Readopt with amendment Psyc 501.05, effective 11-4-16 (Document #12035-B), to read as follows:

Psyc 501.05 Standards for the Selection of ~~Disciplinary~~ Sanctions. ***Plc 311 shall govern the methods for determining sanctions.***

~~(a) The purpose of disciplinary sanction shall be to:~~

~~(1) Protect public health and safety, both as to the complainant and the public; and~~

~~(2) Prevent future misconduct by the licensed psychologist through correction of educational or other deficiencies which led to the finding of misconduct;~~

~~(b) In addition to the conduct described in RSA 329-B: 21, II, the board shall consider the following conduct as aggravating factors:~~

~~(1) The misconduct caused, or had the potential to cause, physical or mental harm to the client or another person;~~

~~(2) The misconduct repeated earlier misconduct by the psychologist, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on the same type of misconduct by the psychologist; or~~

~~c. An admission by the psychologist; or~~

~~(3) The misconduct was intentional, rather than the result of negligence or inadvertence.~~

~~(c) In considering which sanction or combination of sanctions to impose, the board shall consider the following conduct as mitigating factors:~~

~~(1) The misconduct did not cause, or have the potential to cause, physical or mental harm to the client or another person;~~

~~(2) The misconduct is the first misconduct of this type by the licensee reported to board;~~

~~(3) The misconduct was the result of mistake, lack of due care, or inadvertence;~~

~~(4) The licensee either self-reported the misconduct, or cooperated fully in the investigation of a complaint made by another person; or~~

~~(5) The licensee has proposed a corrective action plan which will fully meet the purposes of disciplinary sanction noted above.~~

~~(d) The board shall take disciplinary action by imposing one or more of the sanctions permitted by RSA 329-B: 21, III, and shall make written finding supporting its decision, including:~~

~~(1) The presence or absence of aggravating or mitigating factors as set forth above; and~~

~~(2) Any other factor which the board determines to be relevant to reach a decision it determines to be appropriate and consistent with the purposes of sanction set forth in this section.~~

Readopt with amendment Psyc 502, effective 11-4-16 (Document#12035-B), to read as follows:

PART Psyc 502 RESPONSIBILITIES OF ***LICENSEES*** ~~PSYCHOLOGISTS~~

Psyc 502.01 Responsibilities of ***Licensees***~~Psychologists~~.

(a) A ***licensee*** ~~psychologist~~ shall:

(1) Comply with all ~~applicable~~ rules adopted by the board of psychologists***, and Office of Professional Licensure and Certification (OPLC)***;

(2) Submit truthful and correct information, to the best of the ***licensee's*** ~~psychologist's~~ knowledge and belief, in any application or other document filed with or statement made to the board of psychologists***, or OPLC***; and

(3) Cooperate with investigations and requests for information from the ***OPLC***~~board of psychologists~~.

(b) A ~~psychologist~~***licensee*** shall ~~have an ongoing duty to~~ inform the ***OPLC, within 10 days, of a name or contact information change in accordance with Plc 307.02.*** ~~board of psychologists~~ of:

~~(1) A principal business address to which all official board of psychologists communications should be directed;~~

~~(2) Any change or abandonment of a business or practice address within 30 days of the change;~~

~~(3) Any disciplinary action taken against the psychologist by a state, regional or national agency or associated health care facility within 30 days of the action; and~~

~~(4) Pursuant to RSA 329-B:21, II, an arrest for a felony level crime, within 7 days of the arrest.~~

(c) ~~Psychologists~~***Licensees*** shall promote accuracy, honesty, and truthfulness in the practice of psychology ***as appropriate for the practice setting*** by:

(1) Making the current license publicly available ***upon request***;

(2) Making available ~~in his or her office~~ , ***in a manner and medium which is accessible to the patient,*** information regarding how patients may contact the ***OPLC*** ~~board of psychologists~~ regarding complaints about their treatment or billing;

(3) Not advertising any service ***or treatment*** as free if the patient is charged for any aspect of the ***service or*** treatment provided on the office visit when ***said***~~the free~~ service was provided;

(4) Not engaging in any false or misleading advertising; and

(5) Not engaging in any fraudulent or dishonest billing practices.

(d) A psychologist shall create, and to the extent the records are under their control, maintain, disseminate, store, retain***,*** and dispose of records and data relating to their professional ~~and scientific~~ work in accordance with ***the***~~these~~ standards ***below***:

(1) Complete and accurate clinical and business records pertaining to each patient seen shall be maintained for a minimum of 7 years following the last activity on the account and for minors for a period of 7 years past the age of majority;

(2) Clinical records shall include, at a minimum, legible date of service, type of service, outcome of service***,*** and signature of the service provider; and

(3) Accurate and complete copies of patient records shall be provided within 30 days of a request by patient ***or*** ~~/~~guardian or the board of psychologists, regardless of whether payment has been provided for such services.

~~(e) A psychologist may file a motion with the board seeking relief from any of the requirements in (d) above, which shall stay the duty to comply pending adjudication of such request.~~

(e) A school psychologist shall create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional work in accordance with all relevant state and federal laws and regulations.

Readopt with amendment Psyc 503, effective 11-4-16 (Document #12035-B), to read as follows:

PART Psyc 503 PROFESSIONAL MISCONDUCT

Psyc 503.01 ~~Communications of~~ Alleged Misconduct Regarding a ***Licensee*** ~~Psychologist~~. ~~(a) Communications of a~~***A***lleged misconduct shall be filed ***as a complaint with the OPLC pursuant to Plc 204.02 and Plc 204.03.*** ~~at the board of psychologist offices in Concord, New Hampshire.~~

~~(b) A communication of alleged misconduct shall be treated as a request for inquiry into the acts or omissions of a psychologist.~~

~~(c) A communication of alleged misconduct shall contain the following:~~

~~(1) The name, address and phone number of the petitioner;~~

~~(2) The name and business address of the psychologist against whom the alleged misconduct is directed;~~

~~(3) The specific facts and circumstances which are believed to constitute professional misconduct; and~~

~~(4) A signature, date and statement to the truth of the facts alleged as required by Psyc 204.02 (a).~~

~~(d) The board of psychologists shall make available for public use, a form entitled "Communication of Alleged Misconduct." The form shall contain the information enumerated in Psyc 503.01 (c) above, but the use of the form shall not be required.~~

~~(e) The withdrawal of a communication of alleged misconduct shall not preclude the board of psychologists from independently pursuing some or all of the allegations of misconduct alleged by the complainant.~~

~~(f) Except as otherwise provided by law, the board of psychologists shall provide notice to the psychologist of the alleged misconduct.~~

~~(g) The existence of an allegation or complaint of misconduct shall not equate to a finding of misconduct.~~

Appendix A

Rule	**Statute Being Implemented**
Psyc 501.05	RSA 310:10, II
Psyc 502	RSA 329-B:10, VII, XIV
Psyc 503	RSA 310:9