

#14545 (eff 3-31-26)

CHAPTER He-P 800 RESIDENTIAL CARE AND HEALTH FACILITY RULES

Statutory Authority: RSA 151:9

Readopt with amendment He-P 817, effective 11-20-25 (Document #10979), to read as follows:

PART He-P 817 COLLECTION STATION RULES

He-P 817.01 Purpose. The purpose of this part is to set forth the licensing requirements for all collection stations pursuant to RSA 151:2, I(c).

He-P 817.02 Scope. This part shall apply to any individual, agency, partnership, corporation, government entity, association, or other legal entity operating a collection station, except:

- (a) All facilities listed in RSA 151:2, II(a)-(i);
- (b) All entities which are owned or operated by the state of New Hampshire, pursuant to RSA 151:2, II(i);
- (c) All collection stations that collect specimens from humans solely for forensic purposes, pursuant to RSA 106-B:2-a;
- (d) All entities which are licensed in accordance with RSA 153-A by the New Hampshire department of safety as providers of transporting or non-transporting emergency medical care;
- (e) Entities which are currently licensed under He-P 808;
- (f) Entities which are currently licensed under He-P 806;
- (g) Entities that collect blood specimens for purposes related to the donation of blood, which are collected at blood drives or blood donation centers, or both; and
- (h) All entities that perform waived testing for the sole purpose of risk assessment and which test results are not used for the diagnosis or treatment of disease.

He-P 817.03 Definitions.

- (a) "Abuse" means any one of the following:
 - (1) "Emotional abuse" means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of patients;
 - (2) "Physical abuse" means the misuse of physical force which results or could result in physical injury to patients; or
 - (3) "Sexual abuse" means contact or interaction of a sexual nature involving patients with or without their informed consent.
- (b) "Addition" means an increase in the building area, aggregate floor area, building height, or number of stories of a structure.
- (c) "Administrative remedy" means an action imposed upon a licensee in response to non-compliance with RSA 151, He-P 817, or other licensing rules.

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(d) “Administrator” means an individual appointed by the licensee who has responsibility for all aspects of the daily operations of the collection station.

(e) “Advanced practice registered nurse (APRN)” means an individual licensed by the New Hampshire board of nursing in accordance with RSA 326-B:18 and is certified by a board-recognized national certifying body in the specialty for which the nurse was educated.

(f) “Applicant” means an individual, agency, partnership, corporation, government entity, association, or other legal entity seeking a license for the operation of a collection station pursuant to RSA 151:2, I(c).

(g) “Area of non-compliance” means any action, failure to act, or other set of circumstances that cause a licensee to be out of compliance with RSA 151, He-P 817, or other federal or state requirements.

(h) “Change of ownership” means the transfer of the controlling interest of an established collection station to any individual, agency, partnership, corporation, governmental entity, association, or other legal entity.

(i) “Clinical laboratory improvement amendments (CLIA)” means the requirements outlined at 42 CFR Part 493 which set forth the conditions that all laboratories must meet to be certified to perform testing on human specimens.

(j) “Collection station” means any building, place, or mobile collection station used for the purpose of receiving or obtaining specimens from the human body for laboratory examination.

(k) “Commissioner” means the commissioner of the New Hampshire department of health and human services, or their designee.

(l) “Controlling interest” means greater than 50% ownership interest.

(m) “Days” means calendar days unless otherwise specified in the rule.

(n) “Demonstrated competency” means the ability of the employee to demonstrate to an evaluator their ability to complete the required task in a way that reflects the minimum standard to achieve a certificate of completion of course material or a post-test to the training provided, or other demonstrations of competency as deemed appropriate by the administrator of the collection station.

(o) “Department” means the New Hampshire department of health and human services.

(p) “Direct access testing” means consumer initiated testing of human specimens ordered by an individual without a prior consultation with a licensed provider or a licensed practitioner’s request for testing.

(q) “Directed plan of correction (directed POC)” means a plan developed and written by the department that specifies the necessary actions the licensee must take to correct identified areas of non-compliance.

(r) “Emergency” means an unexpected occurrence or set of circumstances, which requires immediate, remedial attention.

(s) “Emergency plan” means a document outlining the responsibilities of personnel in an emergency.

(t) “Employee” means anyone employed by the collection station and for whom the collection station has direct supervisory authority.

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(u) “Enforcement action” means the imposition of an administrative fine, warning, the denial of an application, or the revocation or suspension of a license in response to non-compliance with RSA 151 or He-P 817.

(v) “Equipment” means any plumbing, heating, electrical, ventilating, air-conditioning, refrigerating, and fire protection equipment, and any elevators, dumbwaiters, escalators, boilers, pressure vessels, or other mechanical facilities or installations related to building services, not to include portable refrigerators. This term includes “fixtures”.

(w) “Exploitation” means the illegal use of a patient’s person or property for another person’s profit or advantage, or the breach of a fiduciary relationship through the use of a person or person’s property for any purpose not in the proper and lawful execution of a trust, including, but not limited to, situations where a person obtains money, property, or services from a patient through the use of undue influence, harassment, duress, deception, or fraud.

(x) “Facility” means “facility” as defined in RSA 151:19, II.

(y) “Good cause” means any circumstances beyond a person’s control, that the department considers to be circumstances that prevents that person from taking some required action, including:

- (1) A death in the person’s immediate family;
- (2) Personal injury or serious illness of the person or an immediate family member; or
- (3) Another compelling reason or justification.

(z) “Independent contractor” means an individual or business entity working under the supervision of the licensee but not employed by the licensee.

(aa) “Infectious waste” means those items specified by Env-Sw 103.32 and as described in Env-Sw 904.

(ab) “In-service” means an educational program, which is designed to increase the knowledge, skills, and overall effectiveness of personnel.

(ac) “Inspection” means the process used by the department to determine an applicant’s or a licensee’s compliance with RSA 151 and He-P 817, and all other federal and state requirements, or to respond to allegations of non-compliance with RSA 151 and He-P 817.

(ad) “Laboratory” means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease.

(ae) “License” means the document issued to an applicant or licensee which authorizes operation in accordance with RSA 151 and He-P 817, and includes the name of the licensee, the name of the business, the physical address, the licensing category, the effective date, the name of the administrator, the type(s) of services authorized, and license number.

(af) “Licensed practitioner” means a:

- (1) Medical doctor;
- (2) Physician’s associate;

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- (3) Advanced practice registered nurse (APRN);
- (4) Doctor of osteopathy;
- (5) Doctor of naturopathic medicine; or
- (6) Any other professional licensed by law with prescriptive powers.

(ag) “Licensed premises” means the physical location where services pursuant to He-P 817 are provided, including:

- (1) The building or buildings at a site specific address; or
- (2) A mobile vehicle that is registered to a site specific address.

(ah) “Licensee” means any person or other legal entity to which a license has been issued pursuant to RSA 151.

(ai) “Licensing classification” means the specific category of services authorized by a license.

(aj) “Life safety code” means the adoption by reference of the life safety code, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5.

(aj) “Mobile collection station van” means a vehicle capable of traveling under its own power or being towed from site to site and which is fully equipped to meet all the requirements specified in section He-P 817.21.

(ak) “Modification” means the reconfiguration of any space, the addition, relocation, or elimination of any door or window, the addition or elimination of load-bearing elements, the reconfiguration or extension of any system, or the installation of any additional equipment. The term does not include “repair” or “replacement” of interior finishes.

(al) “Neglect” means an act or omission, which results, or could result, in the deprivation of essential services necessary to maintain the mental, emotional, or physical health and safety of a patient.

(am) “Notice to correct” means a report issued pursuant to RSA 151:6-a, II, following a life safety code inspection when a facility is found to be out of compliance with applicable life safety codes.

(an) “Orders” means an electronic or written document, or a verbal direction, by a licensed practitioner for medications, treatments, recommendations, and referrals, and signed or ordered by the licensed practitioner using terms such as authorized by, authenticated by, approved by, reviewed by, or any other term that denotes approval by the licensed practitioner.

(ao) “Owner” means any individual, agency, partnership, corporation, governmental agency, association, or any other legal entity, whether organized for profit or not, holding or claiming ownership of, or title to, a licensed collection center.

(ap) “Patient” means any person admitted to or in any way receiving care, services, or both from a collection station licensed in accordance with RSA 151 and He-P 817.

(aq) “Patient record” means the documentation of all care and services provided to, or received by, a patient, which includes all documentation required by RSA 151 and He-P 817 and as required by federal and state requirements.

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(ar) “Patient rights” means “patient rights” as defined in RSA 151:19, VI namely, “those rights established under RSA 151:21 or RSA 151:21-b, as applicable”.

(as) “Performance-based design” means an engineering approach to fire protection design and construction based on:

- (1) Established fire safety goals and objectives;
- (2) Deterministic and probabilistic analysis of fire scenarios; and
- (3) Quantitative assessment of design alternatives against the fire safety goals and objectives using accepted engineering tools, methodologies, and performance criteria.

(at) “Personnel” means individual(s), either paid or volunteer, including independent contractors, who provide services to a patient.

(au) “Physician” means medical doctor or doctor of osteopathy licensed in the state of New Hampshire pursuant to RSA 329 or a doctor of naturopathic medicine licensed in accordance with RSA 328-E.

(av) “Plan of correction (POC)” means a plan developed and written by the licensee, which specifies the actions that will be taken to correct non-compliance with applicable rules or codes identified at the time of a clinical or life safety inspection conducted pursuant to RSA 151:6-a or during the course of a complaint investigation conducted pursuant to RSA 151:6.

(aw) “Point of care devices” means testing involving a system of devices used to obtain medical, diagnostic results, including but not limited to:

- (1) A lancing or finger stick device to obtain a blood specimen;
- (2) A test strip or reagents to apply a specimen for testing; or
- (3) A meter or monitor to calculate and show the results, including but not limited to:
 - a. Blood glucose meters, also called “glucometers”;
 - b. Prothrombin Time (PT) and International Normalized Ratio (INR) anticoagulation meters; or
 - c. A cholesterol meter.

(ax) “Procedure” means a licensee’s written, standardized method of performing duties and providing services.

(ay) “Qualification” means education, experience, and skill requirements specified by the federal government, state government, an accredited professional review agency, or by policy of the licensee.

(az) “Qualified personnel” means personnel that have been trained and have demonstrated competency to adequately perform the tasks which they are assigned, including but not limited to nursing staff, clinical staff, and housekeeping staff trained in infection control.

(ba) “Reconstruction” means the reconfiguration of a space that affects an exit or a corridor shared by more than one occupant space, or the reconfiguration of a space such that the rehabilitation work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained.

