occurrence of any of the following:

(1) Any change in or termination of the written agreement for collaboration and referral between a physician(s)/agency and the practitioner. The practitioner shall immediately inform the Board of the change or termination in writing and the certificate issued to the practitioner shall be returned to the Board. The certificate to practice as a practitioner on Guam shall be temporarily suspended until such time as the Board shall approve a new written agreement with a physician(s)/agency.

(2) Failure of a practitioner to attain certification or recertification from the national or state certifying body. The practitioner may not practice as or use the title of certified practitioner until she/he has submitted to the Board a copy of current national or state certification. The Board certificate must be returned immediately to the Board.

(3) The revocation of a practitioner's national or state certification for any reason. The practitioner shall notify the Board immediately in writing and shall not practice as or use the title of certified practitioner until she/he has submitted to the Board a copy of a current national or state certification. The certificate must be returned immediately to the Board.

(4) Failure of a practitioner to engage in active practice within the scope of her/ his practice for two (2) years or more. The Board certificate must be returned to the Board immediately. A practitioner may be recertified by meeting all the regulations for Board certification.

§6307. Disciplinary Provisions. (a) The Board may deny certification or recertification, revoke or suspend certification, or place on probation, censure or reprimand a practitioner upon proof that the certificate holder has:

(1) Had a license to practice nursing revoked or suspended or has been otherwise disciplined;

(2) Used the title "advanced practitioner of nursing" or any similar title or has acted as a practitioner without having obtained a certificate pursuant to these rules and regulations.

(3) Directly or indirectly held or represented herself/himself to the public as a physician, or is practicing independently as a physician;

(4) Exceeded her/his authority as a practitioner;

(5) Violated or cooperated in the violation of the laws or regulations governing the practice of medicine, nursing or nurse practitioners.

(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 regulation, territorial, state or federal, relating to the possession, use, dispensing, administration or distribution of drugs; or

(8) Breached the approval agreements or protocols contained therein.

(b) Hearings:

(1) The provisions 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 a practitioner, and 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.

§6308. Standards of Education for Practitioners. (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 so as 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 methods 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 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 R.N. license to practice their profession and be certified by the Board as a practitioner and 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. [1]

(2) The program shall provide evaluation of previous education and/or experience in 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 clinical 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:

(A) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit/credit.

(B) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit/credit.

(C) One (1) semester equals 16 to 18 weeks and one (1) quarters 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 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 practitioner in the specialized field:

(A) normal growth and development

(B) pathophysiology

(C) interviewing and communication skills

(D) eliciting, recording and maintaining a developmental health history.

(E) comprehensive physical examination

(F) psychosocial assessment

(G) interpretation of laboratory findings

(H) evaluation of assessment data to define health and developmental problems.

(I) pharmacology

(J) nutrition

- (K) disease management
- (L) principles of health maintenance
- (M) assessment of community resources
- (N) initiating and providing emergency treatments
- (O) practitioner role development
- (P) instruction in legal ethical and professional responsibilities of a practitioner
- (Q) health care delivery systems

(R) supervised clinical practice of those skills essential for a practitioner in the specialized field.

(13) The course of instruction of a program conducted in a non-academic setting shall be equivalent to that conducted in an academic setting.

(14) Major curriculum changes must first be approved by the Board.

(e) Continued approval/withdrawal of approval of a program shall be governed by the requirements set forth in Article 5, Regulations on Nursing Education.

Article 4
Regulations on Nursing Education

- §6401. Legal Authorization.
- §6402. Definitions.
- §6403. Purpose of Regulations.
- §6404. Approval of Nursing Education Programs.
- §6405. Revocation of Approval.
- §6406. Reinstatement of Approval.
- §6407. Voluntary Discontinuance as an Approved Nursing Education Program.
- §6408. Reopening Programs of Professional Nursing.
- §6409. Program Changes Requiring Board Notification and/or Approval.
- §6410. Publication of List of Approved Schools and Affiliations.
- §6411. Philosophy and Objectives.
- §6412. Controlling Agency/Governing Institution.
- §6413. Change of Governing Institution.
- §6414. Nursing Program.
- §6415. Administration.
- §6416. Student Input.
- §6417. Conditions of Employment for Full-Time and Part-Time Personnel.
- §6418. Cooperating Agencies.
- §6419. Written Agreements.
- §6420. Finance.
- §6421. Supporting Services.
- §6422. Records.
- §6423. Student Records.
- §6424. Faculty File Records.
- §6425. Evaluations.
- §6426. School Bulletin or Catalogues.
- §6427. Administrative and Instructional Personnel.
- §6428. Qualifications with Administrative and Instructional Personnel.
- §6429. Faculty Members Who Do Not Meet Qualifications.
- §6430. Responsibilities of Administrative and Instructional Personnel.
- §6431. Student Policies.
- §6432. Admission Requirements.
- §6433. Special Admissions.
- §6434. Promotion, Continuation and Graduation
- §6435. Termination.
- §6436. Curriculum Policies.
- §6437. Curriculum Requirements.
- §6438. Instruction.
- §6439. Credit Hours.

- §6440. Continuing Education.
- §6441. Advisory Committee.
- §6442. Facilities.
- §6443. School Officers.
- §6444. Library.

§6401. Legal Authorization. Title 10 Guam Code Annotated, Sections 12307 and 12321, authorizes the Board of Nurse Examiners to adopt regulations which establish standards concerning approval of basic or advanced nursing education/training programs on Guam.

§6402. Definitions. As used in this article, the following terms mean:

(a) *Program* - a course of instruction designed to enable its students to practice as either a licensed practical nurse or a registered nurse.

(b) *Governing Institution* - an institution of higher learning which administers a nursing education program.

(c) *These standards* - the standards for accreditation and licensing established by these regulations.

(d) *Board* - the Guam Board of Nurse Examiners acting with the approval of the Director of the Department of Public Health and Social Services.

(e) *Cooperating agency* - an independent health care facility used by a program to provide its students with practical experience and clinical training.

§6403. Purpose of Regulations. (a) To ensure the safe and effective practice of nursing by graduates of nursing education programs.

(b) To ensure that graduates of approved nursing programs are eligible to write the licensing examination and to facilitate their licensure by endorsement in other jurisdictions.

(c) To foster improvement of existing nursing education programs.

(d) To establish criteria for the evaluation of new and existing nursing education programs.

§6404. Approval of Nursing Education Programs. Programs recognized by the Board shall have the status of either Initial Approval, Full Approval, or Conditional Approval.

(a) Initial Approval constitutes a new program's authority to admit students and enter into written agreements with clinical facilities. Initial Approval must be given before a 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:

(1) An institution desiring to establish a program of nursing shall send a letter of intent to the Board prior to submitting, on forms provided by the Board, a completed proposal.

