

Utah Nursing Assistant Registry (UNAR) Behavioral Misconduct and Unlawful Acts Policy

Effective Date: 10/01/2025

1. Purpose

1.1. The Utah Nursing Assistant Registry (UNAR) is committed to maintaining respectful, safe learning, testing, and working environments that are free from behavioral misconduct and unlawful acts.

2. Definitions

2.1. **Behavioral Misconduct:** conduct including but not limited to verbal, nonverbal, or physical abuse; the use of abusive or obscene language; threats of violence; harassment; or other threatening or aggressive behaviors. Misconduct is defined by its severity, nature, or frequency when a reasonable person would consider it to be demeaning, intimidating, humiliating, or constitutes an act of bullying.

2.2. **Competency evaluation:** a written knowledge examination and a manual skill demonstration examination administered to verify the knowledge, skills, and abilities essential to carry out the duties of a nursing assistant.

2.3. **Instructor:** a UNAR-approved licensed nurse who is employed by a NATCEP that provides supervised and documented nurse aide training in accordance with OBRA 1987 requirements, to nurse aide students in a classroom or clinical setting.

2.4. **Nurse Aide Training and Competency Evaluation Program (NATCEP):** is a UNAR-approved program providing classroom, lab, and in-facility clinical training to individuals seeking certification as a nurse aide.

2.5. **Student:** an individual who is at least 16 years of age and actively enrolled in an NATCEP.

2.6. **Test Candidate:** an individual who has completed the NATCEP and is preparing for or actively engaged in taking the competency evaluation exams.

2.7. **Test Site:** a UNAR-approved testing center, affiliated with a Utah technical college, college, or university, authorized to proctor the UNAR competency evaluations.

2.8. **Unlawful Act:** a violation of local, state, or federal law that results in physical, psychological, or monetary harm to another individual or entity. This includes actions that are illegal or harmful in nature, whether intentional or reckless. Examples of unlawful acts include, but are not limited to, abuse, assault, theft, or causing environmental damage. Such acts may lead to legal consequences and are strictly prohibited in all settings associated with a NATCEP, clinical site, testing site, or the UNAR.

2.9. **Waiver of NATCEP:** a provision of State Administrative Rule R432-45, allowing a qualified nursing student, nurse, or in-state expired CNA to challenge the competency evaluation requirement without completing a new NATCEP.

3. **Policy**

3.1. Behavioral misconduct or unlawful acts by nurse aide students or test candidates are strictly prohibited at any stage of the NATCEP or certification process. This includes, but is not limited to, actions directed toward:

1. NATCEP directors, instructors, and staff,
2. Other students or test candidates,
3. Clinical site staff, residents, or visitors,
4. Testing site staff and patrons, or
5. UNAR staff.

3.2. Behavioral misconduct or unlawful acts will not be tolerated and may result in dismissal from the NATCEP, denial of testing privileges, and/or revocation of a newly obtained certification.

3.3. All nurse aide students, test candidates, and Waiver of NATCEP applicants must acknowledge understanding of these consequences:

1. At the beginning of a NATCEP course, or
2. When creating a TMU account, or
3. When submitting a Waiver of NATCEP application.

4. **Procedure**

4.1. **Reporting an Incident**

1. An individual named under section 3.1. who believes they, or another person has been subjected to behavioral misconduct or an unlawful act by a nurse aide student/test candidate may send an email to UNAR to report the incident. The email should include a detailed description of the situation and supporting documentation. Examples of supporting documentation include, but are not limited to, witness statements, incident reports, security reports, pictures or camera footage, and police reports.

2. Reports of behavioral misconduct or unlawful acts shall be submitted to the UNAR as soon as reasonably practical and not to exceed 72 hours after the incident. When possible, submit reports before close of business on the day the incident occurred. Exceptions to the reporting deadline may be extended by the UNAR Director at their discretion due to extenuating circumstances. For example, an eligible reporting party first becomes aware of behavioral misconduct or unlawful behavior that occurred more than 72 hours ago.

4.2. **Investigation**

The UNAR Director, or designee, will conduct a prompt and thorough investigation. Actions may include, but not be limited to:

1. Reviewing all submitted documentation.

2. Notifying the alleged offending nurse aide student/test candidate in writing within 15 business days of the reported allegation.
3. Locking the alleged offending nurse aide student/test candidate's TMU account during the investigation.
4. Canceling any pending exams.

4.3. Appeal Process

The alleged offending nurse aide student/test candidate may submit a written appeal with evidence or witness statements within 15 business days of receiving notice.

1. UNAR will review both the original and new evidence submitted.
2. A final decision will be issued by the UNAR Director within 15 business days of receiving the appeal.

4.4. Consequences of Substantiated Allegations

If allegations are substantiated:

1. The offending nurse aide student/test candidate's TMU account will remain locked for 24 months from the date of the initial allegation.
2. If the incident occurred at a test site, the exam attempt will be marked as "failed," and any certification obtained with testing will be revoked.
3. No refund will be issued for the failed exam.

4.5. After 24 months, it is the individual's responsibility to contact the UNAR in writing and request the TMU account to be unlocked.

4.6. If no appeal is submitted, the TMU account will remain locked for 24 months from the date of the initial allegation.

4.7. If a second substantiated allegation occurs during a future NATCEP or test, the TMU account will remain locked for 5 years.

5. Approval

5.1. Policy created 10/01/2025