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(bb) “Renovation” means the replacement in kind, strengthening, or upgrading of building elements, materials, equipment, or fixtures that do not result in a reconfiguration of the building spaces within.

(bc) “Repair” means the patching, restoration, or painting of materials, elements, equipment, or fixtures for the purpose of maintaining such materials, elements, equipment, or fixtures in good or sound condition.

(bd) “Reportable incident” means an occurrence of any of the following while the patient is either in the collection station or in the care of collection station personnel:

- (1) The unanticipated death of a patient;
- (2) The unexplained absence of a patient from the licensed premises who is determined to be a danger to themselves or others;
- (3) Circumstances that resulted in the notification or involvement of law enforcement or safety officials; and
- (4) An injury that requires examination or treatment by a licensed practitioner.

(be) “Specimen” means a portion of tissue, body fluid, or material from a human body.

(bf) “State building code” means “state building code” as defined in RSA 155-A:1, IV.

(bg) “State fire code” means “state fire code” as defined in RSA 153:1, VI-a.

(bh) “State monitoring” means the placement of individuals by the department at a collection station to monitor the operation and conditions of the facility.

(bi) “Statement of findings” means a document issued by the department following an inspection or investigation identifying areas in which the licensee is not in compliance with He-P 817 or RSA 151 and which sets forth the evidence that supports the findings of noncompliance.

(bj) “Volunteer” means an unpaid person who assists with the provision of services, and who does not provide direct care or assist with direct care. This term does not include “visitors”.

He-P 817.04 License Application Requirements.

(a) Each applicant for a license shall comply with the requirements of RSA 151:4, I–III-a, and submit the following to the department:

- (1) A completed application form entitled “Application for Residential and or Health Care License (Laboratories and Collecting Stations)” (March 2026), signed by the owner if a private facility, 2 officers if a corporation, 2 authorized individuals if an association or partnership, or the head of the government department if a government unit, affirming the following:

“I affirm that I am familiar with the requirements of RSA 151 and the rules adopted thereunder and that the premises are in full compliance. I understand that providing false information shall be grounds for denial, suspension, or revocation of a license, or imposition of a fine.”

- (2) A floor plan of the prospective collection station;
- (3) If applicable, proof of authorization from the New Hampshire secretary of state to do business in New Hampshire in the form of one of the following:

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- a. "Certificate of Authority," if a corporation;
- b. "Certificate of Formation," if a limited liability company; or
- c. "Certificate of Trade Name," where applicable;

- (4) The applicable fee, in accordance with RSA 151:5, XIX, payable in cash or, if paid by check or money order, in the exact amount of the fee, made payable to the "Treasurer of the State of New Hampshire";
- (5) A resume identifying the qualifications and copies of applicable licenses for the collection station administrator;
- (6) Written local approvals as follows:
- a. For an existing building, the following written local approvals shall be obtained no more than 90 days prior to submission of the application from the following local officials, or if there is no such official(s), from the board of selectmen or mayor:
 - 1. The health officer verifying that the applicant complies with all applicable local health requirements and drinking water and wastewater requirements;
 - 2. The building official verifying that the applicant complies with all applicable state building codes and local building ordinances;
 - 3. The zoning officer verifying that the applicant complies with all applicable local zoning ordinances; and
 - 4. The fire chief verifying that the applicant complies with the state fire code, including the business chapter of NFPA 101 as adopted by the department of safety, and local fire ordinances applicable for a collection station; and
 - b. For a building under construction, the written approvals required by a. above shall be submitted at the time of the application based on the local official's review of the building plans and again upon completion of the construction project;
- (7) If the collection station uses a private water supply, documentation that the water supply has been tested in accordance with RSA 485, Env-Dw 702.02, and Env-Dw 704.02 or if a public water supply, a copy of a water bill;
- (8) The results of a criminal records check for the applicant, the licensee, if different than the applicant, and the administrator, as applicable. The results shall include criminal history from the state of New Hampshire;
- (9) A copy of the non-conviction attestation as described in He-P 817.17 for the administrator;
- (10) Any waiver requests, if applicable; and
- (11) If the initial application is due to a change of ownership, a list of all employees who have previously been granted waivers for criminal background check results from the department.
- (b) The applicant shall mail or hand deliver the documents in (a) above to:

Department of Health and Human Services
Health Facilities Administration

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129 Pleasant Street
Concord, NH 03301

He-P 817.05 Processing of Applications and Issuance of Licenses.

(a) An application for an initial license shall be deemed to be complete when the department determines that all items required by He-P 817.04(a), or He-P 817.21 for mobile collection station vans, have been received.

(b) If an application does not contain all of the items required by He-P 817.04(a) or He-P 817.21, the department shall notify the applicant in writing of the items required to be submitted before the application can be processed.

(c) Any licensing fee submitted to the department in the form of a check or money order and returned to the state for any reason, shall be processed in accordance with RSA 6:11-a.

(d) Licensing fees shall not be transferable to any other application(s).

(e) Unless a waiver has been granted under He-P 817.17, the department shall deny a licensing request in accordance with He-P 817.04, when it determines that the applicant, licensee, or administrator:

(1) Has been convicted of any felony in this or any other state;

(2) Has been convicted of a sexual assault, assault, abuse, other violent crimes, fraud, theft, neglect, or exploitation in this or any other state;

(3) Has had a finding by the department or any administrative agency in this or any other state for assault, fraud, abuse, neglect, or exploitation of any person; or

(4) Otherwise poses a threat to the health, safety, or well-being of patients.

(f) Following both a clinical and life safety inspection, a license shall be issued if the department determines that an applicant requesting an initial license is in full compliance with RSA 151 and He-P 817.

(g) All licenses issued in accordance with RSA 151 shall be non-transferable, including licenses issued for mobile collection station vans.

(h) A written notification of denial, pursuant to He-P 817.13, shall be sent to an applicant applying for an initial license if it has been determined by the inspections in (f) above and a maximum of 2 follow-up inspections that the prospective premises are not in full compliance with RSA 151 and He-P 817.

(i) A written notification of denial, pursuant to He-P 817.13, shall be sent to an applicant applying for an initial license if the department has received no communication from the applicant within 3 months of sending written notification to the applicant that their application is complete and an inspection needs to be scheduled.

He-P 817.06 License Expirations and Procedures for Renewals.

(a) A license shall be valid on the date of issuance and expire the following year on the last day of the month in which it was issued, unless a completed application for renewal has been received.

(b) Each licensee shall complete and submit to the department an application form pursuant to He-P 817.04(a)(1) at least 120 days prior to the expiration of the current license and include:

(1) The current license number;

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- (2) The licensing fee, prescribed by RSA 151:5, XIX;
- (3) A request for renewal of any existing non-permanent waiver previously granted by the department, in accordance with He-P 817.10, if applicable;
- (4) A list of any current employees who have a permanent waiver granted in accordance with He-P 817.17; and
- (5) A copy of any temporary, new, or existing non-permanent variances or waivers applied for or granted by the state fire marshal, in accordance with RSA 153:5.

(c) In addition to (b) above, if a private water supply is used, the licensee shall provide documentation that every 3 years the water supply has been tested for bacteria and nitrates and determined to be at acceptable levels, in accordance with Env-Dw 702.02 for bacteria and Env-Dw 704.02 for nitrates.

(d) Following an inspection as described in He-P 817.09, a license renewal shall be issued if the department determines that the licensee:

- (1) Has submitted an application containing all the items required by (b) and (c) above, prior to the expiration of the current license; and
- (2) Is found to be in compliance with RSA 151 and He-P 817, and all the federal requirements, at the renewal inspections, or has submitted a POC that has been accepted by the department and implemented by the licensee if areas of non-compliance were cited.

(e) Any licensee who does not submit a complete application for renewal prior to the expiration of an existing license and does not intend to cease operation shall be required to submit an application for initial license pursuant to He-P 817.04 and shall be subject to a fine in accordance with He-P 817.13.

He-P 817.07 Collection Station Construction, Modifications, or Structural Alterations.

(a) As required by RSA 151:6, II any licensee or applicant desiring to make renovations, modifications, reconstruction, and additions to its facilities or to construct new facilities shall submit architectural plans and specifications to the NH division of fire safety, state fire marshal's office 60 days prior to commencing such work.

(b) As required by RSA 153:10-b, V, sprinkler and fire alarm plans shall be submitted to the NH division of safety, state fire marshal's office and no device shall be installed until it has been approved by the NH division of fire safety, state fire marshal's office.

(c) The architectural, sprinkler, and fire alarm plans in (a) and (b) above shall accurately show the room designation(s) and exact measurements of each area to be licensed, including but not limited to window and door sizes and each room's use.

(d) New construction, renovations, modifications, reconstruction, and additions initiated prior to receiving NH state fire marshal's office approval shall be done at the licensee's or applicant's own risk.

(e) Any licensee or applicant who wants to use performance-based design to meet the fire safety requirements shall provide the department with documentation of fire marshal approval for such methods.

(f) A licensee or applicant undertaking new construction, renovations, modifications, reconstruction, and additions to its facility shall comply with the appropriate chapters and sections of the state fire code, state building code, state laws and rules, and local ordinances.

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(g) Variances to the state fire code shall be granted by the state fire marshal under the process outlined in Saf-C 6005.

(h) All newly constructed or rehabilitated facilities shall comply with the Facility Guidelines Institute's (FGI) "Guidelines for Design and Construction of Outpatient Facilities" (2022 edition), as applicable, available as noted in Appendix A.

(i) Exceptions to the FGI guidelines above shall be granted by the state fire marshal.

(j) Penetrations, holes, or other openings in fire walls, fire partitions, smoke barriers, floors, and ceilings that allow the transfer of fire, heat, or smoke shall be closed and sealed using a listed or approved fire system that provides an equivalent rating as provided by the original surface.

(k) All new construction and rehabilitated spaces shall be subject to an inspection pursuant to He-P 817.09 prior to its use.

(l) This section shall not apply to mobile collection station vans.

He-P 817.08 Collection Station Requirements for Organizational Changes.

(a) The collection station shall provide the department with written notice at least 30 days prior to changes in any of the following:

- (1) Ownership;
- (2) Physical location;
- (3) Address;
- (4) Name; or
- (5) Services.

(b) The collection station shall complete and submit a new application and obtain a revised license, prior to operating, for:

- (1) A change in ownership;
- (2) A change in the physical location; or
- (3) A change in services, if applicable.