(2) The proposal shall include the following:

(A) Evidence that the program will meet professional nursing needs and has community support;

(B) Philosophy and objectives of the program. Description shall include terminal objectives which identify behaviors expected of the graduates at the completion of the program;

(C) Copies of the governing institutions's charter or articles of incorporation authorizing the institution to conduct the nursing program;

(D) A description and organizational chart of the governing institution and the nursing program;

(E). Corporate balance sheets, financial statements, documents describing funding sources, and all other documents describing the institution's finances;

(F) Positions, qualifications and duties of the nursing faculty;

(G) Proposed curriculum;

(H) Proposed number of faculty and students;

(I) A description of the clinical facilities to be used by the students;

(J) Scholastic standards to be met by the students;

(K) A description of the program's provisions for health and welfare of the students; and

(L) Any other information requested by the Board.

(3) Eight (8) copies of the proposal, bearing the signature of the Director of the nursing program shall be submitted to the Board at least twelve (12) months prior to the anticipated opening date of the new program.

(4) The Director of the nursing program shall be active in that position on a full time basis for at least one (1) year prior to the admission of the first class.

(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 the implementation of the program, the Board, at a scheduled meeting, shall consider the proposal, the report of the survey, and such other information as maybe presented by the applicant. The Board shall determine if the program is to be 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 eight copies of an Annual Report to the Board by June 30 of each year regardless of the program's status. This report shall be a general progress report which shall include recruitment, curriculum changes, faculty changes, changes in the use of clinical facilities, and any other information that may be of assistance to the Board. The Board shall provide the forms to be used.

(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 has continued to meet Board standards, and if it is eligible to apply for full approval.

(b) Full Approval is subject to the following:

(1) The program must apply for full approval within six months after the Board determines that it is eligible to apply for full approval.

(2) Within 60 days after the institution makes an application for full approval, the Board shall determine if the program shall be given full approval based on the school's annual reports, a self-evaluation report submitted by the program addressing compliance with these standards, the success rate of the program's graduates on the national licensure examination and a report made by a board member or its representative. Within 15 days of its determination, the Board shall notify the institution of its decision in writing.

(3) Every year the Board shall issue a certificate of continuing full approval to programs that meet the standards set forth herein. The Board's determination concerning the certificate of continuing full approval shall be made by September 1 of each year and shall be based upon:

(A) The program's annual report to the Board;

(B) Information obtained by the Board's professional staff and/or representatives through consultation and site visits;

(C) The qualified consultant's report to the Board, if available; and,

(D) A minimum success rate of 75% on the national licensing examination achieved by the program's first-write graduates of the previous year.

(4) The Board shall, from time to time, 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 Board approved programs. The consultant shall:

(A) Monitor each program:

(i) On dates mutually acceptable to the Board and the program.

(ii) At least once every four years for professional nursing programs.

(iii) At least once every two years for practical nursing programs.

(B) Provide notice of a survey visit to the programs at least 60 days in advance of such a visit.

(5) Each program shall submit a self- evaluation report providing evidence of compliance with these regulations at least thirty (30) days prior to the consultant's visit. 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 visits as the Board deems necessary.

(6) The Board shall retain a copy of the consultant's report in the office of the Board. Copies of the consultant's report and recommendations for the programs will be sent to the administrator of the governing institution and the nursing program director.

(c) Conditional Approval is subject to the following:

(1) Nursing education programs having initial or full approval that do not meet the standards of the Board may be placed on conditional approval status. The board may establish such conditions and requirements as it sees fit to insure compliance within a reasonable time period, not to exceed two years.

(2) The Board shall inform the program in writing of its conditional approval status and the reasons for the Board's determination. One or more of the following reasons shall warrant a determination of conditional approval:

(A) Failure to adhere to the program's stated philosophy and curriculum objectives, and repeated violations of stated academic and/or admission policies.

(B) Failure to employ and retain an administrator and faculty of adequate size and qualification.

(C) Failure to admit and retain students.

(D) Using students for nursing service or other purposes whose objective is not primarily educational.

(E) Failure to provide adequate learning resources for cognitive classroom learning and clinical practice.

(F) Discrimination against either faculty, students or prospective students on the basis of race, sex, creed, national origin or handicaps irrelevant to the practice of nursing.

(G) 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 or because the mean scores of the graduates fail 1 or more standard deviations below the passing score.

(H) Any other deficiency that, in the opinion of the Board, detrimentally affects the educational process.

(3) While a program is on conditional approval, 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 and determine if the deficiencies are being corrected. Conditional approval shall not exceed two consecutive years.

§6405. Revocation of Approval. (a) The Board may revoke its approval of a program after a hearing has been conducted in accordance with the Administrative Adjudication Law.

(b) The nursing program will have ten (10) days in which to submit to the Board a written request for a hearing. The written request shall include the materials to be presented in the hearing. Failure to submit the written request will be cause for denial.

(c) Admission of new students to the nursing program during this period is prohibited.

(d) Nursing programs no longer having board approval shall be removed from the official approved status listing once the students who are currently enrolled have graduated from the program or transferred to an approved program.

Grounds for withdrawal or denial of approved status to a program include, but are not limited to:

(1) Substantial noncompliance with the standards set forth in these rules and regulations;

(2) Remaining on conditional approval status for more than two (2) consecutive years;

(3) Failure to comply with the standards and requirements imposed by the Board within the time period established.

(e) Upon revocation of approval, the governing institution shall provide assistance to students desiring to transfer to another program. The governing institution shall submit a list of the names of students who have transferred to other approved programs within six months after their revocation of approval.

§6406. Reinstatement of Approval. [Section 6] 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.

§6407. Voluntary Discontinuance as an Approved Nursing Education Program. (a) The governing institution voluntarily closing a nursing education program shall notify the Board in writing, stating the reasons therefore, the intended date thereof, and the plan proposed for closing. The governing institution shall maintain the records of the program's students and graduates and shall advise the Board in writing of the arrangements it makes to safeguard the records. It shall also consult the Board before the disposition of any other program records. The plan adopted by the governing institution for closing its program shall ensure that:

- (1) The standards for approval shall continue to be met until all of the students have graduated or been transferred.
- (2) The closing date of the program shall be
 - (A) The date of the degree, diploma or certificate of the last graduate; or
 - (B) The date on which the last student was transferred.
- (3) The Board shall be notified by the government institution of the closing date of the program.
- (4) The governing institution shall provide assistance to students desiring to transfer to another program.
- (5) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the Board by the governing institution.

§6408. Reopening Programs of Professional Nursing. The procedure for reopening a program of professional nursing is the same as for initial approval.

§6409. Program Changes Requiring Board Notification and /or Approval. (a) Any of the following major program changes requires Board approval and must 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 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
- (6) Closing of 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.

§6410. Publication of List of Approved Schools and Affiliations. The Board shall maintain a current list of approved schools of nursing and their affiliations in Guam.

