

Amendment to HB 1410-FN

1 Amend the bill by replacing all after section 7 with the following:

2
3 8 Registration of Medical Technicians. Amend the chapter name of RSA 328-I to read as
4 follows:

5 ~~[BOARD OF]~~ REGISTRATION OF MEDICAL TECHNICIANS

6 9 Registration of Medical Technicians, Definitions. Amend RSA 328-I:1, I to read as follows:

7 I. ~~["Board" means the board of registration of medical technicians.]~~ ***"Executive Director"***
8 ***means the executive director of the office of professional licensure and certification.***

9 10 Registration of Medical Technicians; Powers and Duties of the Executive Director. RSA 328-
10 I:3 is repealed and reenacted to read as follows:

11 328-I:3 Powers and Duties of the Executive Director.

12 The powers and duties of the executive director under this chapter shall include:

13 I. Accepting applications for registration pursuant to RSA 310:4.

14 II. Conducting disciplinary proceedings in accordance with RSA 310:10.

15 III. Adopting rules pursuant to RSA 328-I:4.

16 IV. Other duties necessary to carry out the purposes of this chapter in accordance with RSA
17 310.

18 11 Registration of Medical Technicians; Rulemaking. RSA 328-I:4 is repealed and reenacted to
19 read as follows:

20 328-I:4 Rulemaking.

21 The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

22 I. Registration eligibility requirements for initial, renewal, and reinstatement of
23 registration.

24 II. Adopting such rules as are necessary to carry out the purposes of this chapter in
25 accordance with RSA 310:6.

26 III. Procedures for sharing information with other in-state boards, the office inspector
27 general, department of health and human services, out-of-state boards, and law enforcement
28 entities.

29 12 Registration of Medical Technicians; Registration of Medical Technicians Required. Amend
30 RSA 328-I:5, III-V to read as follows:

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1 III. The ~~board~~ **executive director**, after hearing and upon making an affirmative finding
2 under paragraph II, that the person is engaged in unlawful practice, may take action in any one or
3 more of the following ways:

4 (a) A cease and desist order in accordance with paragraph IV.

5 (b) The imposition of an administrative fine not to exceed \$50,000.

6 (c) The imposition of an administrative fine for continuation of unlawful practice in the
7 amount of \$1,000 for each day the activity continues after notice from the ~~board~~ **executive**
8 **director** that the activity shall cease.

9 (d) The denial or conditional denial of a license application, application for renewal, or
10 application for reinstatement.

11 ***(e) The imposition of other sanctions permitted by RSA 310:12.***

12 IV. The ~~board~~ **executive director** is authorized to issue a cease and desist order against
13 any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in
14 superior court.

15 V. The attorney general, the ~~board~~ **executive director**, or the prosecuting attorney of any
16 county or municipality where the act of unlawful practice takes place may maintain an action to
17 enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall
18 not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available
19 to the ~~board~~ **executive director**.

20 13 Registration of Medical Technicians; Initial Registration; Application, Fees. Amend RSA
21 328-I:6 to read as follows:

22 328-I:6 Initial Registration; Application, Fees.

23 I. The ~~board~~ **executive director** may register any person who submits a completed
24 application and pays the established fee.

25 II. Completed applications shall include:

26 (a) Payment of the non-refundable registration fee;

27 (b) Reports of any pending criminal charges, criminal convictions, plea agreements in
28 lieu of convictions, or complaints made to or dispositions made by licensing, certification, or
29 registration boards, ***or other appropriate licensing authorities.***

30 (c) A complete set of fingerprints and a criminal history record release form pursuant to
31 RSA 328-I:7.

32 (d) The applicant's work history over the last 10 years.

33 III. All applications shall include at a minimum, the applicant's name, social security
34 number, place and date of birth, place of employment in New Hampshire and the home address and
35 shall be duly signed and verified. Applications shall be available for public inspection.

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1 IV. Upon approval of the application ~~[by the board]~~, the applicant shall be registered as a
2 medical technician for 2 years ***in accordance with RSA 310:8***. ~~[Such registration shall take effect~~
3 ~~within 90 days after the filing of such completed application.]~~

4 V. Any medical technician who changes his or her name, place or status of employment in
5 New Hampshire, or residence shall notify the ~~[board]~~ ***executive director*** in writing within 30 days.
6 For failure to report such a change within 30 days of such event, the ~~[board]~~ ***executive director*** may
7 suspend the medical technician's registration.