(c) When there is a change in address without a change in location the collection station shall provide the department with a copy of the notification from the local, state, or federal agency that requires the address change.

(d) When there is a change in the name, the collection station shall submit to the department a copy of the certificate of amendment from the New Hampshire secretary of state, if applicable.

(e) When there is to be a change in the services provided, prior to making any changes to the services provided or adding additional services, the collection station shall provide the department with a description of the service change or additional services and, where applicable, identify what additional personnel will be hired and their qualifications, how the new services will be incorporated into the infection control and quality improvement programs, and describe what changes, if any, will be made to the physical environment.

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(f) The department shall review the information submitted under (e) above and determine if the change in services or added services can be provided under the collection station's current license.

(g) An inspection by the department shall be conducted prior to operation for changes in the following:

- (1) Ownership, unless the current licensee is in full compliance, in which case an inspection will be conducted as soon as practical by the department;
- (2) The physical location, including suite changes, except for a mobile collection station vehicle;
- (3) A change in licensing classification; or
- (4) A change that places the facility under a different life safety code occupancy chapter.

(h) A new license shall be issued for a change in ownership, classification, or physical location.

(i) A revised license shall be issued for any of the following:

- (1) A change in name;
- (2) A change of administrator;
- (3) A change in the scope of services provided;
- (4) A change in address without a change in physical location; or
- (5) When a waiver has been granted.

(j) The collection station shall inform the department in writing when there is a change in administrator no later than 5 days prior to a change, or as soon as practicable in the event of a death or other extenuating circumstances requiring an administrator change, and provide the department with the following:

- (1) A resume identifying the name and qualifications of the new administrator;
- (2) Copies of applicable licenses for the new administrator;
- (3) The results of a criminal background check for the new administrator which shall include criminal history from the state of New Hampshire;
- (4) A copy of the non-conviction criminal attestation as described in He-P 817.17; and
- (5) The result of a bureau of adult and aging services (BAAS) registry check from BAAS for the new administrator.

(k) Upon review of the materials submitted in accordance with (j) above, the department shall make a determination as to whether the new administrator meets the qualifications for the position as specified in He-P 817.17.

(l) If the department determines that the new administrator does not meet the qualifications, it shall notify the licensee in writing so that a waiver can be sought or the program can search for a qualified candidate.

(m) The licensee shall inform the department in writing via e-mail, fax, or mail of any change in the e-mail address as soon as practicable and in no case later than 10 days of the change. The department shall use e-mail as the primary method of contacting the licensee in the event of an emergency.

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(n) A restructuring of an established collection station that does not result in a transfer of the controlling interest of the collection station, but which might result in a change in the name of the collection station or corporation, shall not constitute a change in ownership and a new license shall not be required.

(o) If a licensee chooses to cease operation of a collection station, the licensee shall submit written notification to the department at least 60 days in advance which shall include a written closure plan.

He-P 817.09 Inspections.

(a) For the purpose of determining compliance with RSA 151 and He-P 817, as authorized by RSA 151:6 and RSA 151:6-a, the licensee shall admit and allow any department representative at any time to inspect the following:

- (1) The proposed or licensed premises;
- (2) All programs and services provided by the collection station; and
- (3) Any records required by RSA 151 and He-P 817.

(b) The department shall conduct a clinical inspection and life safety code inspection, as necessary, to determine full compliance with RSA 151 and He-P 817 prior to:

- (1) The issuance of an initial license;
- (2) A change in ownership, except as allowed in He-P 817.08;
- (3) A change in the licensee's physical location, except for mobile collection station vans;
- (4) A change in the licensing classification;
- (5) The renewal of a collection station license;
- (6) The issuance of a mobile collection station van license; or
- (7) Occupation of space after construction, modifications, or structural alterations.

(c) In addition to (b) above, the department shall conduct an inspection to verify the implementation of any POC accepted or issued by the department as part of an annual inspection, or as a follow-up inspection focused on confirming the implementation of a POC.

(d) A statement of findings for clinical inspections or a notice to correct for life safety code inspections shall be issued when, as a result of any inspection, the department determines that the collection station is in violation of any of the provisions of He-P 817, RSA 151, or other federal or state requirement(s).

(e) If areas of non-compliance were cited in either a notice to correct or a statement of findings, the licensee shall submit a POC, in accordance with He-P 817.12, within 21 days of the date on the letter that transmits the statement of findings or notice to correct.

(f) Personnel, patient, and facility records that are stored off site shall be available for inspection at the licensed premises upon request of the department within 30 minutes of being requested.

He-P 817.10 Waivers.

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(a) Applicants or licensees seeking waivers of specific rules in He-P 817 shall submit a written request for a waiver to the commissioner that includes:

- (1) The specific reference to the rule for which a waiver is being sought;
- (2) A full explanation of why a waiver is necessary;
- (3) A full explanation of alternatives proposed by the applicant or licensee, which shall be equally as protective of public health and patients as the rule from which a waiver is sought, or provide a reasonable explanation why the applicable rule should be waived; and
- (4) The period of time for which the waiver is sought if the waiver request is not for a permanent waiver.

(b) A waiver shall be permanent unless the department specifically places a time limit on the waiver.

(c) A request for waiver shall be granted if the commissioner determines that the alternative proposed by the applicant or licensee:

- (1) Meets the objective or intent of the rule;
- (2) Does not negatively impact the health, safety, or well-being of the patients; and
- (3) Does not affect the quality of patient services.

(d) The licensee's subsequent compliance with the alternatives approved in the waiver shall be considered equivalent to complying with the rule from which waiver was sought.

(e) Waivers shall not be transferable.

(f) When a licensee wishes to renew a non-permanent waiver beyond the approved period of time, the licensee shall apply for a new waiver with the renewal application or at least 60 days prior to the expiration of the existing waiver by submitting the information required by (a) above.

(g) If the request in (f) above is not received with the renewal application or at least 60 days prior to the expiration of the existing waiver, the rule(s) for which the waiver was previously requested shall not continue to be waived beyond the expiration of the current license.

(h) The request to renew a waiver shall be subject to (b) through (g) above.

He-P 817.11 Complaints and Investigations.

(a) The department shall investigate any complaint that meets the following conditions:

- (1) The alleged violation(s) occurred not more than 6 months prior to the date the department was made aware of the allegation(s);
- (2) The complaint is based upon the complainant's first-hand knowledge regarding the allegation(s) or on information reported directly to the complainant by a person who has first-hand knowledge regarding the allegation(s); and
- (3) There is sufficient specific information for the department to determine that the allegation(s), if proven to be true, would constitute a violation of any of the provisions of RSA 151 or He-P 817.

(b) When practicable, the complaint shall be in writing and contain the following information:

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- (1) The name and address of the collection station, or the alleged unlicensed individual or entity;
 - (2) The name, address, and telephone number of the complainant; and
 - (3) A description of the situation that supports the complaint and the alleged violation(s) of RSA 151 or He-P 817.
- (c) Investigations shall include all techniques and methods for gathering information which are appropriate to the circumstances of the complaint, including, but not limited to:
- (1) Requests for additional information from the complainant or licensee;
 - (2) A physical inspection of the premises;
 - (3) Review of any relevant records; and
 - (4) Interviews with individuals who might have information that is relevant to the investigation.
- (d) For a licensed collection station, the department shall:
- (1) Provide written notification of the results of the investigation to the licensee along with the statement of findings or notice to correct if areas of non-compliance were found as a result of the investigation;
 - (2) Notify any other federal, state, or local agencies of suspected violations of their statutes or rules based on the results of the investigation, as appropriate;
 - (3) Notify the licensee in writing and take no further action if the department determines that the complaint is unfounded, under (a) above, or does not violate any statutes, rules, or regulations; and
 - (4) Require the licensee to submit a POC in accordance with He-P 817.12 if areas of noncompliance were found as a result of the investigation.
- (e) The following shall apply for the unlicensed individual or entity:
- (1) In accordance with RSA 151:7-a, II the department shall provide written notification to the owner or person responsible that includes:
 - a. The date of investigation;
 - b. The reasons for the investigation; and
 - c. Whether or not the investigation resulted in a determination that the services being provided require licensing under RSA 151:2, I(c);
 - (2) In accordance with RSA 151:7-a, II, the owner or person responsible shall have 7 days from the date of receipt of the notice required by (e)(1) above to submit a written response to the findings or submit a completed application pursuant to He-P 817.04 prior to the department's issuance of a warning;
 - (3) In accordance with RSA 151:7-a, I, the department shall issue a written warning, following an investigation conducted under RSA 151:6 or an inspection under RSA 151:6-a, to the owner or person responsible, requiring compliance with RSA 151 and He-P 817 if the owner of an unlicensed collection station does not comply with (2) above, or if the department does not agree with the owner's written response to the findings;

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(4) The warning in (e)(3) above, shall include:

- a. The time frame within which the owner or person responsible shall comply with the directives of the warning;
- b. The final date by which the action or actions requiring licensure shall cease or by which an application for licensure shall be received by the department before the department initiates any legal action available to it to cease the operation of the collection station; and
- c. The right of the owner or person responsible to appeal the warning under RSA 151:7-a, III, which shall be conducted in accordance with RSA 151:8 and RSA 541-A:30, III, as applicable; and

(5) Any person or entity who fails to comply after receiving a warning as described in (e)(3) above, shall be subject to an action by the department for injunctive relief under RSA 151:17 and an administrative fine pursuant to He-P 817.13.

(f) Complaint investigation files shall be confidential in accordance with RSA 151:13, and shall not be disclosed publicly, but shall be released by the department on written request only:

- (1) To the department of justice when relevant to a specific investigation;
- (2) To law enforcement when relevant to a specific criminal investigation;
- (3) When a court of competent jurisdiction orders the department to release such information; or
- (4) In connection with an adjudicative proceeding relative to the licensee.

He-P 817.12 Administrative Remedies.

(a) The department shall impose administrative remedies for violations of RSA 151, He-P 817, or other applicable licensing rules, including:

- (1) Requiring a licensee to submit a POC in accordance with (c) below;
- (2) Imposing a directed POC upon a licensee in accordance with (d) below;
- (3) Imposing conditions upon a licensee;
- (4) Imposing fines upon an unlicensed individual, an applicant, or a licensee in accordance with (e) below; or
- (5) Monitoring of a license.

(b) When administrative remedies are imposed, the department shall provide written notice, as applicable, which:

- (1) Identifies each area in which the licensee is not in compliance with RSA 151 or a provision of these rules; and
- (2) Identifies the specific remedy(s) that has been proposed.