§6411. Philosophy and Objectives. (a) The philosophy and objectives of the educational program shall be formulated by the faculty, be clearly stated and related to the preparedness of the registered nurse or licensed practical nurse, and shall be periodically reviewed by

the faculty. The philosophy and objectives shall be available in written form and shall be used as a guide in developing, conducting and evaluating the program.

(b) The philosophy and objectives shall be consistent with that of the controlling agency and reflect the faculty's belief about the nature of man, nature of nursing and the nature of the educational program.

(c) Objectives shall be developed from the philosophy of the educational program and be stated in terms of expected outcomes.

§6412. Controlling Agency/Governing Institution (a) An agency or institution which conducts more than one type of nursing education program shall provide identification of administration and instructional personnel and students in each program. Information shall be submitted on forms provided by the Board.

(b) Institutions which conduct schools of nursing or provide clinical facilities for schools of nursing shall be approved by the Board. It is recommended that programs strive for regional and/or national accreditation.

(c) When a governing institution suspends operation, any nursing education program operated by the agency shall be considered also to have suspended operation during the same period of time, unless a contingency plan is submitted to and approved by the Board.

§6413. Change of Governing Institution. (a) When there is to be a change of the Governing institution of the program a letter of intent shall be submitted to the Board within thirty days of the decision by the present government institution.

(b) Thirty days prior to the transfer of control the new governing institution shall submit to the Board a notarized statement attesting to the change and information required for a new program.

§6414. Nursing Program . (a) All levels of the nursing program within a school of nursing shall have a clearly stated conceptual framework.

(b) The Nursing Program shall be sufficient to qualify its students to write the National Council of State Boards of Nursing Examination (NCLEX).

(c) There shall be a balance of nursing and general education courses.

(d) The program shall provide the nursing student with opportunities to enroll in non-nursing courses with students from other programs of learning.

(e) Total hours for graduation from the nursing program shall be in line with those required for graduation from other programs of the institution.

(7) The program shall be systematically evaluated by the Board for the purpose of program improvement in regard to the philosophy, purposes, and objectives of the program.

§6415. Administration. (a) The educational program in nursing shall be an integral part of an accredited institution of higher learning.

(b) The governing institution and the school of nursing shall have a plan of organization and administration which clearly delineates lines of authority, responsibility and channels of communication.

(c) The nursing education program shall have an internal structure in which the responsibilities and relationships among faculty, students, administration, and cooperating agencies are clearly defined.

(d) Administrative responsibility and control of the nursing education program shall be delegated to the nursing education program Director of Nursing by the parent institution.

(e) Nursing education program policies and procedures shall be in writing and shall be consistent with those of the parent institution. Where necessary, policies specific to the nursing program may be adopted if justified by the nature and purposes of the program.

(7) The nursing education program shall assure faculty involvement in determining academic policies and procedures and faculty

responsibility for curriculum planning, implementation, and the evaluation of teaching effectiveness.

§6416. Student Input. The nursing education program shall provide for student input into the determination of academic policies and procedures, curriculum planning and evaluation and the evaluation of teaching effectiveness.

§6417. Conditions of Employment for Full-Time and Part-Time Personnel. (a) There shall be written contracts and/or letters of appointment between the governing institution and individual faculty members.

(b) Upon appointment each faculty member shall receive, in written form, the personnel policies of the governing institution, as well as a job description which includes the functions of the position.

(c) When part-time faculty members are utilized, provision shall be made for them to participate in curriculum planning, implementation and evaluation.

§6418. Cooperating Agencies. When a school of nursing has any type of cooperative relationship with another institution or agency, a written agreement covering all major aspects of the cooperative relationship shall be developed and signed by the administrative authorities of each institution. This agreement shall specify that the cooperating institution or agency:

(a) Have approval of an appropriate accrediting or licensing body, as well as by the Board.

(b) Employ a nursing service administrator who is a licensed professional nurse with a baccalaureate degree in nursing or its equivalence as determined by the Board.

(c) Employ sufficient nursing personnel adequately prepared to meet the needs of patients and students.

(d) Identify in writing the liaison person responsible for coordinating students' experience.

(d) Have clearly defined written personnel policies.

§6419. Written Agreements. Every relationship between a nursing education program and a cooperating agency shall be governed by a written agreement covering all major aspects of the relationship and signed by the head of each institution. All such written agreements shall be filed with the Board. These agreements shall provide for an ongoing dialogue between the faculty of the program and the administrative personnel of the cooperating agency and delineate the cooperating agency's responsibility to the faculty and students of the program.

§6420. Finance. (a) Authorities responsible for the administration of the school shall allocate funds to enable the school to achieve its stated objectives and to comply with the requirements of the Board.

(b) The director of the school and faculty shall participate in the preparation of the budget of the school. The director shall administer the budget.

§6421. Supporting Services. Sufficient secretarial and other supporting services shall be provided to insure appropriate use of faculty time. Persons who provide supporting services shall be responsible to the Administrator of the nursing education program.

§6422. Records. The nursing education program shall maintain an accurate and complete system of records which shall:

- (a) Be safely stored to prevent loss, destruction or unauthorized use.
- (b) Be available to the faculty.
- (c) 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

(d) Be available to the Board during evaluation visits.

§6423. 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 of achievement and performance evaluation.

(2) A final or current record/transcript.

(3) Student evaluations.

(b) Student files shall be made available to Board representatives during the course of accreditation visits.

§6424. 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 a Master Degree in the area of major teaching.

(d) Evidence of continuing education activities.

(e) Evidence of participation in relevant professional and community activities.

(f) Evidence of a current Guam RN license.

§6425. 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 Examinations; and
- (3) Professional performance of graduates.

§6426. 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 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 the program does not discriminate against either students or its employees as to age, creed, ethnic origin, marital status or sex.
- (e) Fees, expenses and financial aid.
- (f) Educational facilities.
- (g) Living accommodations.
- (h) Student activities and services.

§6427. Administrative and Instructional Personnel. (a) Every program must employ a sufficient number 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.

(b) There shall be no more than ten students for every faculty member employed in the clinical area.

(c) 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.

(d) Every nursing education program shall maintain and file with the Board the following items:

(1) A statement regarding the qualifications, rights, and responsibilities of faculty members.

(2) Faculty personnel policies concerning evaluation of performance, promotion, and tenure.

(3) Job description and terms of employment for all faculty members and administrators.

(4) A statement regarding the percentage of time to be allowed the nursing education administrator to carry out administrative responsibilities.

(5) A statement assuring that instructional assignments of the administrator are consistent with the governing policies of the parent institution.

(6) 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.

(e) There shall be sufficient secretarial and clerical staff to maintain records, file correspondence and do support work for faculty and administrative personnel.

§6428. Qualifications of Administrative and Instructional Personnel. (a) General qualification are as follows:

(1) Graduation from an approved school of professional nursing BSN program;

(2) Current License to practice nursing on Guam; and

(3) Evidence that the individual has maintained competence through such activities as continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writings.