8 VI. Once an application has been approved ~~[by the board]~~, a temporary registration may be
9 issued, pending receipt of the criminal records check and fingerprint information.

10 14 Registration of Medical Technicians; Criminal History Record Checks. Amend RSA 328-I:7
11 to read as follows:

12 328-I:7 Criminal History Record Checks.

13 I. Every applicant for initial registration or reinstatement shall submit ~~[to the board]~~ a
14 criminal history record release form, as provided by the New Hampshire division of state police,
15 which authorizes the release of his or her criminal history record, if any, to the ~~[board]~~ ***executive***
16 ***director***.

17 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
18 qualified law enforcement agency or an authorized employee of the department of safety. In the
19 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
20 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
21 attempts, a set of fingerprints is invalid due to insufficient pattern, the ~~[board]~~ ***executive director***
22 may, in lieu of the criminal history records check, accept police clearances from every city, town, or
23 county where the person has lived during the past 5 years.

24 III. The ~~[board]~~ ***executive director*** shall submit the criminal history records release form
25 and fingerprint form to the division of state police which shall conduct a criminal history records
26 check through its records and through the Federal Bureau of Investigation. Upon completion of the
27 records check, the division of state police shall release copies of the criminal history records to the
28 ~~[board]~~ ***executive director***.

29 IV. The ~~[board]~~ ***executive director*** shall review the criminal record information prior to
30 making a registration decision and shall maintain the confidentiality of all criminal history records
31 received pursuant to this section.

32 V. The applicant shall bear the cost of a criminal history record check.

33 15 Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as
34 follows:

35 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
36 subject to renewal every 2 years ***in accordance with RSA 310:8*** and shall expire unless renewed in

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1 the manner prescribed by the ~~[board]~~ **executive director**. Certificates of registration for medical
2 technician shall be renewed upon the payment of the renewal fee.

3 16 Registration of Medical Technicians; Refusal to Issue or Renew Certificate. Amend RSA 328-
4 I:9 to read as follows:

5 328-I:9 Refusal to Issue or Renew Certificate~~[- Return of Certificate]~~.

6 ~~[I.]~~ The ~~[board]~~ **executive director** may deny the application for registration or refuse to
7 issue a renewal thereof if it is determined after hearing that such applicant or registrant:

8 ~~[(a)]~~ **I.** Has made a material false statement or concealed or omitted a material fact in
9 connection with his or her application for registration;

10 ~~[(b)]~~ **II.** Had a registration issued under this chapter suspended previously;

11 ~~[(c)]~~ **III.** Has been convicted of a felony under the laws of the United States or any state
12 or any offense involving moral turpitude;

13 ~~[(d)]~~ **IV.** Has willfully or repeatedly failed to comply with any other provision of this
14 chapter or any rules adopted by the ~~[board]~~ **executive director**; or

15 ~~[(e)]~~ **V.** Is a habitual user of drugs or intoxicants.

16 ~~[II. Upon the suspension or revocation of a certificate of registration by the board and the~~
17 ~~issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays,~~
18 ~~deliver to the board the certificate of registration. If surrendered by mail, the certificate of~~
19 ~~registration shall be sent by registered or certified mail, postmarked no later than 3 days, not~~
20 ~~including Sundays and holidays, following notice of suspension or revocation. Failure to return a~~
21 ~~certificate of registration which has been revoked or suspended hereunder within the prescribed~~
22 ~~time shall constitute a misdemeanor.]~~

23 17 Registration of Medical Technicians; Disciplinary Action; Remedial Proceedings. RSA 328-
24 I:10 is repealed and reenacted to read as follows:

25 328-I:10 Disciplinary Action; Remedial Proceedings.

26 I. The executive director is authorized to undertake investigations and disciplinary
27 proceedings upon:

28 (a) The executive director's initiative.

29 (b) A written complaint made by any person complaining that a registrant has
30 committed an act of misconduct and specifying the nature of the misconduct.

31 (c) A written complaint made by any person that a person is engaged in unauthorized
32 practice.

