

CHAPTER 72  
HB 1446-FN - FINAL VERSION

4May2022... 1699EBA

2022 SESSION

22-2006  
11/05

HOUSE BILL

***1446-FN***

AN ACT           relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

SPONSORS:       Rep. Schuett, Merr. 20; Rep. McGuire, Merr. 29

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill converts the governing boards of recreational therapists and respiratory care practitioners to advisory boards under the authority of the executive director of the office of professional licensure and certification.

This bill is a request of the office of professional licensure and certification.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears ~~[in brackets and struck through.]~~  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                   relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           72:1 Allied Health Professionals; Definitions; Governing Boards. Amend RSA 328-F:2, IV to read as  
2 follows:

3           IV. "Governing boards" means individual licensing boards of athletic trainers, occupational  
4 therapy assistants, occupational therapists, ~~[recreational therapists,]~~ physical therapists, physical  
5 therapist assistants, ~~[respiratory care practitioners,]~~ speech-language pathologists and hearing care  
6 providers, and genetic counselors.

7           72:2 Allied Health Professionals; Governing Boards. Amend RSA 328-F:3, I to read as follows:

8           I. There shall be established governing boards of athletic trainers, occupational therapists,  
9 ~~[recreational therapists, respiratory care practitioners,]~~ physical therapists, speech-language pathologists  
10 and hearing care providers, and genetic counselors.

11          72:3 Allied Health Professionals; Conditional Licenses; References Removed. Amend the  
12 introductory paragraph of RSA 328-F:18, VI to read as follows:

13          VI. Occupational therapists, occupational therapist assistants, ~~[recreational therapists,]~~ speech  
14 pathologists, ~~[respiratory care practitioners,]~~ athletic trainers, genetic counselors, physical therapists, and  
15 physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New  
16 York, and Vermont, who are currently licensed, shall be eligible for temporary licensure for 120 days while  
17 the person makes application for licensure to the respective governing board under this chapter.  
18 Temporary licensure shall not apply to an allied health governing board that is a member of an interstate  
19 licensure compact. An applicant for temporary licensure to practice, who is currently licensed or certified  
20 in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

21          72:4 Recreational Therapists; Definitions; Executive Director. Amend RSA 326-J:1, I to read as  
22 follows:

23           I. "Board" means the recreational therapy ~~[governing]~~ **advisory** board ~~[established in RSA 328-F]~~.

24           ***I-a. "Executive director" means the executive director of the office of professional licensure and***  
25 ***certification.***

26          72:5 New Section; Recreational Therapists; Advisory Board Established. Amend RSA 326-J by  
27 inserting after section 1 the following new section:

28          326-J:1-a Advisory Board Established.

29           I. The executive director shall establish an advisory board of recreational therapists consisting of  
30 3 members, who shall be licensed recreational therapists. Each member shall be appointed to a term of 3  
31 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the  
32 executive director regarding the implementation of this chapter.

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1           II. The executive director, in consultation with the advisory board, shall adopt rules pursuant to  
2 RSA 541-A relative to the practice of recreational therapy, including rules regarding the procedure for  
3 granting, revoking, and reinstating a license.

4           72:6 Recreational Therapists; Prohibition on Unauthorized Practice; Rulemaking Authority. Amend  
5 RSA 326-J:3, I to read as follows:

6           I. No person shall practice or hold oneself out as being able to practice recreational therapy or  
7 provide recreational therapy services in this state unless the person is licensed under this chapter and  
8 RSA 328-F. Nothing in this paragraph shall be construed to prohibit students enrolled in [board]-approved  
9 schools or courses in recreational therapy from performing recreational therapy that is incidental to their  
10 respective courses of study or supervised work. The [board] ***executive director, in consultation with the***  
11 ***advisory board***, shall adopt rules under RSA 541-A relative to schools or courses allowing students to  
12 practice under this paragraph.

13           72:7 Recreational Therapists; Coercion Prohibited; Disciplinary Authority. Amend RSA 326-J:4 to  
14 read as follows:

15           326-J:4 Coercion Prohibited. No person shall coerce a licensed recreational therapist into  
16 compromising client safety by requiring the licensed recreational therapist to delegate activities or tasks if  
17 the licensed recreational therapist determines that it is inappropriate to do so. Licensed recreational  
18 therapists shall not be subject to disciplinary action by the [board] ***executive director*** for refusing to  
19 delegate activities or tasks or refusing to provide the required training for delegation if the licensed  
20 recreational therapist determines that the delegation may compromise client safety.

