

# CONSENT CALENDAR

February 15, 2022

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

**The Committee on Executive Departments and Administration to which was referred HB 1446-FN,**

**AN ACT relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.**

**Rep. Dianne Schuett**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Executive Departments and Administration</b>
Bill Number:	<b>HB 1446-FN</b>
Title:	<b>relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.</b>
Date:	<b>February 15, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

This bill changes the governing boards of recreational therapists and respiratory care practitioners to advisory boards. The change was requested by the Office of Professional Licensure and Certification (OPLC) along with several others because of issues recruiting members to serve and having quorums at meetings. The bill does direct the executive director of OPLC to consult with the boards on decisions other than administrative duties. It is intended that the director should contact board members on decisions of practice, education and rules of practice even if the board cannot meet.

Vote 15-0.

Rep. Dianne Schuett  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Executive Departments and Administration

**HB 1446-FN**, relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill changes the governing boards of recreational therapists and respiratory care practitioners to advisory boards. The change was requested by the Office of Professional Licensure and Certification (OPLC) along with several others because of issues recruiting members to serve and having quorums at meetings. The bill does direct the executive director of OPLC to consult with the boards on decisions other than administrative duties. It is intended that the director should contact board members on decisions of practice, education and rules of practice even if the board cannot meet. **Vote 15-0.**

**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**EXECUTIVE SESSION on HB 1446-FN**

**BILL TITLE:** relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

**DATE:** February 15, 2022

**LOB ROOM:** 302-304

**MOTIONS:** **OUGHT TO PASS**

Moved by Rep. Schuett

Seconded by Rep. McGuire

Vote: 15-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



1/22/2021 9:57:48 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Executive Departments and Administration

Bill #: AB 1446 Motion: OTF AM #: \_\_\_\_\_ Exec Session Date: 2-15-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman			
Sytek, John Clerk	X		
Pearson, Stephen C.			
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew			
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeady, Jean L.	X		
Schmidt, Peter B.			
Schultz, Kristina M. <i>MARSH</i>	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
<b>TOTAL VOTE:</b>			

15-0

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1446-FN

**BILL TITLE:** relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

**DATE:** February 1, 2022

**LOB ROOM:** 302-304                      **Time Public Hearing Called to Order:** 1:45 p.m.

**Time Adjourned:** 2:05 p.m.

**Committee Members:** Reps. McGuire, Rhodes, Sytek, S. Pearson, Yakubovich, Alliegro, Bailey, Lanzara, Santonastaso, Goley, P. Schmidt, Schuett, Jeudy, Fellows, O'Brien and Marsh

**Bill Sponsors:**

Rep. Schuett

Rep. McGuire

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Schuett**, prime sponsor, introduced the bill and spoke in favor. She said that both professions were included in one bill (originally two) because of their similarity. She explained the bill with particular reference to “in consultation with.”

**Deborah Robinson**, a recreational therapist representing herself, spoke in support. She pointed out the problems with lack of quorums and that this bill would remedy the situation so that those coming from out of state could get their licenses without delay. She took a Committee questions agreeing that it was her understanding that the professional aspects would be retained by the Board. She also described the nature of her profession, that it was an allied health profession, a “sister profession” to occupational and physical therapy.

**Lindsey Courtney**, Executive Director of the OPLC, spoke in favor. She said that these two boards had significant quorum issues and were being moved to advisory. She detailed the consequences of lack of quorum. She took Committee questions concerning transition of board members and agreed that OPLC role was administrative, not about substance of the profession; and whether there was any progress on the quorum issue. She was not concerned about transitional language but would like to see the bill effective on passage so that the administrative business of the board could proceed without delay.



# House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1446 on 2022-02-01

Support: 0 Oppose: 0 Neutral: 0 Total to Testify: 0

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HB 1446-FN - AS INTRODUCED

2022 SESSION

22-2006  
11/05

HOUSE BILL            ***1446-FN***

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

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

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

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

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

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

STATE OF NEW HAMPSHIRE

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

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

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

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

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

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

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

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

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

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

24 I. "Board" means the recreational therapy ~~[governing]~~ **advisory** board ~~[established in RSA~~  
25 ~~328-F]~~.

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

28 5 New Section; Recreational Therapists; Advisory Board Established. Amend RSA 326-J by  
29 inserting after section 1 the following new section:

30 326-J:1-a Advisory Board Established.

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

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

8 6 Recreational Therapists; Prohibition on Unauthorized Practice; Rulemaking Authority.  
9 Amend RSA 326-J:3, I to read as follows:

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

17 7 Recreational Therapists; Coercion Prohibited; Disciplinary Authority. Amend RSA 326-J:4 to  
18 read as follows:

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

25 8 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II-III to read as  
26 follows:

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

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

35 9 Recreational Therapists; Renewal of License. Amend RSA 326-J:6, I(b)-II to read as follows:

36 (b) Meet continuing competency requirements by completing a minimum of 30 hours of  
37 continuing education in formal courses approved by the ~~[board]~~ **executive director, in**

1 *consultation with the advisory board*, and other requirements established by the ~~[board]~~  
2 *executive director, in consultation with the advisory board*, in rules adopted pursuant to RSA  
3 541-A.

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

7 10 Respiratory Care Practice; Definitions; Board. Amend RSA 326-E:1, I to read as follows:

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

10 11 New Paragraph; Respiratory Care Practice; Definitions; Executive Director. Amend RSA  
11 326-E:1 by inserting after paragraph III the following new paragraph:

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

14 12 Respiratory Care Practice; Rulemaking. Amend the introductory paragraph of RSA 326-E:2  
15 to read as follows:

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

18 13 New Paragraph; Respiratory Care Practice; Rulemaking. Amend RSA 326-E:2 by inserting  
19 after paragraph V the following new paragraph:

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

22 14 Respiratory Care Practice; Requirements for Initial Licensure; References Changed. Amend  
23 RSA 326-E:3, II-IV to read as follows:

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

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

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

36 15 Advisory Board of Respiratory Care Practitioners. RSA 326-E:5 is repealed and reenacted to  
37 read as follows:

1       326-E:5 Advisory Board of Respiratory Care Practitioners. The executive director shall  
2 establish an advisory board of respiratory care practitioners consisting of 3 members who shall be  
3 licensed respiratory care practitioners. Each member shall be appointed to a term of 3 years. No  
4 member shall serve more than 2 consecutive full terms. The advisory board shall advise the  
5 executive director regarding the implementation of this chapter.

6       16 Respiratory Care Practice; Exemptions from Licensure; Reference Changed. Amend RSA  
7 326-E:6, I(e) to read as follows:

8           (e) Respiratory care performed as part of a limited scope of practice, as defined by the  
9 ~~[board]~~ **executive director, in consultation with the advisory board**, by certified pulmonary  
10 function technicians (CPFT), registered pulmonary function technologists (RPFT) or registered  
11 polysomnographic technologists (RPSGT) in a diagnostic laboratory or research setting.

12       17 Respiratory Care Practice; Rights of Consumers; Reference Changed. Amend RSA 326-E:7,  
13 III to read as follows:

14           III. Any person may submit a complaint in writing to the ~~[board]~~ **executive director**  
15 regarding any licensee, entity, or other person potentially in violation of this chapter ~~[or of RSA 328-~~  
16 ~~§].~~

17       18 Respiratory Care Practice; Responsibilities of the Respiratory Care Practitioner; References  
18 Changed. Amend RSA 326-E:8, II-VII to read as follows:

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

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

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

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

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

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

1           19 Respiratory Care Practice; Eligibility for License Renewal; Reference Changed. Amend RSA  
2 326-E:10, II to read as follows:

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

6           20 Respiratory Care Practice; Approved Continuing Education; Reference Changed. Amend  
7 RSA 326-E:11 to read as follows:

8           326-E:11 Approved Continuing Education Programs and Program Providers.

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

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

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

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

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

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

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

25           (a) Minimum qualifications of faculty.

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

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

30           21 Repeal. The following are repealed:

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

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

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

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

37           22 Effective Date. This act shall take effect 60 days after its passage.

LBA  
22-2006  
Redraft 11/16/21

**HB 1446-FN- FISCAL NOTE  
AS INTRODUCED**

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

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

**AGENCIES CONTACTED:**

Office of Professional Licensure and Certification