(c) A POC shall be developed and enforced in the following manner:

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- (1) Upon receipt of a statement of findings, or a notice to correct, the licensee shall submit its POC for each item detailing:
 - a. How the licensee intends to correct each area of non-compliance;
 - b. What measures will be put in place, or what system changes will be made to ensure that the area(s) of non-compliance does not recur, to include how the measures will be evaluated for effectiveness;
 - c. The date by which each area of non-compliance shall be corrected; and
 - d. The position of the employee responsible for the corrective action;
- (2) The licensee shall submit a POC to the department within 21 days of the date on the letter that transmitted the inspection or investigation report unless the licensee requests, either verbally or in writing, and the department agrees, to extend that deadline, based on the following criteria:
 - a. The licensee demonstrates that they have made a good faith effort, as verified by documentation or other means, to develop and submit the POC within the 21 day period but has been unable to do so; and
 - b. The department determines that the health, safety, or well-being of patients will not be jeopardized as a result of granting the extension;
- (3) The department shall review and accept each POC that:
 - a. Achieves compliance with RSA 151 and He-P 817;
 - b. Addresses all areas of non-compliance as cited in the statement of findings or notice to correct;
 - c. Prevents a new violation of RSA 151 or He-P 817 as a result of the implementation of the POC; and
 - d. Specifies the date upon which the deficiencies will be corrected;
- (4) If the POC is acceptable, the department shall issue a license or provide written notification of acceptance of the POC, whichever is applicable;
- (5) If the POC is not acceptable the department shall notify the licensee in writing within 14 days of the reason for rejecting the POC;
- (6) The licensee shall develop and submit a revised POC within 14 days of the date of the written notification from the department that states the original POC was rejected unless, within the 14 day period, the licensee requests an extension, via telephone or in writing, and the department grants the extension, based on the following criteria:
 - a. The licensee demonstrates that they have made a good faith effort, as verified by documentation or other means, to develop and submit the POC within the 14 day period but has been unable to do so; and
 - b. The department determines that the health, safety, or well-being of a patient will not be jeopardized as a result of granting the extension;

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- (7) The revised POC shall comply with (c)(1) above and be reviewed in accordance with (c)(3) above;
- (8) If the revised POC is not acceptable to the department, or is not submitted within 14 days of the date of the written notification from the department that states the original POC was rejected, the licensee shall be subject to a directed POC in accordance with (d) below and a fine in accordance with He-P 817.13;
- (9) The department shall verify the implementation of any POC that has been submitted and accepted by:
- a. Reviewing materials submitted by the licensee;
 - b. Conducting an on-site follow-up inspection; or
 - c. Reviewing compliance during the next inspection;
- (10) Verification of the implementation of any POC shall only occur after the date of completion specified by the licensee in the plan; and
- (11) If the POC or revised POC has not been implemented by the completion date at the time of the next inspection, the licensee shall be:
- a. Notified by the department in accordance with He-P 817.12(b) above; and
 - b. Issue a directed POC in accordance with (d) below and shall be subject to a fine, as appropriate, in accordance with He-P 817.13.
- (d) The department shall develop and impose a directed POC that specifies corrective actions for the applicant or licensee to implement when:
- (1) As a result of an inspection, areas of noncompliance were identified that require immediate corrective action to protect the health and safety of the patients and personnel;
 - (2) A revised POC is not submitted within 14 days of the written notification from the department or such other date as applicable, if an extension was granted by the department; or
 - (3) A revised POC submitted by the licensee has not been accepted.
- (e) If at the time of the next inspection the directed POC referenced in (d) above has not been implemented by the completion date stated in the directed POC, the department shall, as appropriate:
- (1) Issue a warning that enforcement action will be taken if the POC is not implemented;
 - (2) Impose a fine in accordance with He-P 817.13;
 - (3) Deny the application for a renewal of a license in accordance with He-P 817.13; or
 - (4) Revoke or suspend the license in accordance with He-P 817.13.
- (f) The department shall offer an opportunity for informal dispute resolution to any applicant or licensee who disagrees with an area or areas of non-compliance cited by the department on a statement of findings, provided that the applicant or licensee submits a written request for an informal dispute resolution.
- (g) The informal dispute resolution shall be requested in writing by the applicant, licensee, or administrator no later than 14 days from the date the statement of findings was issued by the department.

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(h) The department shall change the statement of findings if, based on the evidence presented, the statement of findings is determined to be incorrect. The department shall provide a written notice to the applicant or licensee of the determination.

(i) The deadline to submit a POC in accordance with (c) above shall not apply until the notice of the determination in (h) above has been provided to the applicant or licensee.

(j) Any violations cited for the state fire code may be appealed to the New Hampshire state fire marshal and shall not be the subject of informal dispute resolutions as described in this section.

(k) An informal dispute resolution shall not be available for any applicant or licensee against whom the department has imposed an administrative fine or initiated action to suspend, revoke, deny, or refuse to issue or renew a license.

(l) The department shall impose state monitoring under the following conditions:

(1) Repeated non-compliance on the part of the facility in areas that impact health, safety, or well-being of patients;

(2) The presence of conditions in the facility that negatively impact the health, safety, or well-being of patients; or

(3) Concern that the facility is not ending the pattern of citations for violations of licensing rules and coming into compliance with those rules.

He-P 817.13 Enforcement Actions and Hearings.

(a) As specified in this section, the department shall take the following enforcement actions for violation of RSA 151, He-P 817, or other applicable licensing rules:

(1) Issue a warning;

(2) Impose a fine in accordance with (d) below;

(3) Deny the application for a renewal of a license in accordance with (c) below;

(4) Immediately suspend a license; or

(5) Revoke the license in accordance with (c) below.

(b) Prior to taking action against an applicant or licensee, the department shall send to the applicant or licensee a written notice that sets forth:

(1) The reasons for the proposed action;

(2) The action to be taken by the department;

(3) If a fine is imposed, the automatic reduction of a fine by 25% if the fine is paid within 10 days of the date on the written notice from the department and the area(s) of non-compliance has been corrected, or a POC has been accepted and approved by the department; and

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- (4) The right of an applicant or licensee to an administrative hearing in accordance with RSA 151:8 or RSA 541-A:30, III, as applicable, before the enforcement action becomes final.
- (c) The department shall deny an application or revoke a license if:
- (1) An applicant or licensee is in violation of RSA 151 or He-P 817 which poses a threat to a patient's health, safety, or well-being;
 - (2) An applicant or a licensee has failed to pay an administrative fine imposed by the department;
 - (3) An applicant or a licensee has had a check returned to the department for insufficient funds and has not re-submitted the outstanding fee in the form of cash, money order, or certified check;
 - (4) After being notified of and given an opportunity to supply missing information, an applicant or licensee fails to submit an application that meets the requirements of He-P 817.04;
 - (5) An applicant, licensee, or any representative or employee of the applicant or licensee:
 - a. Provides false or misleading information to the department;
 - b. Prevents, interferes, or fails to cooperate with any inspection or investigation conducted by the department; or
 - c. Fails to provide requested files or documents to the department;
 - (6) A licensee failed to implement or continue to implement a POC that has been accepted or imposed by the department in accordance with He-P 817.12(c) or (d);
 - (7) A licensee has submitted a POC that has not been accepted by the department in accordance with He-P 817.12 and has not submitted a revised POC as required by He-P 817.12;
 - (8) The licensee is cited a third time under RSA 151 or He-P 817 for the same violation within the last 5 inspections;
 - (9) A licensee, or its corporate officers or board members, has had a license revoked and submits an application during the 5 year prohibition period as specified in (i) and (j) below;
 - (10) Unless a waiver has been granted, the department makes a determination that the applicant, licensee, or administrator has been found guilty of or plead guilty to a felony assault, theft, fraud, abuse, neglect, or exploitation of any person, in this or any other state, or had an investigation for abuse, neglect, or exploitation adjudicated and founded by the department or any administrative agency in this or any other state;
 - (11) The applicant or licensee employs an administrator who does not meet the qualifications for the position under circumstances in which the department has not granted a waiver; or
 - (12) The applicant has had a license revoked by any division or unit of the department within 5 years prior to the application.
- (d) The department shall impose fines as follows:
- (1) For failure to cease providing unlicensed services after being notified by the department of the need for a license, in violation of RSA 151:2, the fine for an unlicensed provider or a licensee shall be \$2000.00;

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- (2) For failure to cease operation after a denial of a license or after receipt of an order to cease and desist immediately, in violation of RSA 151:2 and RSA 541-A:30, the fine for an applicant, unlicensed provider, or a licensee shall be \$2000.00;
- (3) For advertising services or otherwise representing themselves as having a license to provide services that the licensee is not licensed to provide, in violation of RSA 151:2, III, the fine for an unlicensed provider or a licensee shall be \$500.00;
- (4) For failure to comply with the directives of a warning issued by the department, in violation of RSA 151:7-a, the fine for an unlicensed provider or a licensee shall be \$500.00;
- (5) For failure to submit a renewal application for a license prior to the expiration date, in violation of He-P 817.06, the fine for a licensee shall be \$100.00;
- (6) For failure to notify the department prior to a change of ownership, in violation of He-P 817.08, the fine for a licensee shall be \$500.00;
- (7) For failure to notify the department, prior to a change of physical location, in violation of He-P 817.08, the fine for a licensee shall be \$500.00;
- (8) For a failure to notify the department of a change in e-mail address, in violation of He-P 812.08, the fine shall be \$100.00;
- (9) For a failure to notify the department prior to a change in the administrator, in violation of He-P 817.08, the fine for a licensee shall be \$100.00;
- (10) For failure to allow access by the department to the collection station's premises, programs, patients, services, or records, in violation of He-P 817.14, the fine for an applicant, unlicensed individual, or licensee shall be \$2000.00;
- (11) For failure to submit a POC or a revised POC, within 21 days or 14 days, respectively, of the date on the letter that transmits the statement of findings or notice to correct, in violation of He-P 817.12, the fine for a licensee shall be \$100.00;
- (12) For a failure to implement or maintain the corrective action set forth in any POC that has been accepted or issued by the department, in violation of He-P 817.12, the fine for a licensee shall be \$1000.00;
- (13) For a failure to establish, implement, or comply with licensee policies, as required by He-P 817.14 the fine for a licensee shall be \$500.00;
- (14) For a failure to provide services or programs required by the licensing classification and specified by He-P 817.14, the fine for a licensee shall be \$500.00;
- (15) For providing false or misleading information or documentation, in violation of He-P 817.14, the fine shall be \$1,000.00 per offense;
- (16) For a failure to meet the needs of a patient or patients, as described in He-P 817.14, the fine for a licensee shall be \$1,000.00 per patient;
- (17) For utilizing a room or space that has not been approved or licensed by the department, in violation of He-P 817.09, the fine for a licensee shall be \$500.00;