21           72:8 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II-III to read as follows:

22           II. The [board] ***executive director*** may, upon notice and opportunity for a hearing, deny an  
23 application for reinstatement of a license or reinstate the license with conditions. Conditions imposed may  
24 include a requirement for continuing education, practice under the supervision of a licensed recreational  
25 therapist, or any other conditions set forth in ~~[the section addressing conditional licenses in RSA 328-F]~~  
26 ***RSA 328-F:18, III.***

27           III. Notwithstanding paragraph I, the [board] ***executive director*** may grant initial licenses to  
28 recreational therapists who were certified by the NCTRC prior to July 1, 2007 and who hold an active  
29 CTRS credential.

30           72:9 Recreational Therapists; Renewal of License. Amend RSA 326-J:6, I(b)-II to read as follows:

31           (b) Meet continuing competency requirements by completing a minimum of 30 hours of  
32 continuing education in formal courses approved by the [board] ***executive director, in consultation with the***  
33 ***advisory board***, and other requirements established by the [board] ***executive director, in consultation with***  
34 ***the advisory board, in*** rules adopted pursuant to RSA 541-A.

35           II. The [board] ***executive director, in consultation with the advisory board***, shall accept continuing  
36 education programs that meet the recertification standards of the National Council for Therapeutic  
37 Recreation Certification.

38           72:10 Respiratory Care Practice; Definitions; Board. Amend RSA 326-E:1, I to read as follows:

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1 I. "Board" means the [governing] *advisory* board of respiratory care practitioners [established  
2 under RSA 328-F].

3 72:11 New Paragraph; Respiratory Care Practice; Definitions; Executive Director. Amend RSA 326-  
4 E:1 by inserting after paragraph III the following new paragraph:

5 III-a. "Executive director" means the executive director of the office of professional licensure and  
6 certification or designee.

7 72:12 Respiratory Care Practice; Rulemaking. Amend the introductory paragraph of RSA 326-E:2 to  
8 read as follows:

9 The [board] *executive director, in consultation with the advisory board*, shall adopt rules pursuant to RSA  
10 541-A:

11 72:13 New Paragraph; Respiratory Care Practice; Rulemaking. Amend RSA 326-E:2 by inserting  
12 after paragraph V the following new paragraph:

13 VI. Respiratory care practice, including rules regarding the procedures for granting, revoking, and  
14 reinstating a license.

15 72:14 Respiratory Care Practice; Requirements for Initial Licensure; References Changed. Amend  
16 RSA 326-E:3, II-IV to read as follows:

17 II. An applicant for initial licensure shall also be required to pass a standardized national  
18 examination administered in English by the National Board for Respiratory Care, Inc. or by a successor  
19 organization approved in rules adopted by the [board] *executive director, in consultation with the advisory*  
20 *board*, pursuant to RSA 541-A.

21 III. An applicant for initial licensure shall be required to certify under oath that the applicant is not  
22 under investigation by any professional licensing board and that the applicant's credentials have not been  
23 suspended or revoked by any professional licensing board.

24 IV. An applicant for initial licensure who has not practiced as a respiratory care practitioner for at  
25 least 500 hours per year during the 4 years prior to filing the application shall be required to successfully  
26 complete continuing education and continuing competency requirements set forth in rules adopted by the  
27 [board] *executive director, in consultation with the advisory board*, pursuant to RSA 541-A.

28 72:15 Advisory Board of Respiratory Care Practitioners. RSA 326-E:5 is repealed and reenacted to  
29 read as follows:

30 326-E:5 Advisory Board of Respiratory Care Practitioners. The executive director shall establish an  
31 advisory board of respiratory care practitioners consisting of 3 members who shall be licensed respiratory  
32 care practitioners. Each member shall be appointed to a term of 3 years. No member shall serve more  
33 than 2 consecutive full terms. The advisory board shall advise the executive director regarding the  
34 implementation of this chapter.

35 72:16 Respiratory Care Practice; Exemptions from Licensure; Reference Changed. Amend RSA  
36 326-E:6, I(e) to read as follows:

37 (e) Respiratory care performed as part of a limited scope of practice, as defined by the  
38 [board] *executive director, in consultation with the advisory board*, by certified pulmonary function

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1 technicians (CPFT), registered pulmonary function technologists (RPFT) or registered polysomnographic  
2 technologists (RPSGT) in a diagnostic laboratory or research setting.

