

LEGISLATIVE COMMITTEE MINUTES

HB1446

Bill as
Introduced

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 ~~F]~~ 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

CHAPTER 72
HB 1446-FN - FINAL VERSION

4May2022... 1699EBA

2022 SESSION

22-2006
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HOUSE BILL ***1446-FN***

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COMMITTEE: Executive Departments and Administration

ANALYSIS

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CHAPTER 72
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4May2022... 1699EBA

22-2006
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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 72:1 Allied Health Professionals; Definitions; Governing Boards. Amend RSA 328-F:2, IV to read as
2 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 72:2 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 pathologists
10 and hearing care providers, and genetic counselors.

11 72:3 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,~~] speech
14 pathologists, [~~respiratory care practitioners,~~] athletic trainers, genetic counselors, physical therapists, and
15 physical therapist assistants from the states of Connecticut, Rhode Island, Massachusetts, Maine, New
16 York, and Vermont, who are currently licensed, shall be eligible for temporary licensure for 120 days while
17 the person makes application for licensure to the respective governing board under this chapter.
18 Temporary licensure shall not apply to an allied health governing board that is a member of an interstate
19 licensure compact. An applicant for temporary licensure to practice, who is currently licensed or certified
20 in Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont, shall:

21 72:4 Recreational Therapists; Definitions; Executive Director. Amend RSA 326-J:1, I to read as
22 follows:

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

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

26 72:5 New Section; Recreational Therapists; Advisory Board Established. Amend RSA 326-J by
27 inserting after section 1 the following new section:

28 326-J:1-a Advisory Board Established.

29 I. The executive director shall establish an advisory board of recreational therapists consisting of
30 3 members, who shall be licensed recreational therapists. Each member shall be appointed to a term of 3
31 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the
32 executive director regarding the implementation of this chapter.

CHAPTER 72
HB 1446-FN - FINAL VERSION
- Page 2 -

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

4 72:6 Recreational Therapists; Prohibition on Unauthorized Practice; Rulemaking Authority. Amend
5 RSA 326-J:3, I to read as follows:

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

13 72:7 Recreational Therapists; Coercion Prohibited; Disciplinary Authority. Amend RSA 326-J:4 to
14 read as follows:

15 326-J:4 Coercion Prohibited. No person shall coerce a licensed recreational therapist into
16 compromising client safety by requiring the licensed recreational therapist to delegate activities or tasks if
17 the licensed recreational therapist determines that it is inappropriate to do so. Licensed recreational
18 therapists shall not be subject to disciplinary action by the [board] *executive director* for refusing to
19 delegate activities or tasks or refusing to provide the required training for delegation if the licensed
20 recreational therapist determines that the delegation may compromise client safety.

21 72:8 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II-III to read as follows:

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

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

30 72:9 Recreational Therapists; Renewal of License. Amend RSA 326-J:6, I(b)-II to read as follows:

31 (b) Meet continuing competency requirements by completing a minimum of 30 hours of
32 continuing education in formal courses approved by the [board] *executive director, in consultation with the*
33 *advisory board*, and other requirements established by the [board] *executive director, in consultation with*
34 *the advisory board, in* rules adopted pursuant to RSA 541-A.

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

38 72:10 Respiratory Care Practice; Definitions; Board. Amend RSA 326-E:1, I to read as follows:

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HB 1446-FN - FINAL VERSION
- Page 3 -

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

3 72:11 New Paragraph; Respiratory Care Practice; Definitions; Executive Director. Amend RSA 326-
4 E:1 by inserting after paragraph III the following new paragraph:

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

7 72:12 Respiratory Care Practice; Rulemaking. Amend the introductory paragraph of RSA 326-E:2 to
8 read as follows:

9 The ~~[board]~~ *executive director, in consultation with the advisory board*, shall adopt rules pursuant to RSA
10 541-A:

11 72:13 New Paragraph; Respiratory Care Practice; Rulemaking. Amend RSA 326-E:2 by inserting
12 after paragraph V the following new paragraph:

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

15 72:14 Respiratory Care Practice; Requirements for Initial Licensure; References Changed. Amend
16 RSA 326-E:3, II-IV to read as follows:

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

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

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

28 72:15 Advisory Board of Respiratory Care Practitioners. RSA 326-E:5 is repealed and reenacted to
29 read as follows:

30 326-E:5 Advisory Board of Respiratory Care Practitioners. The executive director shall establish an
31 advisory board of respiratory care practitioners consisting of 3 members who shall be licensed respiratory
32 care practitioners. Each member shall be appointed to a term of 3 years. No member shall serve more
33 than 2 consecutive full terms. The advisory board shall advise the executive director regarding the
34 implementation of this chapter.