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- (18) For failure to submit architectural plans or drawings, when applicable, prior to undertaking construction or renovation of the licensed facility, in violation of He-P 817.07, the fine for a licensed facility shall be \$500.00;
- (19) For employing an administrator or other personnel who do not meet the qualifications for the position, without having a waiver granted by the department in accordance with He-P 817.10, in violation of He-P 817.17, the fine for a licensee shall be \$500.00;
- (20) For occupying a renovated area of a licensed facility or a new construction prior to approval by local and state authorities, as required by He-P 817.07, the fine shall be \$500.00 which shall be assessed daily if the facility fails to vacate the renovated area immediately upon receiving notice from the department;
- (21) When an inspection determines that a violation of RSA 151 or He-P 817 has the potential to jeopardize the health, safety, or well-being of a patient, in addition to any other enforcement actions taken by the department, the fines assessed shall be as follows:
- a. If the same area of non-compliance is cited within 2 years of the original non-compliance, the fine shall be \$1,000.00; or
 - b. If the same area of non-compliance is cited a third time within 2 years of being fined in a. above, the fine for a licensee shall be \$2000.00; and
- (22) Each day that the individual or licensee continues to be in violation of the provisions of RSA 151 or He-P 817 shall constitute a separate violation and shall be fined, provided that if the applicant or licensee is making good faith efforts to comply with the provisions of RSA 151 or He-P 817, as verified by documentation or other means, the department shall not issue a daily fine.
- (e) Payment of any imposed fine to the department shall meet the following requirements:
- (1) Payment shall be made in the form of check or money order made payable to the “Treasurer, State of New Hampshire” or cash in the exact amount due; and
 - (2) Cash, money order, or certified check shall be required when an applicant or licensee has issued payment to the department by check, and such check was returned for insufficient funds.
- (f) An applicant or licensee shall have 10 days after receipt of the notice of enforcement action to request a hearing to contest the action.
- (g) If a written request for a hearing is not made pursuant to (f) above, the action of the department shall become final.
- (h) The department shall order the immediate suspension of a license, and provision of services, when it finds that the health, safety, or well-being of patients is in jeopardy and requires emergency action in accordance with RSA 541-A:30, III.
- (i) If an immediate suspension is upheld the licensee shall not resume operating until the department determines through inspection that compliance with RSA 151 and He-P 817 is achieved.
- (j) Hearings and appeals of department decisions under this section shall be conducted in accordance with RSA 541-A and He-C 200.
- (k) When a collection station’s license has been denied or revoked, the applicant, licensee, or administrator shall not be eligible to reapply for a license or be employed as an administrator for 5 years if the denial or revocation pertained to their role in the collection station.

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(l) RSA 541 shall govern further appeals of the department decisions under this section.

(m) The 5 year period referenced in (k) above shall begin on:

- (1) The date of the department's decision to revoke or deny the license, if no appeal is filed; or
- (2) The date a final decision upholding the action of the department is issued, if a request for a hearing is made and a hearing is held.

(n) Notwithstanding (k) above, the department shall consider an application submitted after the decision to revoke or deny becomes final if the applicant demonstrates that circumstances have changed to the extent that the department now has good cause to believe that the applicant has the requisite degree of knowledge, skills, and resources necessary to maintain compliance with the provisions of RSA 151 and He-P 817.

(o) If the department has evidence that a licensee, applicant, administrator, or others are circumventing (k) above by applying for a license through an agent or other person and will retain ownership, management authority, or both, the department shall deny the application.

(p) No ongoing enforcement action shall preclude the imposition of any remedy available to the department under RSA 151, RSA 541-A:30, III, or He-P 817.

He-P 817.14 Duties and Responsibilities of All Licensees.

(a) The licensee shall comply with all relevant federal, state, and local laws, rules, codes, and ordinances as applicable.

(b) The licensee shall provide services to only those patients whose needs are compatible with the collection station and the services and programs offered, and whose needs can be met by the collection station.

(c) The licensee shall comply with the patients' bill of rights as set forth in RSA 151:19-21.

(d) The licensee shall define, in writing, the scope and type of services to be provided by the collection station, including the mobile collection station vehicle, and shall post the same in the collection station and on the collection station's website.

(e) The licensee shall develop and implement written policies and procedures governing all operation and services and shall assess and monitor the quality of care and services provided to patients on an ongoing basis.

(f) The licensee shall have written policies and procedures that include:

- (1) The rights and responsibilities of registered patients in accordance with the "Patients' Bill of Rights" under RSA 151:19-21;
- (2) How the licensee shall ensure the safety of all persons present on the licensed premises where firearms are permitted; and
- (3) All other policies described in He-P 817.

(g) The licensee shall develop and implement written policies and procedures governing the operation of the facility and all services provided by the facility which shall be reviewed every 3 years and revised as needed.

(h) All policies and procedures shall be reviewed and approved by the licensee.

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(i) The licensee or any employee shall not falsify any documentation or provide false or misleading information to the department.

(j) The licensee shall not advertise or provide services that it is not licensed to provide pursuant to RSA 151:2, III.

(k) The licensee shall comply with all conditions of warnings and administrative remedies issued by the department, and all court orders.

(l) The licensee shall have responsibility and authority for:

(1) Managing, controlling, and operating the collection station;

(2) Meeting the needs of the patients during those hours that the patients are in the care of the collection station;

(3) Initiating action to maintain the collection station in full compliance at all times with all relevant health and safety requirements contained in applicable federal, state, and local laws, rules, regulations, and ordinances;

(4) Establishing, in writing, a chain of command that sets forth the line of authority for the operational responsibilities of the collection station;

(5) Appointing an administrator;

(6) Verify the qualifications of all personnel;

(7) Providing sufficient numbers of personnel who are present in the collection station, are qualified to perform the services stated in the collection station's scope of services, and are available to meet the needs of the patients during all hours of operation;

(8) Providing sufficient supplies, equipment, and lighting to ensure all services are provided in a safe and timely manner;

(9) Require all personnel to follow the orders of the licensed practitioner for every patient;

(10) Implementing any POC that has been accepted or issued by the department; and

(11) Developing and implementing a process for determining staffing levels which shall include an assessment, to be conducted at least quarterly but more frequently if required, of the appropriateness of staffing levels.

(m) The licensee shall consider all patients to be competent and capable of making all decisions relative to their own health care unless the patient:

(1) Has a guardian or conservator appointed by a court of competent jurisdiction;

(2) Has a durable power of attorney for health care that has been activated in accordance with RSA 137-J;

(3) Has a surrogate designated in accordance with RSA 137-J; or

(4) Is an un-emancipated minor.

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(n) In accordance with RSA 141-C:7, He-P 301.02, and He-P 301.03 the licensee shall report all positive tuberculosis test results for personnel to the office of infectious disease control by:

- (1) Telephone at 603-271-4496;
- (2) Telephone at 603-271-5300 after business hours; or
- (3) Fax to 603-271-0545.

(o) If the licensee registers or treats a patient who is known to have a disease reportable under He-P 301 or an infectious disease, which is any disease caused by the growth of microorganisms in the body which might or might not be contagious, the licensee shall follow the required procedures and personnel training for the care of the patients, as specified by the United States Centers for Disease Control and Prevention “2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings” (September 2024), available as noted in Appendix A.

(p) The licensee shall ensure that all specimen collection and storage requirements are met and only provide phlebotomy collection services:

- (1) At their licensed premises, including in a licensed mobile collection station van under the oversight of the collection station;
- (2) At a patient’s place of residence; and
- (3) At a senior center, adult day care center, or an outpatient mental health facility provided that collection occurs no more than one day per week at this location.

(q) In addition to the posting requirements specified in RSA 151:29, the licensee shall post the following documents in an area of the licensed premises that is conspicuous and open to patients and the general public:

- (1) The current license issued in accordance with RSA 151:2;
- (2) All inspection reports issued in accordance with RSA 151:6-a for the previous 12 months;
- (3) A copy of the patients’ bill of rights specified by RSA 151:21;
- (4) A copy of the licensee’s policies and procedures relative to the implementation of patient rights and responsibilities as required by RSA 151:20;
- (5) A copy of the licensee’s complaint procedure, including a statement that complaints may be submitted, in writing, to the department of health and human services, health facilities administration, 129 Pleasant Street, Concord, NH 03301 or by calling 1-800-852-3345; and
- (6) The licensee’s plan for fire safety, evacuation, emergencies, and floor plan identifying the location of, and access to, all fire exits, except that mobile collection station vans shall be exempt from this requirement.

(r) The licensee shall admit and allow any department representative to inspect the licensed premises and all programs and services of any licensee that is providing collection station services at any time for the purpose of determining compliance with RSA 151 and He-P 817 as authorized by RSA 151:6 and RSA 151:6-a.

(s) The licensee shall inform the department in writing, via fax 603-271-4968 or e-mail at hfa-licensing@dhhs.nh.gov, at least 5 days prior to any permanent change in the days and hours of operation.

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(t) All records required for licensing shall be legible, current, accurate, available to the department during an inspection or investigation conducted in accordance with RSA 151:6 and RSA 151:6-a, and maintained in a secure manner that safeguards confidentiality and prevents tampering with data.

(u) Applicants, licensees, and staff shall cooperate with the department during all departmental visits authorized under RSA 151 and He-P 817, including allowing representatives of the department to:

- (1) Enter and complete an inspection of the premises;
- (2) Review and reproduce any forms or reports which are required to be maintained or made available to the department; and
- (3) Interview staff and patients of the collection station.

(v) For reportable incidents, the licensee shall have the responsibility for:

(1) Faxing to 603-271-4968 or submitting via e-mail to hfa-licensing@dhhs.nh.gov together with a telephone call to the department reporting the incident and notifying the department of the mailed report, the following information to the department within 48 hours of a reportable incident as defined in He-P 817.03:

- a. The collection station name;
- b. A description of the incident, including identification of injuries, if applicable;
- c. The name of the licensee(s) or personnel involved in, witnessing, or responding to the reportable incident;
- d. The name of patient(s) involved and the name of any witnesses to the reportable incident;
- e. The date and time of the reportable incident;
- f. The action taken in direct response to the reportable incident, including any follow-up;
- g. If medical intervention was required, by whom and the date and time;
- h. Whether the patient's guardian, personal representative, or agent, if any, was notified;
- i. The signature of the person reporting the reportable incident; and
- j. The date and time of the patient's licensed practitioner was notified, if applicable;

(2) Notify the department with a written report within 5 days describing the actions taken by personnel, the final outcome or continuation of the reportable incident, and actions taken to prevent a reoccurrence if these were not submitted in the initial report; and

(3) Submit any further information requested by the department.