3 72:17 Respiratory Care Practice; Rights of Consumers; Reference Changed. Amend RSA 326-E:7,  
4 III to read as follows:

5 III. Any person may submit a complaint in writing to the [board] ***executive director*** regarding any  
6 licensee, entity, or other person potentially in violation of this chapter [~~or of RSA 328-F~~].

7 72:18 Respiratory Care Practice; Responsibilities of the Respiratory Care Practitioner; References  
8 Changed. Amend RSA 326-E:8, II-VII to read as follows:

9 II. The respiratory care practitioner shall be aware of and abide by this chapter, [~~RSA 328-F,~~] and  
10 the rules adopted by the [board] ***executive director, in consultation with the advisory board***.

11 III. Each licensee shall provide his or her employer with a copy of his or her license, conditional  
12 license, current renewal verification or proof of reinstatement of license. This copy shall be available for  
13 public review upon request. The employer shall maintain a list of all persons providing respiratory care at  
14 his or her facility for review by the [board] ***executive director*** upon request.

15 IV. In response to board inquires relevant to the status of their licenses or their practice of  
16 respiratory care, licensees shall provide complete and truthful information to the [board] ***executive***  
17 ***director***.

18 V. Licensees shall notify the [board] ***executive director*** if licenses, renewal verification cards, or  
19 other proofs of licensure are lost or stolen.

20 VI. Licensees shall maintain their current business and residential addresses on file with the  
21 [~~licensing governing board~~] ***office of professional licensure and certification***. Changes in addresses shall  
22 be submitted no later than 30 days from the date of change.

23 VII. Each licensee shall notify the [board] ***executive director*** of those acts or omissions that are  
24 violations of this chapter or are grounds for disciplinary action.

25 72:19 Respiratory Care Practice; Eligibility for License Renewal; Reference Changed. Amend RSA  
26 326-E:10, II to read as follows:

27 II. Meet any continuing education and continuing competency requirements established by the  
28 [board] ***executive director, in consultation with the advisory board***, in rules adopted pursuant to RSA 541-  
29 A.

30 72:20 Respiratory Care Practice; Approved Continuing Education; Reference Changed. Amend RSA  
31 326-E:11 to read as follows:

32 326-E:11 Approved Continuing Education Programs and Program Providers.

33 I. Education programs accepted by the [board] ***executive director, in consultation with the***  
34 ***advisory board***, in fulfillment of the continuing education required for license renewal are:

35 (a) Programs approved by the American Association for Respiratory Care, or its successor  
36 organization.

37 (b) Education programs approved by other approved professional organizations.

38 (c) Education programs sponsored by continuing education providers approved by the  
39 [board] ***executive director, in consultation with the advisory board***.

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1           II. The [board] *executive director, in consultation with the advisory board*, is authorized to  
2 approve, disapprove, or withdraw approval from providers of respiratory care continuing education  
3 programs.

4           III. The [board] *executive director, in consultation with the advisory board*, shall establish, through  
5 rules adopted pursuant to RSA 541-A, eligibility requirements for the approval of persons and entities as  
6 providers of continuing education programs.

7           IV. The [board] *executive director, in consultation with the advisory board*, shall set standards for  
8 the approval of continuing education programs and for the approval of providers of continuing education  
9 programs, including:

10               (a) Minimum qualifications of faculty.

11               (b) Curricular topics consistent with the knowledge and skills required for the practice of  
12 respiratory care, including biological, physical, social, behavioral, and respiratory care and medical  
13 sciences.

14               (c) Administrative aspects of the program or the provider.

15       72:21 Repeal. The following are repealed:

16           I. RSA 328-F:2, IX, relative to the definition of "recreational therapy" as it relates to the  
17 organization of the governing board of allied health professionals.

18           II. RSA 328-F:2, X, relative to the definition of "respiratory care" as it relates to the organization of  
19 the governing board of allied health professionals.

20           III. RSA 328-F:4, VII, relative to the respiratory care practitioner governing board.

21           IV. RSA 328-F:4, IX, relative to the recreational therapy governing board.

22       72:22 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022  
Effective Date: July 19, 2022