(b) Specific qualifications are as follows:

(1) The Director and Assistant Director of Nursing Education shall;

(A) Hold a Master's Degree in nursing and preferably an earned doctoral degree in nursing or a related area;

(B) Have additional professional qualifications in nursing administration, leadership, curriculum development, research, teaching and evaluation. For a Baccalaureate nursing program these qualifications shall have been attained in a Baccalaureate and/or higher degree program;

(C) Have at least two years of experience as a faculty member in a professional school of nursing; and

(D) Have at least four years of professional nursing practice.

(2) Faculty members shall:

(A) Hold a Master's Degree in the area of major teaching responsibility for professional nursing programs;

(B) Have additional professional qualification in curriculum development, methods of teaching, and evaluation; and

(C) Have at least four years of professional nursing practice of which two years must have been within the previous five years.

(3) Teaching/Clinical Assistants shall have at least five years of professional nursing practice of which two years must have been within the previous five years.

§6429. 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 qualifications. This plan shall indicate how the faculty members intends to meet the requirements and the time frame in which he 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.

§6430. Responsibilities of Administrative and Instructional Personnel. (a) The Director of each program shall be responsible to the governing institution and shall:

- (1) Prepare and administer the program's budget.
- (2) Screen and recommend candidates for faculty appointments, retention, tenure and promotion.
- (3) Develop and supervise the program.
- (4) Develop and maintain satisfactory relationships with the governing institution, other programs, cooperating agencies, and community groups.
- (5) Organize and administer the program by having:
 - (A) The relationship between the faculty and the Director clearly defined.
 - (B) Appropriate distribution of the workload.
 - (C) Provision for regularly scheduled meetings concerned with the improvement of the program.

(D) Reports and minutes of the faculty meetings available for reference.

(6) Create and maintain an environment conducive to teaching, learning, scholarly pursuits and the sharing of faculty expertise through involvement in professional and community activities.

(7) Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation.

(b) The faculty of each nursing education program shall assist and advise the Director in all matters regarding:

(1) Development, implementation and evaluation of the philosophy and objectives of the program.

(2) Development, implementation, and evaluation of the curriculum.

(3) Budget preparation and administration.

(4) Development of criteria for student admission, progression and graduation.

(5) Selection, assignment, and supervision of clinical learning experiences.

(g) Evaluation of student achievement on the basis of curriculum objectives as related to both nursing knowledge and practice.

(7) Academic guidance and counseling of students.

(8) The activities of the total faculty of the parent institution in ways that benefit the institution in ways that benefit the institution, the program of nursing and the faculty.

(9) Maintenance and improvement of their nursing competence in areas outside of teaching.

(10) Development of effective working relationships between students and clinical facilities.

(11) Professional and community activities for the purpose of bringing education, service and research findings together for the improvement of health care.

(12) Screening and recommending of candidates for faculty appointments, retention, tenure and promotion.

(c) 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.

§6431. Student Policies. (a) Students shall be admitted without discrimination as to age, creed, ethnic origin, marital status, race, or sex.

(b) Requirements for admission, readmission, progression, retention, dismissal, and graduation shall be available to the students in written form and shall be consistent with those of the parent institution. Requirements specific to nursing students maybe adopted if justified by the nature and purposes of the nursing program.

(c) Students shall have the opportunity to participate in the development, conduct, and evaluation of the nursing education program.

(d) 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 education resources.

(e) There shall be provisions for obtaining and compiling pertinent information about applicants applying for admission.

(f) Students shall be required to maintain a level of personal health that does not jeopardize the welfare of patients/clients.

(g) Counseling and guidance shall be made available to all students in the nursing program.

§6432. Admission Requirements. (a) Applicants to an approved nursing education program shall meet the admission requirements of the government institution.

(b) The program's faculty shall be responsible for developing admission policies in keeping with the admission requirements of the governing institution.

(c) The Admission requirements shall be printed in at least one school document in accordance with institutional policies.

§6433. Special Admissions . (a) Every nursing education 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 regularly enrolled students;

(2) The program's 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 spend in the school of professional nursing granting the diploma or degree. A minimum of four months shall be spend in the school of practical nursing granting the diploma. The student during this period shall gain an understanding of the philosophy, objective and conceptual framework of the nursing program; and

(5) The transfer student's official record shall indicate which courses she/he was given advanced or transfer credit for, the nursing courses it is equivalent to, and the amount of credit(s) given.

§6434. Promotion Continuation and Graduation. (a) Each program shall maintain written policies regarding:

- (1) The level of achievement required for a student to remain in the school or to progress from one level to another;
- (2) Absence from class;
- (3) The requirements of each course; and
- (4) The requirements for graduation.

§6435. 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.

§6436. Curriculum Policies. The curriculum of a nursing education program shall enable its students to meet the legal requirements for attaining a license as either a registered nurse or a licensed practical nurse.

(a) The curriculum shall reflect the philosophy of the organization, the conceptual framework, purpose and objectives of the nursing education program, and the length, content and instructional method of the program.

(b) The curriculum plan shall meet the minimum curriculum requirements for Board approved schools of nursing. The plan shall provide for a balanced distribution of learning opportunities throughout the program.

(c) The full-time faculty members shall be responsible for the development, implementation and evaluation of the curriculum. Part time and non-nurse faculty members may be utilized as desired within their area of expertise.

(d) There shall be measurable objectives for each nursing course that reflect the philosophy and objectives of the educational program.

(e) Learning experiences and methods of instruction shall be selected to fulfill the stated objectives for each nursing course.

(f) Related clinical experiences shall be provided concurrently with theory.

(g) 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.

(h) 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.

(i) 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.

(j) Current course outlines shall be on file at the school and the Board office. They shall include: requirements of the course, expected outcomes, content, suggested learning experiences, methods of teaching, methods of evaluation, and bibliography.

(k) The minimum length of the 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.

(l) The minimum length of the educational program preparing practical nurses shall be one year in a Practical Nurse program or two years in an Associated Degree program.

(m) An educational program using evening hours in lieu of day hours for a nursing course or courses shall fulfill the curriculum requirements.

(n) There shall be a plan for systematic evaluation of the curriculum by faculty, students and graduates to determine the extent to which the philosophy and objectives are being realized.

§6437. Curriculum Requirements. (a) The minimum curriculum for programs preparing registered nurses shall include the following areas of study:

(1) Scientific understanding. Subject matter in this area shall include anatomy and physiology, chemistry, microbiology, pharmacology and nutrition. The area shall serve as a foundation for

nursing practice. The principles learned shall be applied throughout the program.

(2) Social Sciences. Subject matter in this area shall include content drawn from psychology, sociology, growth and development, and mental hygiene. This area shall be designed to assist the student to develop an understanding of individuals and their interaction in society. The student shall be guided in the attainment of knowledge of normal growth and development, and the effect of economic, religious, and cultural factors upon human behavior.