(w) Any licensee maintaining electronic records shall develop a system with written policies and procedures to protect the privacy of patients and staff that, at a minimum, include:

- (1) Procedures for backing up files to prevent loss of data;
- (2) Safeguards to ensure the confidentiality of the information pertaining to patients and staff; and
- (3) Systems to prevent tampering with information pertaining to patients and staff.

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(x) The licensee shall develop policies and procedures regarding the release of information contained in patient records.

(y) The licensee shall provide a patient or guardian, personal representative, agent, or anyone else authorized in writing by the patient with a copy of their patient record, pursuant to the provisions of RSA 151:21, X, upon request.

(z) The licensee shall develop written policies and procedures that will ensure that only the patient and the ordering licensed practitioner are allowed to receive a copy of the laboratory tests results unless the collection station has written consent from the patient to release the test results to others.

(aa) Mobile collection station vans shall maintain a log on-site documenting that all on-board water used for drinking and washing was obtained from a verifiable potable source.

(ab) The licensee shall require all individuals, including volunteers, in contact with patients to wear a form of identification which readily discloses the name, licensure status, if any, and staff position as required pursuant to RSA 151:3-b.

(ac) If the licensee offers direct access testing such tests shall be obtained without a request or authorization from a licensed practitioner.

(ad) Except as allowed by (ac) above, the collection station shall collect or receive specimens only at the written or electronic request of a physician, dentist, chiropractor, court of law, or any other person authorized by state statute to order and receive laboratory tests.

He-P 817.15 Collection Station Standards.

(a) The collection station shall follow up with all telephone requests for the collection or receipt of specimens with a written confirmation within 30 days.

(b) At a minimum, the written or electronic test request required by (a) above, shall include:

- (1) The patient's identifier;
- (2) The patient's sex and age or date of birth;
- (3) The specific test(s) to be performed;
- (4) The name or unique identification such as an account number of the authorized person requesting the tests;
- (5) The date of specimen collection;
- (6) The name or other identifier such as test code number of the test requested;
- (7) The time of specimen collection when required by the collection procedure; and
- (8) The body source of the specimen when required by the collection procedure.

(c) At a minimum, written documentation for the collection or receipt of a specimen shall be maintained and include the following information:

- (1) The unique identifier assigned to the specimen;
- (2) The date of specimen receipt;

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- (3) The time of specimen receipt when required by the collection procedure; and
 - (4) Information contained on the test request as described in (c) above.
- (d) At a minimum, the specimen label shall include the patient name and birth date, date and time of collection, and the initials of the person collecting the sample.
- (e) The collection station shall have documentation of the specimen collection, handling, and processing requirements, from the laboratory performing the test, for all analytes collected, to include requirements pertaining to storage, temperature, transport, collection media, preservatives, centrifuge speed, light protection, and any other special collection or handling requirements of the laboratories test system.
- (f) Recordings of refrigerator and freezer temperatures shall be done each day the collection station operates and shall fall within the following ranges:
- (1) Refrigerator temperatures shall be between 2 and 8 degrees centigrade; and
 - (2) Freezer temperatures shall be colder than minus 10 degrees centigrade.
- (g) Centrifuge speed, for spinning blood samples, shall:
- (1) Fall between 2800 and 3500 revolutions per minute or as specified by the manufacturer and be verified by tachometer on an annual basis; and
 - (2) For mobile collection station vans, be verified whenever the van is moved.
- (h) No expired specimen collection equipment and reagents, such as vacutainer tubes and glucola, shall be retained in the station or used for specimen collection.
- (i) Corrective measures such as repair or replacement shall be made in the event of an equipment failure and a written record of the corrective measures shall be kept at the collection station.
- (j) All clinical equipment shall be:
- (1) In good working order; and
 - (2) Serviced in accordance with manufacturers' instructions and a written record of the service maintained by the collection station.
- (k) Sharps containers shall be secured so as to prevent unauthorized access, tampering, or both.
- (l) Collection stations performing waived glucose screening by glucometer tests shall:
- (1) Acquire and maintain a Clinical Laboratory Improvement Amendments (CLIA) certificate of waiver, pursuant to 42 CFR 493.15;
 - (2) Perform quality controls each day of testing;
 - (3) Have a written procedure for the collection station response to a high patient glucometer reading that clearly identifies the response required, who to notify, and any other actions required by collection station personnel; and
 - (4) Clean the glucometer between patients with an appropriate cleaner.

He-P 817.16 Patient Records, Test Requisitions, and Test Reports.

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(a) All test requisitions and test reports shall be completed and maintained in accordance with 42 CFR § 493.

(b) Each collection station shall keep a patient record which shall contain, at a minimum, the information required by He-P 817.15(c).

(c) All records, requisitions, and reports shall be safeguarded against loss, damage, tampering, and unauthorized access and retained for a minimum of 4 years.

(d) Prior to ceasing operation, the licensee shall arrange for the storage of and access to records, requisitions, and reports for a minimum of 4 years.

He-P 817.17 Personnel.

(a) The licensee shall ensure that sufficient numbers of qualified personnel are present in the collection station to meet the needs of the patients at all times.

(b) The licensee shall develop a job description for each position in the collection station containing:

- (1) Position title;
- (2) Duties of the position;
- (3) Physical requirements of the position; and
- (4) Qualifications and educational requirements of the position.

(c) For all applicants considered for employment, for all volunteers, and for all independent contractors who will provide services to patients or who will be unaccompanied by an employee while performing services within the facility, the licensee shall:

- (1) Obtain and review a criminal records check in accordance with RSA 151:2-d, which shall include criminal history from the state of New Hampshire;
- (2) Review the results of the criminal records check in accordance with (e) below; and
- (3) Verify the qualifications and licenses, as applicable, of all applicants prior to employment.

(d) Unless a waiver is granted in accordance with (f) below, the licensee shall not offer employment, contract with, or engage a person for any position if the individual:

- (1) Has been convicted of a felony in this or any other state;
- (2) Has been convicted of a sexual assault, assault, abuse, other violent crime, fraud, theft, neglect, or exploitation in this or any other state;
- (3) Has a finding by the department or any administrative agency in this or any other state for assault, fraud, theft, abuse, neglect, or exploitation of any person; or
- (4) Otherwise poses a threat to the health, safety, or well-being of patients.

(e) If the information identified in (d) above regarding any person in (c) above is learned after the person is hired, contracted with, or engaged, the licensee shall immediately notify the department and either:

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- (1) Cease employing, contracting with, or engaging the person; or
- (2) Request a waiver of (d) above.

(f) If a waiver of (d) above is requested, the department shall review the information and the underlying circumstances in (d) above and shall either:

- (1) Notify the licensee that the person cannot or can no longer be employed, contracted with, or engaged by the licensee; or
- (2) Grant a waiver of (d) above if, after reviewing the underlying circumstances, it determines that the person does not pose a threat to the health, safety, or well-being of patients.

(g) In lieu of (f) above, the licensee may accept from independent agencies contracted by the licensee a signed statement that the agency's employees have complied with (c) above and do not meet the criteria in (d) above.

(h) The licensee shall hire an administrator who has a minimum of 2 years administrative experience in a health care facility, who has phlebotomy experience, and meets one of the following criteria:

(1) Is a licensed New Hampshire:

- a. Physician;
- b. Physician's assistant;
- c. Advanced practice registered nurse;
- d. Dentist;
- e. Optometrist;
- f. Naturopath;
- g. Respiratory therapist; or
- h. Registered nurse;

(2) Is a medical technologist certified by a nationally recognized certification board, such as the American Society of Clinical Pathology;

(3) Is an emergency medical technician (EMT) registered by the National Registry of Emergency Medical Technicians; or

(4) Has a minimum of an associate's degree in a life science.

(i) Prior to having contact with patients, personnel shall:

(1) Receive a tour of the collection station;

(2) Receive a copy of the job description for their position at the collection station containing:

- a. Position title;
- b. Duties of the position;
- c. Physical requirements of the position; and

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- d. Education and experience requirements of the position;
- (3) Meet the educational and physical qualifications of the position as listed on their job description;
 - (4) Be licensed, registered, or certified as required by federal law or state law or rule;
 - (5) Receive an orientation prior to the assumption of duties that includes:
 - a. The collection station's policy on patient rights and responsibilities and complaint procedures as required by RSA 151:20;
 - b. The duties and responsibilities of the position they were hired for;
 - c. The collection station's policies, procedures, and guidelines;
 - d. The collection station's infection control program;
 - e. The collection station's fire, evacuation, and emergency plans which outline the responsibilities and educational requirements of personnel in an emergency;
 - f. The mandatory reporting requirements such as RSA 161-F:46 and RSA 169-C:29-30; and
 - g. The medical emergency procedures;
 - (6) Complete mandatory annual in-service education, which includes a review of the collection station's:
 - a. Policies and procedures on patient rights and responsibilities, and complaints pursuant to RSA 151:21;
 - b. Infection control program;
 - c. Education program on fire, evacuation, and emergency procedures;
 - d. Mandatory reporting requirements such as RSA 161-F:46 and RSA 169-C:29-30;
 - e. The medical emergency procedures; and
 - f. The collection station's policies, procedures, and guidelines;
 - (7) Be at least 18 years of age;
 - (8) Submit to the licensee the results of a physical examination or pre-employment health screening performed by a licensed nurse or a licensed practitioner and submit to the licensee the results of a 2-step tuberculosis test, Mantoux method, or other method approved by the Centers for Disease Control, conducted not more than 12 months prior to employment;
 - (9) Be allowed to work while waiting for the results of the second step of the TB test when the results of the first test are negative for TB; and
 - (10) Comply with the requirements of the Centers for Disease Control and Prevention "Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-Care Settings" (2005 edition), available as noted in Appendix A, if the person has either a positive TB test, or has had

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direct contact or potential for occupational exposure to M. tuberculosis through shared air space with persons with infectious tuberculosis.

(j) The licensee shall inform personnel of the line of authority at the collection station.

(k) Current, separate, and complete employee files shall be maintained and stored in a secure and confidential manner in one location, for example, hospital human resources department or on site at the collection station.