35 72:16 Respiratory Care Practice; Exemptions from Licensure; Reference Changed. Amend RSA
36 326-E:6, I(e) to read as follows:

37 (e) Respiratory care performed as part of a limited scope of practice, as defined by the
38 ~~[board]~~ *executive director, in consultation with the advisory board*, by certified pulmonary function

CHAPTER 72
HB 1446-FN - FINAL VERSION
- Page 4 -

1 technicians (CPFT), registered pulmonary function technologists (RPFT) or registered polysomnographic
2 technologists (RPSGT) in a diagnostic laboratory or research setting.

3 72:17 Respiratory Care Practice; Rights of Consumers; Reference Changed. Amend RSA 326-E:7,
4 III to read as follows:

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

7 72:18 Respiratory Care Practice; Responsibilities of the Respiratory Care Practitioner; References
8 Changed. Amend RSA 326-E:8, II-VII to read as follows:

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

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

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

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

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

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

25 72:19 Respiratory Care Practice; Eligibility for License Renewal; Reference Changed. Amend RSA
26 326-E:10, II to read as follows:

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

30 72:20 Respiratory Care Practice; Approved Continuing Education; Reference Changed. Amend RSA
31 326-E:11 to read as follows:

32 326-E:11 Approved Continuing Education Programs and Program Providers.

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

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

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

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

CHAPTER 72
HB 1446-FN - FINAL VERSION
- Page 5 -

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

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

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

10 (a) Minimum qualifications of faculty.

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

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

15 72:21 Repeal. The following are repealed:

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

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

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

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

22 72:22 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 20, 2022
Effective Date: July 19, 2022

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
 Sen John Reagan, Vice Chair
 Sen Denise Ricciardi, Member
 Sen Kevin Cavanaugh, Member
 Sen Suzanne Prentiss, Member

Date: March 16, 2022

HEARINGS

	Wednesday	03/23/2022
	(Day)	(Date)
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	HB 1681-FN	relative to the state building code and the state fire code.
9:15 a.m.	HB 1548-LOCAL	relating to the sale of the Lakes Region Facility.
9:30 a.m.	HB 1446-FN	relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.
9:45 a.m.	HB 1354	relative to regulation by the New Hampshire real estate commission.
10:00 a.m.	HB 1059	clarifying limits on licensure by operation of law.
10:15 a.m.	HB 1581	relative to the use of open source software by state agencies.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1681-FN

Rep. McGuire
 Sen. Cavanaugh

Rep. Pimentel
 Sen. Prentiss

Sen. Reagan

Sen. Carson

HB 1548-LOCAL

Rep. Fellows
 Rep. Ham

Rep. Adjutant
 Rep. Crawford

Rep. Marsh
 Rep. Weston

Rep. Suzanne Smith
 Sen. Giuda

HB 1446-FN

Rep. Schuett

Rep. McGuire

HB 1354

Rep. Acton

HB 1059

Rep. Fellows

HB 1581

Rep. Berezny

Rep. Ammon

Rep. Hill

Rep. Gallager

Chantell Wheeler 271-1403

Sharon M Carson
 Chairman

**Senate Executive Departments and Administration
Committee**

Chantell Wheeler 271-1403

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

Hearing Date: March 23, 2022

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Schuett

Rep. McGuire

Who supports the bill: Rep. Schuett, Rep. McGuire, Joe Shoemaker and Lindsey Courtney, Office of Professional Licensure (OPLC)

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented in support:

Rep. McGuire:

- Rep. McGuire introduced the bill as requested by OPLC to convert some of the smaller boards to advisory boards rather than regulatory boards.
- These boards have small numbers in the profession and they have a hard time finding members and meeting regularly.
- The House amended the bill to specify the areas where OPLC has oversight, which is largely administrative.
- The advisory boards are focused on the technical and professional areas.
- This bill also adds an alternate to the boards.

Senator Carson asked how the transfer of duties will happen.

Rep. McGuire explained that administrative board functions were transferred to OPLC a few years ago when OPLC was formed.

Sen. Carson asked how many individuals are impacted. **Rep. McGuire** deferred to a later speaker to answer.

Joe Shoemaker, OPLC

- These 2 boards have not been able to meet in roughly 7-8 months due to quorum issues.
- There is a statute that states that if a licensee application does not go to the board within 60-days, the person is automatically licensed.