33 (d) Notification by a licensing or certifying agency of this state that a registrant has been
34 disciplined by that agency.

35 (e) Notification by the regulatory authority of another domestic or foreign jurisdiction
36 that a registrant has been disciplined in that jurisdiction.

37 (f) A report made pursuant to the obligation to report imposed by this chapter.

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1 II. Every facility administrator, or designee, for any licensed hospital, health clinic,
2 ambulatory surgical center, or other health care facility within the state shall report to the executive
3 director any disciplinary or action related to disruptive conduct, professional incompetence, or
4 violation of an organizational rule or procedure involving controlled substances, or any adverse
5 action which results in the termination of an employment relationship, within 30 days after such
6 action is taken, including situations in which allegations of misconduct are settled by voluntary
7 resignation without adverse action, against a person registered as a medical technician. Disciplinary
8 or adverse action shall include the requirement that a registrant undergo counseling or be subject to
9 any policy with regard to disruptive behavior.

10 III. The executive director, after hearing, may take disciplinary action against any person
11 registered by the executive director upon finding that the person:

12 (a) Has knowingly provided false information during any application for registration or
13 employment, whether by making any affirmative statement which was false at the time it was made
14 or by failing to disclose any fact material to the application.

15 (b) Is a habitual user of drugs or intoxicants.

16 (c) Has engaged in dishonest or unprofessional conduct, or has negligently or
17 intentionally injured a patient while practicing as a medical technician or performing such ancillary
18 activities.

19 (d) Has willfully or repeatedly violated any provision of this chapter or any substantive
20 rule of the executive director.

21 (e) Has been convicted of a felony under the laws of the United States or any state.

22 IV. The executive director may take non-disciplinary remedial action against any person
23 registered by the executive director upon finding that the person is afflicted with a physical or
24 mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon
25 making an affirmative finding, the executive director, may take non-disciplinary remedial action:

26 (a) By suspension, limitation, or restriction of a registration for a period of time as
27 determined reasonable by the executive director.

28 (b) By revocation of registration.

29 (c) By requiring the person to submit to the care, treatment, or observation of a
30 physician, counseling service, health care facility, professional assistance program, or any
31 combination thereof which is acceptable to the executive director.

32 (d) By requiring the person to practice under the direction of a physician in a public
33 institution, public or private health care program, or private practice for a period of time specified by
34 the executive director.

35 (e) By imposition of any sanction permitted pursuant to RSA 310:12.

36 18 Registration of Medical Technicians; Telemedicine. Amend RSA 328-I:16 to read as follows:

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1 328-I:16 Telemedicine. Medical technicians registered by the ~~[board]~~ **executive director** shall
2 be permitted to provide services through the use of telemedicine. "Telemedicine" means the use of
3 audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

4 19 Residential Care and Health Facility Licensing; Verification of Medical Technician
5 Registration. Amend RSA 151:3-d to read as follows:

6 151:3-d Verification of Medical Technician Registration. Every facility administrator, or
7 designee, for any health care facility licensed under this chapter shall verify with the **executive**
8 **director of the office of professional licensure and certification** ~~[board of registration of~~
9 ~~medical technicians established under RSA 328-I:2,]~~ prior to employing a medical technician, as
10 defined in RSA 328-I:1, VI, that such medical technician is registered ~~[with the board]~~.

11 20 Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA
12 310:2, II(jj) to read as follows:

13 (jj) ~~[Board of]~~ Registration of medical technicians under RSA 328-I.

14 21 Repeal. The following are repealed:

15 I. RSA 326-B:3, IX-XI, relative to the board of nursing.

16 II. RSA 326-B:6, relative to collection and expenditure of funds.

17 III. RSA 326-B:8, relative to fees and charges.

18 IV. RSA 326-B:21, relative to licensure by endorsement for licensed nursing assistants.

19 V. RSA 326-B:22, relative to license renewal.

20 VI. RSA 326-B:23, relative to license reinstatement.

21 VII. RSA 328-I:2, relative to the board of registration of medical technicians.

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

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2024-1849s

AMENDED ANALYSIS

This bill eliminates the board of registration of medical technicians and transfers authority over the registration of medical technicians to the office of professional licensure and certification. This bill further makes changes to the nurse practice act.