(l) The licensee shall maintain a separate employee file for each employee, which shall include the following:

- (1) A completed application for employment or a resume;
- (2) Proof that the individual meets the minimum age requirements;
- (3) A signed statement by each individual acknowledging the receipt of the licensee's policy setting forth the patient's rights and responsibilities, and acknowledging training and implementation of the licensee's policy as required by RSA 151:21;
- (4) A job description signed by the individual that identifies the:
 - a. Position title;
 - b. Qualifications and experience; and
 - c. Duties required by the position;
- (5) A record of satisfactory completion of the orientation program required by (i)(5) above;
- (6) A copy of each current New Hampshire license, registration, or certification in health care field and CPR certification, if applicable;
- (7) Documentation that the required physical examination, health screenings, TB test results, and radiology reports of chest x-rays, if required, have been completed by the appropriate health professionals;
- (8) Record of satisfactory completion of all required education programs and demonstrated competencies that are signed and dated by the employee;
- (9) Information as to the general content and length of all in-service or educational programs attended;
- (10) A statement, which shall be signed at the time the initial offer of employment, contract, or engagement is made and then annually thereafter, stating that they:
 - a. Do not have a felony conviction in this or any other state;
 - b. Have not been convicted of a sexual assault, assault, abuse, other violent crime, fraud, theft, neglect, or exploitation or pose a threat to the health, safety, or well-being of a patient in this or any other state; and
 - c. Have not had a finding by the department or any administrative agency in this or any other state for assault, fraud, theft, abuse, neglect, or exploitation of any person; and
- (11) Documentation of the criminal records check.

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(m) The licensee shall maintain the records, but not necessarily a separate file, for all volunteers and for all independent contractors who provide services to patients or who will be unaccompanied by an employee while performing services within the facility, as follows:

- (1) For volunteers, the information in He-P 817.17(l), with the exclusion of (4) and (9); and
- (2) For independent contractors, the information in He-P 817.17(l), with the exclusion of (1), (4), and (9), if applicable.

(n) An individual shall not re-disclose any of the matters in He-P 817.17 if the documentation is available and the department has previously reviewed the material and granted a waiver so that the individual can continue employment.

(o) Personnel shall not be impaired while on the job by any substances including, but not limited to, legally prescribed medication, therapeutic cannabis, or alcohol.

(p) If the facility uses an electronic record storage system, it shall provide computer access to all personnel records for the purpose of verifying compliance with all provisions of RSA 151 and He-P 817 for the onsite inspection. Access shall include assistance navigating the database and printing portions of the record, if needed.

(q) All personnel electronic records shall have security provisions to ensure confidentiality.

He-P 817.18 Quality Improvement. The collection station or mobile collection station van shall develop and implement a quality improvement program that reviews policies and services and maximizes quality by preventing or correcting identified problems.

He-P 817.19 Infection Control.

(a) The collection station shall develop and implement an infection control program that educates and provides procedures for the prevention, control, and investigation of infectious and communicable diseases.

(b) The infection control program shall include written procedures for:

- (1) Proper hand washing techniques;
- (2) The utilization of standard precautions as specified by the United States Centers for Disease Control and Prevention “2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings,” (September 2024), available as noted in Appendix A;
- (3) The management of patients with infectious or contagious diseases or illnesses;
- (4) The handling, storage, transportation, and disposal of those items identified as infectious waste in Env-Sw 103.32 and regulated by Env-Sw 904; and
- (5) The reporting of infectious and communicable diseases as required by He-P 301.

(c) The infection control program shall address at a minimum the:

- (1) Causes of infection;
- (2) Effects of infections;

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- (3) Transmission of infections;
- (4) Prevention and containment of infections; and
- (5) Use of standard precautions.

(d) Personnel infected with a disease or illness transmissible through contact, fomites, or droplets shall not have contact with patients until they are no longer contagious as determined by a licensed practitioner.

(e) Personnel infected with scabies, lice, or pediculosis shall not provide direct care to patients until such time as they are no longer infected as determined by a licensed practitioner.

(f) In accordance with RSA 141-C:1, personnel with a newly positive Mantoux tuberculosis skin test or a diagnosis of suspected active pulmonary or laryngeal tuberculosis shall be excluded from the collection station until a diagnosis of tuberculosis is excluded or until the person is receiving tuberculosis treatment and has been determined to be non-infectious by a licensed practitioner.

(g) Only sterile equipment and containers such as needles, syringes, test tubes, and urine containers used for cultures shall be used when collecting specimens.

(h) The handling, storing, transporting, or disposing of those items specified as infectious waste in Env-Sw 103.32 shall be done in accordance with Env-Sw 904.

(i) There shall be no use of tobacco products, smoking, eating, drinking, or applying of cosmetics in the areas where specimen collection takes place or where specimens are processed in accordance with 29 CFR § 1910.1030.

(j) Personnel with an open wound who provide services in any capacity shall cover the wound at all times by an impermeable, durable, tight-fitting bandage.

(k) If the collection station has an incident of an infectious disease, the facility shall contact the county, municipality, or state public health nurse, whichever one applies, in the county in which the facility is located and follow the instructions and guidance of the nurse.

He-P 817.20 Physical Environment, Emergency, and Fire Safety.

(a) The collection station shall comply with all federal, state, and local laws, rules, codes, and ordinances for:

- (1) Building or mobile collection station vans, as applicable;
- (2) Health;
- (3) Fire; and
- (4) Waste disposal.

(b) The collection station, including mobile collection station vans, shall have all entrances and exits to the licensed premises accessible at all times.

(c) The collection station shall be clean and maintained in a safe manner and good repair and kept free of hazards.

(d) All supplies shall be stored in an enclosed storage space.

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(e) All corridors shall be free from obstruction.

(f) The surfaces of doors, walls, floors, and ceilings in the work area shall be water-resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination. Equipment, work surfaces, and flooring within areas used for collection and processing patient specimens shall include only non-porous material suitable for disinfection.

(g) The collection station shall have:

(1) If performing venipuncture, a blood collection chair with a device to prevent patient falls or a reclining chair;

(2) If performing venipuncture, a cot or an alternative method that allows a patient to lie down in the event of dizziness or illness;

(3) A specimen collection area that:

a. Is separate from the reception area, except for mobile collection station vans that admit only one patient at a time;

b. Contains a work counter and hand washing facilities;

c. Measures, at a minimum, 36 square feet (ft.); and

d. Maintains patient confidentiality and privacy;

(4) A processing area that, at a minimum, has 6 linear ft. of counter space;

(5) A reception area that includes a desk or counter, chairs, and lighting; and

(6) Access to bathrooms that contain at least one toilet and one hand-washing sink with:

a. A supply of hot and cold running water;

b. Soap dispensers;

c. Paper towels or a hand drying device providing heated air; and

d. Non-porous floors.

(h) All equipment shall be maintained as recommended by the manufacturer to include, but not limited to, annual tachometer checks of centrifuges, annual cleaning and maintenance of microscopes, and calibration of thermometers and pipettes.

(i) All point of care devices used for multiple patients shall be disinfected after each use.

(j) Quality controls on waived meter devices shall be performed each day they are used, unless the device performs internal electronic controls with each test performed.

(k) Corrective measures such as repair or replacement shall be made in the event of an equipment failure and a written record of the corrective measures shall be kept at the collection station.

(l) All clinical equipment shall be:

(1) In good working order; and

(2) Serviced in accordance with manufacturers' instructions and a written record of the

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service performed shall be kept at the collection station.

(m) Sharps containers shall be secured so as to prevent unauthorized access and tampering and emptied when indicated on the container.

(n) Sterile supplies and equipment shall not be mixed with unsterile supplies and shall be stored in dust-proof, moisture-free storage areas.

(o) All cleaning supplies shall be stored separately from patient supplies.

(p) Cleaning solutions, compounds, and substances considered hazardous waste, as defined in RSA 147-A:2, VII shall be distinctly labeled and legibly marked so as to identify the contents and stored in a place separate from food, medications, and patient supplies.

(q) Toxic materials shall not be used in a way that contaminates food, equipment, or in any way that constitutes a hazard to personnel or other persons, or in any way other than in full compliance with the manufacturer's labeling.

(r) The collection station shall notify the department by phone, fax, or e-mail within 24 hours, and in writing within 72 hours, of any fire or emergency situation, excluding a false alarm or emergency medical services (EMS) transport for a non-emergent response, which requires either an emergency response or the evacuation of the licensed premises.

(s) The written notification under (r) above shall include:

(1) The date and time of the incident;

(2) A description of the location and extent of the incident, including any damage;

(3) A description of events preceding and following the incident;

(4) The name of any person evacuated as a result of the incident, if applicable;

(5) The name of any personnel who required medical treatment as a result of the incident, if applicable; and

(6) The name of the individual the licensee wishes the department to contact if additional information is required.

(t) A written emergency plan for fire safety and evacuation shall be adopted and posted in multiple locations throughout the collection station.

(u) The collection station shall have a fire extinguisher inspected annually by the local fire authority or a certified fire extinguisher maintenance company.

(v) If the collection station is located in a building where fire evacuation drills are required under Saf-C 6000 or any other state or local ordinance, then the collection station shall participate in those drills.

(w) The collection station shall develop and institute a written emergency preparedness plan to respond to a disaster or an emergency which shall be reviewed and updated annually.

(x) The emergency preparedness plan in (w) above shall:

(1) Comply with all relevant federal, state, and local laws, rules, codes, and ordinances, as applicable;

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- (2) Include site-specific plans for the protection of all persons on-site in the event of fire, natural disaster, or severe weather and human-caused emergency to include, but not be limited to a bomb threat;
- (2) Be approved by the local emergency management director or local authority having jurisdiction, and reviewed and approved by the local authority having jurisdiction when a change to the plan causes significant material difference;
- (3) Be available to all personnel at all times;
- (4) Be based on realistic conceptual events;
- (5) Be in coordination with local emergency response agencies;
- (6) Develop and implement strategies to prevent an incident that threatens life, property, and the environment of the facility to include measures to be taken to limit or control the consequences, extent, or severity of an incident that cannot be prevented;
- (7) Include the facility's response to both short-term and long-term interruptions in the availability of utility service in the disaster or emergency, including establishing contingency plans for continuity of essential building systems or evacuation to include the following, as applicable:
 - a. Electricity;
 - b. Potable water;
 - c. Non-potable water;
 - d. Heating, ventilation, and air conditioning;
 - e. Fire protection systems;
 - f. Fuel required for building operations and essential transportation to include fuel loss, fuel spill, and fuel exposure that created a hazardous incident;
 - g. Medical gas and vacuum systems, if applicable; and
 - h. Communications systems;
- (8) Include a plan for alerting and managing staff in a disaster;
- (9) Include an educational, competency-based program for the staff, to provide an overview of the components of the emergency management program and the staff's specific duties and responsibilities; and
- (10) If the facility is located within 10 miles of a nuclear power plant and is part of the New Hampshire plan for radiological emergency preparedness, include this plan in the event of a radiological disaster or emergency.