(3) Professional development and responsibilities. This shall include content drawn from the history of nursing, nursing ethics, and professional relationships. Learning experiences will provide a foundation for understanding the historical development of nursing and its present status. The student shall be given an opportunity to develop a constructive attitude toward the student's self as a responsible person and as a citizen. Emphasis shall be on the nurse's ethical, legal, and citizenship responsibilities.

(4) Nursing practice and Allied sciences.

(A) Subject matter shall include nutrition, pharmacology, community health, nursing leadership, medical-surgical nursing, maternal and newborn nursing, nursing of children and psychiatric-mental health nursing. Knowledge of local, national, and international health problems and approaches to solving them is essential;

(B) Clinical laboratory experience shall include the basic nursing practice common to the care of all ages of individuals, in all health conditions and situations and by development of ability to give care to mildly, acutely, and chronically ill patients. The prevention, rehabilitation and curative aspects as well as the physical, mental, emotion, and spiritual components of health and disease shall be included. In addition:

(i) Opportunity shall be given through selected and guided experience to develop ability to adapt and modify the basic core principles of nursing in caring for patients with complex medical and surgical conditions;

(ii) Opportunity shall be given through selected and guided experience in the care of patients to develop understanding of physiological, psychological, and pathological aspects of pregnancy, labor, puerperal, and neonatal periods;

(iii) Opportunity shall be given through selected and guided experience to apply the knowledge of growth and development in caring for infants and children in varied settings; and

(iv) Opportunity shall be given through selected and guided experience shall be three hours for every theory hour. The clinical learning experience shall be in the acute care, clinic, and in a BSN program community/home setting. This experience will develop abilities and skills in observation, problem solving, communication, and interpersonal relations. Opportunities shall be provided students to assist inpatient education and to work with and direct auxiliary nursing personnel.

(b) The minimum curriculum for programs preparing licensed practical nurses shall include the following areas of study:

(1) Scientific understanding. This subject matter shall include the anatomy and physiology of the human body.

(2) Social science. Subject matter shall include personal, family and community health, mental health concepts, and interpersonal relationships.

(3) Personal development and responsibility and the practice of practical nursing.

(A) Subject matter shall include nutrition, vocational relationships, basic principles of practical nursing, and mental health concepts.

(B) Clinical laboratory experience shall be developed to relate to the subject areas of medical-surgical nursing and maternal- child nursing. In addition:

(i) Opportunity shall be given through selected and guided experience to develop ability to adapt and modify the basic core principles of nursing in caring for patients with complex medical and surgical conditions;

(ii) Opportunity shall be given through selected and guided experience in the care of patients to develop understanding of the psychosocial, psychological, and pathological aspects of pregnancy, labor, puerperal, and neonatal periods; and

(iii) Opportunity shall be given through selected and guided experience to apply the knowledge of growth and development in caring for infants and children in varied settings.

§6438. Instruction. (a) Method of instruction shall be appropriate to the content and the level of the course being taught.

(b) 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.

§6439. Credit Hours. (a) One hour of instruction in theory each week throughout a semester or quarter equals one unit/credit.

(b) Three hours of clinical practice each week throughout a semester or quarter equals one unit/credit.

(c) One semester equals at least 16 weeks and one quarter equals at least ten weeks.

§6440. Continuing Education. Continuing education courses offered shall meet the criteria and guidelines developed by the National continuing Education Approving Organization.

§6441. Advisory Committee. A nursing program shall have an advisory committee which meets several 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 institution.

§6442. Facilities. Every nursing education program shall maintain or make available to students adequate classrooms, laboratories, clinical facilities, libraries which are adequate in number, size and type to meet the needs of the program and its students. Every program shall provide in its annual report to the Board information concerning expenditures for resources available for libraries, classrooms, laboratories and clinical facilities and how much effort was spent making these things available.

§6443. 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.

§6444. Library. (a) Library facilities shall be provided and shall be open during hours which are suited to the needs of the students.

(b) The school shall provide evidence of sufficient expenditures for the library needs of the students.

(c) Library resources and instructional materials shall be comprehensive, up-to-date, and readily available to students. [C]

Article 5
Disciplinary Action

- §6501. Authority of Board.
- §6502. Grounds for Denial of License.
- §6503. Investigatory Powers.
- §6504. Hearings.
- §6505. Disciplinary Action in Another State.
- §6506. Costs Resulting from Disciplinary Action.

§6501. Authority of Board. (a) The Board may exercise its disciplinary authority in accordance with the Nurse Practice Act, P.L. 16-123. This authority includes, but is not limited to, the power to:

- (1) Deny the application for a license;
- (2) Refuse to renew a license;
- (3) Revoke a license;
- (4) Suspend a license; or
- (5) Otherwise discipline or place on probation a licensee.

(b) Any disciplinary action taken by the Board shall be reported to the National Council of State Boards of Nursing on the Disciplinary Report form provided to the Board.

§6502. Grounds for Denial of 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 examination.

(c) False, fraudulent or forged statement or misrepresentation in procuring a license to practice nursing. This shall mean, but shall not be limited to:

- (1) Procuring or attempting to procure a license to practice nursing by filing forged or altered documents or credentials, falsifying or misrepresenting facts on any appli-

cation for licensure, examination, relicensure, or reinstatement;

(2) Impersonating any applicant or acting as proxy for any applicant in any examination for licensure; or

(3) Practicing nursing under a false or assumed name or carrying out licensed nursing functions while using other than legal name.

(d) Conviction of a felony, or crime involving moral turpitude. The term moral turpitude shall include, but is not limited to, acts of baseness or depravity and conduct inconsistent with the rules and principles of morality which may be related to the practice of nursing and to the responsibilities of the licensee.

(e) Unprofessional Conduct, which includes but is not limited to:

(1) Administration of medications and treatments in a negligent manner;

(2) Inaccurate recording, falsification, or other alteration of patient or employee records;

(3) Failure to take appropriate action in safeguarding the patient from incompetent health care practice;

(4) Performance of acts which are beyond the limits of the practice of professional or practical nursing as the case may be;

(5) Employment or assignment of unqualified persons to perform functions that require a license practitioner of nursing;

(6) Assumption of duties and responsibilities in the practice of nursing without adequate education and training or when competency has not been maintained;

(7) Delegation of nursing care, functions, tasks, and/or responsibilities to others in a manner contrary to the Nurse Practice Act and/or to the detriment of a patient's safety;

(8) Practicing nursing without a current Guam License, with a lapsed license or beyond the period of a valid temporary work permit;

(9) Practicing nursing while the physical or mental ability to practice is impaired by alcohol or habit forming drugs;

(10) Leaving a nursing assignment without properly notifying appropriate personnel;

(11) Violating the confidentiality of information or knowledge concerning a patient;

(12) Discriminating in the rendering of nursing services as it relates to human rights and the dignity of the individual;

(13) Misappropriating drugs, money, supplies or equipment; or

(14) Aiding and abetting the practice of nursing by any person not licensed to practice as defined in the Nurse Practice Act.

(f) Physical or mental unfitness to practice nursing, which shall include, but shall not be limited to, a 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, or an uncorrected physical defect that precludes the safe performance of nursing functions.

(g) Gross negligence or recklessness in performing nursing functions, which shall include, but shall not be limited to:

(1) Any act which deviates from standards 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. 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.

(h) Habitual use of alcoholic beverages or narcotic, hypnotic, or hallucinogenic drugs, which shall include, but shall not be limited to, the use of such substances to the extent that:

(1) The nurse's judgment, skill, or ability to provide safe and competent nursing care is impaired;

(2) The individual is unable to care for himself, his property or his family members because of such use; or

(3) The individual is medically determined to be in need of medical or psychiatric care, treatment, rehabilitation or counseling. [3]

(i) The inability to safely and effectively carry out the functions of nursing because of physical and/or psychological impairment.

§6503. Investigatory Powers. 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. The complaint shall be in writing and 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.

§6504. 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.

§6505. 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:

(a) Obtain the findings of fact and conclusions of law from the board of the state or territory that took the disciplinary action; and

(b) 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.

§6506. 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.

Article 6
Fees

- §6601. Renewal Fees.
- §6602. Licensure Fees.
- §6603. Nurse Practitioner Fees
- §6604. Earned Fees.
- §6605. Other Fees.

§6601. Renewal Fees. Renewal fees shall be due and payable biennially on or before September 30 of each odd-numbered year. Fees will be assessed for renewal of professional and practical nurse licenses, and for later renewal or reinstatement of a lapsed license; any person submitting the renewal application and fee post-marked later than September 30 shall be considered delinquent and the license lapsed and therefore invalid. Renewal fees are as follows:

(a) **Licensed Professional Nurse Renewal Fee.** Licensed professional nurses will be assessed as renewal fee of \$30.00 due by September 30 of each odd-numbered year.

(b) **Licensed Practical Nurse Renewal Fee.** Licensed practical nurses will be assessed a renewal fee of \$30.00 due by September 30 of each odd-numbered year.

(c) **Late Renewal or Reinstatement Fee.** Professional and practical nurses requesting a late renewal or reinstatement of a lapsed license will be assessed a fee of \$50.00 for records verification plus the renewal fee which will be due upon application.

(d) **Restricted or Limited License Renewal Fee.** Licensed nurses who have been issued a restricted or a limited license must renew the license as specified in paragraphs A or B above, and will be assessed the renewal fee specified therein.

§6602. Licensure Fees. Fees will be assessed professional and practical nurses for licensure by examination or endorsement, for temporary licenses, for verification of licensure in another state, and for issuance of a duplicate of or a reissuance of a current license.

(a) **Licensure by Examination.** A fee will be assessed for licensure by examination as follows:

(1) Professional nurse applicants will be assessed a fee of \$56.50 which will be due upon application.

(2) Practical nurse applicants will be assessed a fee of \$46.50 which will be due upon application.

(3) A person rewriting an examination will be assessed the same fee as if he were writing an initial examination.

(4) The Board will assess an additional fee of \$35.00, which will be due upon application, to each applicant who requests the Board to proctor an examination for out-of- state licensure.

(b) **Licensure by Endorsement.** A fee will be assessed for licensure by endorsement as follows:

(1) Licensed professional nurses will be assessed a fee of \$60.00 which will be due upon application.

(2) Licensed practical nurses will be assessed a fee of \$60.00 which will be due upon application.

(c) **Temporary License Fee.** Professional and practical nurses requesting a temporary license will be assessed a fee of \$10.00 which will be due upon application.

(d) **Verification of Licensure .** Licensed professional and licensed practical nurses requesting verification of licensure in another state will be assessed a fee of \$15.00 which shall be due at the time of the request.

(e) **Duplicate/Reissuance of License .** Licensed professional and licensed practical nurses requesting a duplicate or reissuance of their current license will be assessed a fee of \$5.00 which shall be due at the time of the request.

§6603. Nurse Practitioner Fees. A fee will be assessed for nurse practitioner approval, renewal, and late renewal as follows:

(a) **Initial Approval.** A fee of \$50.00 will be assessed for initial approval of a nurse practitioner application which will be due upon application.

(b) **Reapproval.** Nurse practitioners will be assessed a reapproval fee of \$15.00 which will be due at the same time as the fee for their license renewal.

(c) **Late Renewal Reapproval.** Nurse practitioners who fail to apply for reapproval as of the date due for their license renewal will be assessed a late fee of \$10.00 plus the reapproval fee. Such fee is due upon application.

§6604. Earned Fees. (a) All fees are earned fees upon receipt and are not refundable.

(b) All fees are deposited in the General Fund of the Territory of Guam.

(c) All checks are to be made payable to the Treasurer of Guam.

§6605. Other Fees. (a) Fees will be assessed for operational costs as follows:

(1) **Photocopying** - A flat fee of \$3.00 will be assessed for photocopying records of five pages or less. An additional fee of \$.50 will be charged for each additional page.

(2) **Nurse Practice Act** - A fee of \$5.00 will be assessed for the purchase of a copy of the Act.

(3) **Rules and Regulations** - A fee of \$10.00 will be assessed for the purchase of a copy of the Rules and Regulations.

(b) The National Council of State Boards of Nursing, Inc., (NCSBN) assesses its own application fee for the NCLEX examination. Each applicant must remit NCLEX payment directly to NCSBN.

Article 7
Certification of Nurse Assistants

- §6701. Purpose.
- §6702. Legal Authority.
- §6703. Powers and Duties.
- §6704. Definitions.
- §6705. Mandatory Certification.
- §6706. Scope of Practice.
- §6707. Grandfather Clause.
- §6708. Responsibilities of the Applicant.
- §6709. Responsibility of the Employer.
- §6710. Certification by Examination.
- §6711. Examination Requirements.
- §6712. Policies for Examination.
- §6713. Examination; Retakes.
- §6714. Prioritization of Examination Candidates.
- §6715. Certification by Endorsement.
- §6716. Renewal of Certification.
- §6717. Continuing Education Requirements.
- §6718. Reinstatement of Lapsed Certification.
- §6719. Inactive Status.
- §6720. Nurse Assistants Educational Program.
- §6721. Requirements for Establishing a Nurse Assistants Educational Program.
- §6722. Approval of the Nurse Assistants Educational Program.
- §6723. Personnel Requirements.
- §6724. Characteristics of Nurse Assistants Graduates.
- §6725. Instruction Requirements.
- §6726. Unit Objectives.
- §6727. Records of Approved Program.
- §6728. Revision of Approved Program.
- §6729. Continued Approval of a Program.
- §6730. Continued Approval of the Program.
- §6731. Withdrawal of Approval of the Program.
- §6732. Fees.
- §6733. Grounds for Disciplinary Action.

NOTE: Rule-making authority cited for Guam Board of Nurse Examiners, 10 GCA §12316.1. News rules were filed with the Legislative Secretary on April 30, 1997.

§6701. 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 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 consumer protection in Guam.

§6702. Legal Authority. Section 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 assistants 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 reapprove nurse assistants educational and continuing education programs.

§6703. 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 assistants registry;
- (c) Develop and enforce standards and periodically evaluate the basic nurse assistants education programs, and approve the programs that meet the requirements as set forth in these rules;
- (d) Deny or withdraw approval of nurse assistants 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 a certificate 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.

§6704. Definitions. For purposes of this 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 assistants.
- (c) *Approval* means the process by which the Board evaluates and grants official recognition to a nurse assistants educational program which meets established standards.
 - (1) *Initial approval* means a status granted for authorization to admit students and enter into contractual agreements for

client facilities. It is granted only after an application has been submitted and reviewed and a survey visit has been conducted by the Board. No students shall be admitted into the program until the institution has received written notification that initial approval has been granted.

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

(3) *Full approval* means a status granted to a program that meets the requirements of the law, and the rules and regulations of the Board. Continuation of full approval is contingent upon the submission of the annual report of the program.

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

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

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

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

(8) *Certificate by 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 assistants on Guam.

(9) *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.

(10) *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 the certified nurse assistants achieves a higher stage of development within the role. Competency is based on educational training, preparation and expertise.

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

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

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

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

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

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

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

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

(19) *Incomplete application* means an application which either lacks the required documents or has not been properly completed by the applicant.

(20) *Lapsed certificate* means an individual's certificate to practice as a nurse assistants has expired.

(21) *Licensed nurse* means a registered nurse or licensed practical nurse currently licensed in Guam.

(22) *Medicaid* means the federal program of medical care designed for those unable to afford regular medical services and financed by the state and federal governments.

(23) *Medicare* means the federal government program of medical care especially designed for the elderly.

(24) *Nurse assistant* means a nurse aide or home health aide who has been certified by successfully completing the educational requirements for the nurse assistants and passing a Board approved examination after the enactment of these rules. Only certified nurse assistants shall use the title N.A. and provide nursing support services as supervised by a registered nurse licensed on Guam. Nurse assistants prior to the enactment of these rules are waived from the examination requirements.

(25) *Nurse assistant certification examination* means the national board approved examination required for certification.

(26) *Nurse assistant 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.

(27) *Nurse assistant registry* means a listing of all individuals who have been certified by the Board.

(28) *Practice* means the performance of services by a nurse assistants that requires education, training, and skills as specified in these rules and regulations.

(29) *Primary instructor* means a registered nurse, currently licensed on Guam, who is responsible for teaching and evaluating the students enrolled in a nurse assistants educational program.

(30) *Program* means a plan of study which consists of several related courses and has as its objective the preparation of individuals to function safely as nurse assistants.

(31) *Program Director* means a registered nurse, currently licensed on Guam who is administratively responsible and accountable for a nurse assistants educational program.

(32) *Program provider* means a school, college, nursing facility or other institution that conducts a nurse assistants educational program.

(33) *Reinstatement* means the procedure of restoring a nurse assistants certificate which has lapsed, was inactive, suspended or revoked.

(34) *Reissuance* means the process of replacing a nurse assistants certification by giving a duplicate original copy.

(35) *Revocation* means withdrawal of a certificate to practice as a nurse assistants, or an order of annulment or cancellation of a certificate.

(36) *Site visit* means a visit made by an agent of the Board to the program site in order to review the nurse assistants educational program sponsored by the program provider.

(37) *Standards* means an authoritative statement by which the Board can judge the quality of the nurse assistants' education or practice.

(38) *Supervision* means provision of guidance of a nurse assistants' task or activity with specific direction of the task or activities by a licensed registered nurse.

(39) *Suspension* means an order of withdrawal of a nurse assistants' right to practice for a definite or indefinite period of time.

(40) *OBRA* means the 'Omnibus Budget Reconciliation Act' of 1987 or 'OBRA '87' (PL 100-203) 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.

§6705. Mandatory Certification . Certification with the Guam Board of Nurse Examiners is mandatory and is the responsibility of the individual nurse assistants who provides services for compensation on Guam. The certification shall be obtained prior to employment.

§6706. Scope of Practice. The nurse assistants, under the supervision of a registered nurse, shall:

- (a) Demonstrate competence in providing patient, personal care; basic, routine 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.

§6707. Grandfather Clause. A nurse assistants who is currently practicing on Guam prior to the effective date of these rules and regulations must submit the following within one hundred twenty (120) days of the effective date of these rules to qualify for certification:

- (a) A completed, notarized application, provided by the Board.
- (b) A two inch by two inch (2"x 2") signed and dated photograph taken within the past year;
- (c) A verification of current employment as a nurse assistants from an employer; and
- (d) Payment of the appropriate fee. Fees remitted to the Board are non-refundable.

§6708. Responsibilities of the 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 assistants 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, i.e., candidate is ill, death in immediate family, accident, etc., the applicant's examination date may be extended to the next examination date. Failure to take the assigned examination without prior Board approval may result in removal of the applicant from the eligibility list. A re-examination fee will be charged to all applicants who are rescheduled to take the examination. A re-examination fee will not be charged to those applicants who are rescheduled due to lack of space.

(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 assistants certification.

§6709. Responsibility of the Employer. Nursing administrators, agency heads or other employers, who employ nurse assistants without current certification are in violation of the Nurse Practice Act, Article 3, Chapter 12 of Title 10, Guam Code Annotated, and these rules and regulations.

§6710. Certification by Examination. The following certification by examination and endorsement shall apply to those persons who wish to be certified as a nurse assistant:

(a) The certifying examination of the National Council of State Boards of Nursing constitute the Board examination for nurse assistants 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 assistants certification according to the dates established for all states and its territory by the National Council of State Boards of Nursing.

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

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

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

§6711. Examination Requirements. (a) Be a graduate of an approved high school or the equivalent General Education Courses (GED) certificate.

(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) Persons who have 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.

§6712. Policies for examination . The following policies shall apply for examinations.

(a) Applications and fees for the certifying examination shall be submitted to the Board office no later than 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 the two (2) year limitation period shall be considered by the Board on a case by case basis. The applicant may be re-

quired to satisfactorily complete an approved program or course of study, including basic skills in nurse assistants, 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 filling 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) An applicant who meets the deadline and is granted Board and National Council of State Boards of Nursing examination approval is entitled to a preassigned seating and site to write the examination.

(k) The deadline for completion of application is one hundred ten (110) days prior to a scheduled examination. 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.

(l) 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.

(m) Candidates shall be required to rewrite lost or destroyed test(s), at no cost to the applicant.

§6713. Examination; Retakes. All applicants wishing to retake the National Council of State Boards of Nursing examination for nurse assistants shall submit to the Board a reexamination form, any 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 nursing skills, as prescribed by the Board.

§6714. 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;
- (d) An approved foreign nursing program that meets the Board's requirements.

§6715. Certification by Endorsement. An applicant for endorsement to practice as a nurse assistants on Guam shall submit and remit:

- (a) A current registration or certification as a nurse assistants from a certifying US state or territory that meets Guam's requirements; and
- (b) An official transcript and certification of training from an approved nurse assistants 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

(e) A Verification of passing the National Council of State Boards of Nursing nurse assistants certification examination or a Board approved practical or professional nursing examination. This requirement is waived if the applicant was functioning as a nurse assistants prior to the enactment of these rules and regulations.

(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 US state or territory;

(g) Verification of last employment;

(h) Payment of the required fee.

§6716. Renewal of Certification. (a) Nurse assistants certifications shall be renewed biennially by September 30th of even numbered years. Failure to renew certification shall result in forfeiture of the right to work as a nurse assistants 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) Any person employed as a nurse assistants 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.

§6717. Continuing Education Requirements. (a) Nurse assistants shall submit to the Board evidence of one (1) Continuing Education Unit (CEU) or 10 contact hours:

(1) In a health related education or other self development activities as approved 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 the time of renewal shall be issued a conditional certification until the requirements have been met.

§6718. Reinstatement of lapsed certification . (a) Any person whose certification has lapsed due to failure to renew by September 30th 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 certificate has lapsed; and

(4) Payment of the reinstatement fee.

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

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

§6719. Inactive status. A certificate holder may make a written request to be placed on an inactive status. When an inactive status is granted, the certificate holder cannot function as a certified nurse assistants on Guam until the certification is reactivated.

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

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

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

§6720. Nurse assistants educational program. The nurse assistants educational program shall prepare students to function in the role of nurse assistants under the supervision of a registered nurse. The nurse assistants shall be able to perform basic, non-invasive nursing procedures in a variety of settings.

§6721. Requirements for establishing a nurse assistants educational program. (a) The program provider shall submit an application to the Board at least ninety (90) days in advance of the expected opening date. The application must be in writing on a form provided by the Board and shall include, but not be limited to:

- (1) The content of the educational program to be offered.
- (2) The number of hours of theoretical, laboratory and clinical instructions.
- (3) The behavioral objectives of each module of instruction.
- (4) The methods of instruction to be used to teach each module.
- (5) The methods to be used to evaluate the achievement of behavioral objectives.
- (6) A description of the facilities to be used for theoretical instructions, and laboratory and clinical experience.

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

(c) The Board will evaluate the application to determine whether the educational program qualifies as an approved program.

(d) If an educational program application is disapproved, the program provider may request for a hearing before the Board, pursuant to the provisions of the Administrative Adjudication Law.

(e) A program is valid for three (3) years from the date of approval by the Board. An annual report shall be submitted to the Board by July 31st of each year. The Board has the discretion to re-evaluate the program in the interim.

§6722. Approval of the nurse assistants educational program.

The nurse assistants educational program shall demonstrate evidence of compliance with the following:

(a) The educational program must provide at least one hundred (100) hours of instruction which must include forty (40) hours classroom instruction, twenty (20) hours laboratory and forty (40) hours in clinical practice.

(b) The nurse assistants curriculum shall include:

- (1) The roles and responsibilities of a nurse assistants; and
- (2) Basic nursing care;

(c) At least twenty (20) hours of instruction in the classroom must be completed, before a student is directly involved with a client, in the areas of:

- (1) Communication and interpersonal skills;
- (2) The control of infections;
- (3) Safety and emergency procedures;
- (4) Confidentiality of information;
- (5) Observation skills; and
- (6) Promoting the independence of clients and respecting their rights.

(d) 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.

(e) Instructional personnel must be on site solely to supervise the students, when they are giving direct patient care to clients.

The nurse assistants program shall be responsible for ensuring the facilities meets the learning needs of the students.

§6723. Personnel requirements. (a) **Program Director.** The program Director shall be administratively responsible and accountable for the nurse assistants educational program.

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

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

(1) Assist with the development of the budget of 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

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(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 student works .

(9) Develop a system of maintaining permanent records essential to the operation 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 nota-

tion of satisfactory or unsatisfactory performance, 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.

§6724. Characteristics of nurse assistants graduates. The graduate of the nurse assistants educational program shall be prepared to:

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

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

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

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

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

§6725. Instruction requirements. Instruction 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.

§6726. Unit objectives. (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.

§6727. Records of approved program. The Program Director of an approved 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.

§6728. Revision of approved program. (a) The following major program revisions requires Board approval and must be 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 requires 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.

§6729. Continued approval of a program. (a) The Board shall evaluate approved programs at least every three (3) years to maintain continued Board approval.

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

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

§6730. 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 assistants 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 two (2) years to correct the deficiencies.

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

§6731. Withdrawal of approval of the program . (a) The Board may withdraw its approval of an approved 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 intend to withdraw its approval of that program. The notice must specify the reasons for the withdrawal. The Program Director or 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 to 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 withdraws its approval, the Program Director and the administrative body shall take such action as is necessary to retain

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

§6732. Fees. Fees will be assessed for certification of nurse assistants educational programs and certification and recertification of nurse assistants, as well as, for other action to be taken by the Board with respect to such certifications. All fees are payable at the time of application and are not refundable.

SCHEDULE OF FEES

NA Examination Registration As established by the Examining Center

NA Application for Exam	\$25.00
Endorsement	20.00
Reinstatement	30.00
Certification Renewal	20.00
Certification Verification	15.00
Reissuance of Certification	5.00
Rules and Regulations	10.00
Photocopy (5 pages or less)	3.00
Photocopy (per page)	.50
Program Approval Fee	75.00
Program Renewal Fee	50.00

§6733. Grounds for disciplinary action. The Board may deny, suspend, or revoke a nurse assistants certificate in accordance with the Administrative Adjudication Law or issue a reprimand to a certified nurse assistants for the following causes:

- (a) Conviction of a crime where such crime bears a demonstrable relationship to the duties of a nurse assistants 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 assistants;
- (d) Conduct unbecoming a nurse assistants in the performance of duties.

- (1) Leaving a nurse assistants 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 client 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, or handicap;
- (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 for, or attempting to procure a certificate through willful fraud or misrepresentation;
- (10) 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 assistants.
- (11) Unlawful possession, or obtaining, selling or furnishing controlled substances;
- (12) Neglecting or abusing a client physically, verbally or emotionally;
- (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 assistants, without prior authorization.

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