

R4-19-101

DEFINITIONS

Add:

“Family Member”, means a licensed health aide (LHA) who is an adult (at least 18 years old) and has the following relationship with the LHA’s one patient: 1. spouse, 2. children/step children, 3. son/daughter-in-law, 4. grandchildren, 5. siblings /step siblings, 6. parents /step parents/adoptive parents, 7. grandparents, 8. mother/father-in-law, 9. brother/sister-in-law, or 10. legal guardian.

“LHA”, means a licensed health aide who meets Board qualifications as defined by A.R.S. § 32-1601(14)

**Table 1. Time-frames**

Time-frames (in days)									
Type of License, Certificate, or Approval	Applicable Statute and Section	Board Overall Time-frame Without Investigation	Board Overall Time-frame With Investigation	Board Administrative Completeness Review Time-frame	Applicant Time to Respond to Deficiency Notice	Board Substantive Review Time-frame Without Investigation	Board Substantive Review Time-frame With Investigation	Applicant Time to Respond to Comprehensive Written Request	
Nursing Assistant and Medication Assistant, and LHA Training Programs Approval or Re-approval	A.R.S. § 32-1606(B)(11), <u>32-1645</u> , 32-1650.01; R4-19-803, R4-19-804, <u>R4-19-901 - 903</u>	120	Not applicable	30	180	90	Not applicable	120	
Licensed or Certified Nursing Assistant and Medication Assistant Certification by Examination	A.R.S. §§ 32-1606(B)(11), <u>32-1645</u> , 32-1647, 32-1650.02, 32-1650.03; R4-19-806, <u>R4-19-904</u>	150	270	30	270	120	240	150	

**ARTICLE 9. LICENSED HEALTH AIDES**

**R4-19-901. Standards for Licensed Health Aide (LHA) Training Programs**

**A. Organization and Administration: An LHA program may be offered only by an entity:**

1. Approved by Board

2. Approved by the Arizona Department of Health Services as a medicare-certified home health agency service provider; and

3. That meets the requirements of A.R.S. § 36-2939.

**B. Instructor qualifications:**

1. An LHA instructor shall:

a. Hold a current, registered nurse license that is active and in good standing or multistate privilege to practice as an RN under A.R.S. Title 32, Chapter 15;

b. Possess at least two years of direct care nursing experience in pediatrics or medical/surgical care including medication administration, tracheostomy care, and enteral care and therapy for persons under twenty-one years of age.

C. Curriculum: An LHA program shall provide a basic curriculum that includes: nursing assistant skills, medication administration, tracheostomy care; and enteral care and therapy for persons under twenty-one years of age.

D. Competency Examination: An LHA program shall provide to the Board for approval a competency examination that includes a written portion and successful performance of the following skills for persons under twenty-one years of age, and specific to the LHA's singular patient:

1. Nursing assistant skills,

2. Medication administration

3. Tracheostomy care

4. Enteral care and therapy.

E. Training requirements: The LHA program shall train and evaluate the LHA, both in writing and performance of LHA skills, as to the applicable, required competencies related to the healthcare needs of the individual patient for whom the LHA provides care; and provide ongoing assessments as to safety of LHA when performing LHA tasks.

F. Program Certificate Requirements: Upon satisfactory completion of the basic curriculum, the LHA program shall issue a program certificate to those students who demonstrate the skills and ability to safely administer care to the individual patient for whom they provide care.

#### **R4-19-902. Initial Approval and Renewal of Approval of LHA Training Programs**

A. An applicant for initial training program approval shall submit an electronic application packet to the Board at least 90 days before the expected starting date of the program.

B. A program applying for initial approval shall include all of the following in its application packet:

1. Name, address, web address, telephone number, e-mail address and fax number of the program;

2. Identity of all program owners or sponsoring institutions;

3. Evidence of program compliance with all of the following:

a. Program description that includes the length of the program, number of hours of instruction;

d. A copy of the documentation that the program will use to verify student knowledge and skills;

g. A copy of course policies and any other materials that demonstrate compliance with R4-19-901;

C. A program seeking renewal of its approval shall submit an application for renewal containing the information required in this Section at least 90 days prior to the expiration of its current approval.

D. LHA program approvals and renewals shall be for a period of four years.

#### **R4-19-903. Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement**

A. The Board may take disciplinary action against an LHA program, including rescinding program approval, for any of the following acts of unprofessional conduct:

1. Failing to comply with Board requirements within designated timeframes;

2. Making a false, inaccurate or misleading statement to the Board or the Board's designee in the course of an investigation, or on any application or information submitted to the Board or on the program's public website;
3. Engaging in any other conduct that gives the Board reasonable cause to believe the program's conduct may be a threat to the safety or welfare of students, instructors, patients or the public.
4. Failing to:
  - a. Furnish in writing a full and complete explanation of a matter reported pursuant to \_\_\_\_\_ A.R.S. §32-1664, or
  - b. Respond to a subpoena issued by the Board;
5. Failing to promptly remove, or adequately discipline or train, program instructors whose conduct violates this Article or may be a threat to the safety or welfare of students, patients, or the public.

**B. Disciplinary Action**

An LHA program may request a hearing prior to the imposition of any disciplinary action by the Board by filing a written request with the Board within 30 days of service of the Board's notice of charges. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10, and 4 A.A.C. 19, Article 6.

**C. Voluntary termination**

1. An LHA program that seeks to voluntarily terminate the program before its next renewal shall submit a written notice of termination to the Board.
2. The program shall continue the training program, including retaining necessary instructors, until the last enrolled student has transferred or completed the training program.
3. Within 15 days after the termination of a training program, a program representative shall notify the Board in writing of the permanent location and availability of all program records.
4. A program that fails to renew its approval with the Board shall be considered voluntarily terminated unless there is a complaint against the program.

**R4-19-904. Licensed Health Aide (LHA) Licensure, Renewals, and Patient Safety Referral**

- A. An applicant for initial licensed health aide (LHA) licensure shall submit the following to the Board:
1. A verified application on a form furnished by the Board that provides the following information about the applicant:
    - a. Full legal name and any and all former names used by the applicant;
    - b. Current address of record, including county of residence, e-mail address and telephone number;
    - c. Place and date of birth;
    - d. Social Security number;
    - e. Relationship to the patient that meets the definition of "family member" in R4-19-101;
    - f. Patient age and enrollment status in Arizona Long Term Care System ("ALTCS").
  2. Proof of satisfactory completion of an LHA training program that meets the requirements of this Article within the past two years;
  3. Proof the applicant has satisfactorily completed an LHA competency examination approved by the Board.
  4. Proof of United States citizenship or alien status as specified in A.R.S. § 41-1080; and

5. Applicable fees under A.R.S. § 32-1643.

**B.** An applicant who is denied licensure or certification may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for certification. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 10 and 4 A.A.C. 19, Article 6.

**C.** An applicant's license expires every four years. If an applicant fails to timely renew the license, the applicant shall not work as an LHA until the board issues a renewal license. To renew LHA licensure, an applicant shall:

1. Pay applicable fees pursuant to A.R.S. § 32-1643;

2. Submit proof that Applicant's patient still meets the age and eligibility requirements of A.R.S. § 36-2939;

3. Submit a statement on a form provided by the Board and completed by the applicant's home health agency employer or support coordinator confirming that applicant has adequately maintained the skills and knowledge required for safe LHA care of the applicant's patient.

**D.** The Board shall maintain a list, published on its website, of all LHA licensees.

**E.** The Board shall submit a safety referral for any LHA for whom the Board has concerns regarding potential patient neglect or abuse to the Arizona Department of Economic Security.