He-P 817.21 Mobile Collection Station Vans.

- (a) Mobile collection station vans shall be eligible for licensure only if they are:

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- (1) Operated by a collection station or laboratory that is located in a building or other permanent structure; and
 - (2) The collection station or laboratory has a valid license issued by the department.
- (b) Each applicant shall comply with He-P 817, except for He-P 817.07 and:
- (1) In lieu of He-P 817.04(a)(1)-(3) and (5)-(7), each applicant shall submit:
 - a. A copy of the applicant’s current collection station or laboratory license;
 - b. A valid New Hampshire motor vehicle registration for the mobile collection station van;
 - c. The vehicle identification number of the mobile collection station van; and
 - d. A space utilization diagram for the mobile collection station van; and
 - (2) Personnel, patient, and facility records that are stored off site shall be available for inspection at the licensed premises upon request of the department within 30 minutes of being requested.
- (c) The collection station portions of the mobile collection station van shall have a non-porous floor.
- (d) Detailed written documentation of travel dates, times, and locations, including periods of non-use, shall be maintained for the mobile collection station van.

APPENDIX A: Incorporation by Reference Information

Rule	Title	Publisher; How to Obtain; and Cost
He-P 817.07(h)	The Facility Guidelines Institute’s (FGI), “Guidelines for Design and Construction of Outpatient Facilities” (2022 edition)	Publisher: The Facility Guidelines Institute Cost: Digital: \$90 single-user/per year or \$235 multi-user/per year Print: \$235 per copy The incorporated document is available at: https://www.fgiguideines.org/guidelines/editions/
He-P 817.14(o), He-P 817.19(b)(2)	United States Centers for Disease Control and Prevention’s, “2007 Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings” (September 2024)	Publisher: United States Center for Disease Control and Prevention Cost: Free of Charge The incorporated document is available at: https://www.cdc.gov/infection-control/media/pdfs/guideline-isolation-h.pdf?CDC_AAref_Val=https://www.cdc.gov/infectioncontrol/pdf/guidelines/Isolation-guidelines-H.pdf

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Rule	Title	Publisher; How to Obtain; and Cost
He-P 817.17(i)(10)	United States Centers for Disease Control and Prevention's, "Guidelines for Preventing the Transmission of <i>Mycobacterium tuberculosis</i> in Health-Care Settings" (2005 edition)	Publisher: United States Centers for Disease Control and Prevention Cost: Free of Charge The incorporated document is available at: https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5417a1.htm

Appendix B

Rule	Specific State or Federal Statutes the Rule Implements
He-P 817.01 – 817.03	RSA 151:9, I
He-P 817.04	RSA 151:5, XIX; RSA 151:9, I(c)
He-P 817.05	RSA 151:9, I(c)
He-P 817.06	RSA 151:5, XIX; RSA 151:9, I(d); RSA 153:5
He-P 817.07	RSA 151:6; RSA 153:10-b
He-P 817.08	RSA 151:9, I(a)
He-P 817.09	RSA 151:6; RSA 151:6-a; RSA 151:9, I(e) and (f)
He-P 817.10	RSA 151:9, I(a)
He-P 817.11	RSA 151:6; RSA 151:6-a; RSA 151:7-a; RSA 151:8; RSA 151:13; RSA 151:17
He-P 817.12	RSA 541-A:30; RSA 151:7-a; RSA 151:9, I(f), (g) and (l); RSA 151:16-a
He-P 817.13	RSA 541-A:30; RSA 541-A:30-a; RSA 151:9, I(f) and (l); RSA 151:7; RSA 151:8; RSA 151:16-a
He-P 817.14	RSA 141-C:7; RSA 151:3-b; RSA 151:6; RSA 151:6-a; RSA 151:9, I(a); RSA 151:20; RSA 151:21; RSA 151:29
He-P 817.15	RSA 151:9, I(a); 42 CFR 493
He-P 817.16	RSA 151:9, I(a); 42 CFR 493
He-P 817.17	RSA 151:2-a; RSA 151:9, I(a); 42 CFR 493
He-P 817.18	RSA 151:9, I(a); 42 CFR 493
He-P 817.19	RSA 141-C:1; RSA 151:9, I(a); 29 CFR 1910.1030
He-P 817.20	RSA 151:9, I(a)
He-P 817.21	RSA 151:9, I(a), (c) and (d); 42 CFR 493

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF OPERATIONS SUPPORT
HEALTH FACILITIES ADMINISTRATION
129 Pleasant Street, Concord, NH 03301
TDD Access: Relay NH 1-800-735-2964
Agency Phone: 603-271-9039

APPLICATION FOR RESIDENTIAL AND OR HEALTH CARE LICENSE
(LABORATORIES AND COLLECTING STATIONS)

LICENSE #: _____ EXPIRATION DATE: _____

This application shall be filled out in accordance with RSA 151:4. A separate application must be submitted for each licensure category. **Please be sure to complete the entire application.** If a section does not apply to your facility mark not applicable (n/a). Failure to complete the application will result in a delay in the licensure process. Send the completed form to the address above. Check all applicable items:

License renewal:	<input type="checkbox"/>	*New administrator:	<input type="checkbox"/>	*New facility:	<input type="checkbox"/>
**New facility name:	<input type="checkbox"/>	*New owner:	<input type="checkbox"/>	*Change in # of beds:	<input type="checkbox"/>
*Change in classification:	<input type="checkbox"/>	*Change in address:	<input type="checkbox"/>	Other (please explain):	<input type="checkbox"/>

- * Requires processing as a new application.
*If a new facility, please submit directions to your location, from Concord, with your application.
- ** May require processing as a new application.

Licensee: _____ Telephone #: (____) _____
(same name as ownership)

Name of Facility: _____ Telephone #: (____) _____
E-Mail: _____ Fax #: (____) _____

Street Address: _____ City: _____ State: _____ Zip: _____
Mailing Address: _____ City: _____ State: _____ Zip: _____

Administrator: _____

Laboratory Director (If Applicable): _____

Facility E-Mail Address _____

Days And Hours Of Operation: _____

OWNERSHIP

a. Type of ownership: Association: Partnership:
Corporation: Other (explain):
Individual: Limited Liability Co.

Please provide the following information or attached copies of documents.

- b. List name and address of each person having an ownership interest (directly or indirectly) of greater than 5% in the facility.
- c. If the licensee is organized as an association, corporation or limited liability company (LLC) list the name of the corporation or association and the name, address and title of each officer.
- d. If the licensee is a partnership, list the name(s) and address(es) of all the partners.

FEES: (EFFECTIVE JULY 1, 2009)

Collecting Stations	\$250.00 per year
Laboratories	\$150.00 per category of testing

Payable in cash, or if paid by check or money order, in the exact amount of the fee payable to “**STATE OF NEW HAMPSHIRE, TREASURER**”, must be attached to this application.

APPLICATION FOR NEW LICENSE

1. Be submitted at least 120 days prior to opening the new facility.
2. Submit a floor plan of the facility.
3. Attach a resume identifying the qualifications, including education, experience and copies of all applicable licenses for the administrator or laboratory director.
4. If applicable, proof of authorization from the New Hampshire secretary of state to do business in New Hampshire in the form of one of the following:
 - a. “Certificate of Authority,” if a corporation;
 - b. “Certificate of Formation,” if a limited liability company; or
 - c. “Certificate of Trade Name,” if a sole proprietorship;
5. The results of a criminal records check for the applicant, the licensee, if different than the applicant, the laboratory director, and the administrator, as applicable. The results must include criminal history from the state of New Hampshire.
6. Documentation that the water supply has been tested in accordance with RSA 485 and Env-Dw 702.02 and Env-Dw 704.02 or copy of water bill.

APPLICATION FOR LICENSE RENEWAL SHALL:

1. Be submitted at least 120 days prior to expiration of the current license.
2. Documentation that the water supply has been tested in accordance with RSA 485 and Env-Dw 702.02 and Env-Dw 704.02 or copy of water bill. Submit with initial application or every 3 years.
3. Include information relative to whether the facility has been granted any waiver and/or exemptions to the rules by the Commissioner of the Department of Health and Human Services and/or the State Fire Marshal.
4. A list of all employees who have received criminal background waivers from the Department of Health and Human Services. (Annual and initial if there is a change of ownership)

FACILITY SERVICE DESCRIPTION:

The following information will be used to determine which licensure category your facility shall be placed in.

I. Provide a detailed description of the services you wish to provide.

II. Please indicate which laboratory categories you will be testing:

- | | |
|---|--|
| <input type="checkbox"/> Microbiology | <input type="checkbox"/> Diagnostic immunology |
| <input type="checkbox"/> Chemistry | <input type="checkbox"/> Hematology |
| <input type="checkbox"/> Immunohematology | <input type="checkbox"/> Pathology |
| <input type="checkbox"/> Radiobiasassay | <input type="checkbox"/> Clinical cytogenetics |

SIGNATURES:

This application must be signed by:

1. The owner if a private facility;
2. 2 officers if a corporation;
3. 2 authorized individuals if an association or partnership;
4. The head of the government department if a government unit.

I affirm that I am familiar with the requirements of RSA 151 and the rules adopted thereunder and that the premises are in full compliance. I understand that providing false information shall be grounds for denial, suspension, or revocation of a license, or imposition of a fine.

Date: _____ Signed: _____
(Name and Title)

Print Name and Title

Date: _____ Signed: _____
(Name and Title)

Print Name and Title

CHECK NUMBER: _____
APPLICATION COMPLETE: _____

AMOUNT: _____
NOT COMPLETE: _____
(Describe in comments)

Local Approval:	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
LSC Inspection:	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
LSC Plan of Correction:	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
Licensure Inspection:	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
Plan of Correction:	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
Water Testing Information	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>
Floor Plan	Required	<input type="checkbox"/>	Not Required	<input type="checkbox"/>	Received	<input type="checkbox"/>

Federal Facility (Exempt From Inspection) YES NO

LICENSURE CATEGORY:

17 Collecting Station
 08 Laboratory

Reviewed By: _____
(Name & Title) (Date)

Issue Annual License: YES _____ NO _____

License Certificate Dates: From _____ To _____

Notes:

Comments On Certificate: