

Sen. Pearl, Dist 17
April 29, 2025
2025-1794s
09/05

Floor Amendment to HB 214-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the regulation of recreational therapists and respiratory care practitioners
4 and relative to delaying the effective dates of various new procedures for criminal
5 history records checks.
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7 Amend the bill by replacing all after section 3 with the following:

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9 4 New Sections; Respiratory Care Practice; Criminal History Record Checks and Privileged
10 Communications. Amend RSA 326-E by inserting after section 11 the following new sections:

11 326-E:12 Criminal History Record Checks.

12 I. The office of professional licensure and certification shall require from applicants for
13 initial licensure or certification, reinstatement of licensure or certification, or conditional licensure or
14 certification a criminal history record release form, as provided by the New Hampshire division of
15 state police which authorizes the release of his or her criminal history record, if any, to the executive
16 director of the office of professional licensure and certification or its designee within the office of
17 professional licensure and certification. For the purposes of this section, a designee may be the
18 office's agency counsel, administrative law judge, director of licensing and board administration,
19 licensing service representative, or board administrator.

20 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
21 qualified law enforcement agency, an authorized employee of the office of professional licensure and
22 certification, or an authorized employee of the department of safety. In the event that the first set of
23 fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in
24 order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is
25 invalid due to insufficient pattern, the office of professional licensure and certification may, in lieu of
26 the criminal history records check, accept police clearances.

27 III. The office of professional licensure and certification shall submit the criminal history
28 records release form and fingerprint form to the division of state police which shall conduct a
29 criminal history records check through its records and through the Federal Bureau of Investigation.
30 Upon completion of the records check, the division of state police shall release copies of the criminal
31 history records to the executive director of the office of professional licensure and certification or its
32 designee within the office of professional licensure and certification.

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1 IV. The executive director of the office of professional licensure and certification or its
2 designee within the office of professional licensure and certification shall review the criminal record
3 information prior to making a decision on licensure or certification, and shall maintain the
4 confidentiality of all criminal history records received pursuant to this section.

5 V. The applicant shall bear the cost of all criminal history record checks.

6 VI. The office of professional licensure and certification shall accept military security
7 clearance for an individual actively serving in any component of the Department of Defense in lieu of
8 criminal background checks.

9 VII. Pending the results of a criminal history record check, an applicant for licensure may be
10 employed in a profession of the respiratory care field on a conditional basis for up to 90 calendar
11 days before the executive director of the office of professional licensure and certification or its
12 designee within the office of professional licensure and certification receives the results of a criminal
13 history record check required for licensure, if the conditional employee:

- 14 (a) Is under the direct supervision of a licensee;
- 15 (b) Has provided a written attestation to the employer and the office that no
16 disqualifying criminal history exists; and
- 17 (c) The respiratory care practitioners board is not a member of an interstate licensure
18 compact.

19 326-E:13 Privileged Communications.

20 The confidential communications between licensed respiratory care practitioners and their
21 clients or patients is placed on the same legal basis as those between physician and patient, and
22 except as otherwise provided by law, no respiratory care practitioner shall be required to disclose
23 such privileged communications. Confidential communications between a patient or client and any
24 person working under the supervision of such practitioner that are customary and necessary for
25 diagnosis and treatment are privileged to the same extent as though those communications were
26 with the supervising licensed practitioner. This section shall not apply to investigations and
27 hearings conducted by the office or by any other agency regulating health professions in the state.

28 5 Criminal History Records Check; Effective Date Delay. Amend 2024, 366:30 to read as
29 follows:

30 366:30 Contingency. If SB 371 of the 2024 regular legislative session becomes law, section 19 of
31 this act shall not take effect and section 29 of this act shall take effect [~~June 20, 2025~~] **July 1, 2026**.
32 If SB 371 of the regular legislative session does not become law, section 19 of this bill shall take
33 effect June 30, 2025 and section 29 of this act shall not take effect.

34 6 Criminal History Record Checks; Effective Date Delay. Amend 2024, 366:31, I to read as
35 follows:

36 I. Section 2 through **7, 9, 10, 19, and 23** [~~18 and 20 through 23~~] of this act shall take effect
37 on June 30, 2025.

1 *I-a. Sections 20 and 21 of this act shall take effect June 30, 2026.*

2 *I-b. Sections 8, 11, 12 through 18, and 22 of this act shall take effect July 1, 2026.*

3 7 Effective Date.

4 I. Sections 1 and 3 of this act shall take effect 60 days after its passage.

5 II. Sections 2 and 4 of this act shall take effect July 1, 2026.

6 III. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill clarifies the rulemaking authority of the executive director of the office of professional licensure and certification (OPLC) with regards to the regulation of recreational therapists and respiratory care practitioners and adds sections relating to criminal history records checks and privileged communications to the chapters on the regulation of recreational therapists and respiratory care practitioners to be more consistent with other OPLC-related chapters. This bill further delays the effective date of the change in procedures for criminal history records checks for various professions.

This bill is at the request of the OPLC.