Summary of testimony presented in opposition: None

Neutral Information Presented: None

cbw

Date Hearing Report completed: March 24, 2022

Speakers

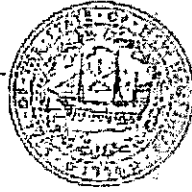
Testimony

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

7 Eagle Square, Suite 200
Concord, N.H. 03301-2412
Telephone 603-271-2152

LINDSEY B. COURTNEY
Executive Director



March 22, 2022

Hon. Sharon Carson
Chair, Executive Departments and Administration Committee
State House, Room 103
Concord, NH 03301

Re: Testimony in support of HB 1446

Dear Hon. Chair Carson:

The Office of Professional Licensure & Certification ("OPLC") wishes to express its support of HB 1446. OPLC is the agency responsible for providing support to approximately fifty occupational licensing boards with independent regulatory authority. OPLC also directly regulates four professions with advice of advisory boards. This bill proposes to change the governing boards of recreational therapists and respiratory care practitioners to advisory boards.

For an occupational licensing structure to be successful, the State should leverage expertise of professionals in those occupations, as well as individuals who are experienced in administrative law and procedure. Members of regulated professions may be experts in their fields, but they are often not experts in administrative law and procedure; state officials may have vast experience in administrative law and procedure but know little about the regulated profession. Accordingly, the two must work together in a harmonious relationship to achieve the State's mission of protecting the public, while complying with all aspects of state law.

This structure breaks down when one body is not able to, or not consistently able to, perform its role in this relationship. There are several OPLC boards that either do not have a quorum or are struggling to consistently maintain a quorum, which has significantly impacted licensure and the State's ability to protect the public. OPLC believes most of these issues are because our healthcare boards are comprised largely of individuals who are part of our healthcare workforce, and who are so desperately needed on the front line, not necessarily in board meetings. OPLC believes that changing these boards to advisory boards would permit board members to freely provide their expertise concerning potential regulatory changes and other matters, even if the board lacks a quorum, while ensuring that business can continue in the absence of board meetings. This is because, under the proposed bill, the agency would be permitted to act even in the absence of a board quorum.

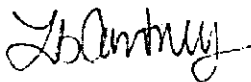
Hon. Sharon Carson
March 22, 2022
Page Two

When OPLC was considering which boards should potentially move to an advisory model, the governing boards of recreational therapy and respiratory care practitioner came to mind, as the boards have struggled to hold meetings due to lack of a quorum. The governing board of recreational therapy has not met since May 2021. Similarly, the governing board of respiratory care practitioners has not held a meeting since May 2021.

OPLC simply wishes to protect the public by ensuring qualified applicants can be licensed in a timely fashion and that the State can effectively regulate this profession, which includes ensuring applicants meet minimum standards through licensure and responding to complaints. OPLC has watched healthcare board members struggle to take time out of their busy lives to attend board meetings. OPLC appreciates their service. OPLC also understands that they are often needed elsewhere; OPLC is concerned that, if meetings are not held consistently, some individuals may be improperly licensed or not licensed in a timely manner, and complaints will not be addressed. OPLC believes that moving certain boards to an advisory model would permit the State to leverage the board members' expertise, while ensuring that the State performs the duties it is required to do to protect the public.

Thank you for the opportunity to provide comments. Feel free to contact me directly with any questions.

Very truly yours,



Lindsey B. Courtney, JD
Executive Director
Office of Professional Licensure and Certification

Chantell Wheeler

From: Dianne Schuett
Sent: Wednesday, March 23, 2022 9:19 AM
To: ~Senate Executive Departments and Administration
Cc: Chantell Wheeler
Subject: Testimony on HB 1446

Senate Exec Depts & Admin

March 23, 2022

Testimony on HB 1446, relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

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.

Rep. Dianne Schuett, Merr. 20, Sponsor

Voting Sheets

**Senate Executive Departments and
Administration Committee
EXECUTIVE SESSION RECORD**

2022 Session

Bill # HB 1446 FN

Hearing date: 3/23/2022
 Executive Session date: 3/23/2022

Motion of: OTR Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Prentiss

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 23, 2022

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Suzanne Prentiss
For the Committee

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) because these boards often have trouble getting board members and reaching a quorum. Further, the executive director of OPLC shall consult with the boards on decisions other than those related to administrative duties.

Chantell Wheeler 271-1403

General Court of New Hampshire - Bill Status System

Docket of HB1446

Docket Abbreviations

Bill Title: relative to the governing board of recreational therapists and relative to the governing board of respiratory care practitioners.

Official Docket of HB1446.:

Date	Body	Description
12/1/2021	H	Introduced 01/05/2022 and referred to Executive Departments and Administration
1/20/2022	H	Public Hearing: 02/01/2022 01:45 pm LOB 302-304
3/11/2022	H	Ought to Pass: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Executive Departments and Administration; SJ 5
3/16/2022	S	Hearing: 03/23/2022, Room 103, SH, 09:30 am; SC 12
3/24/2022	S	Committee Report: Ought to Pass, 03/31/2022; Vote 5-0; CC; SC 13
3/31/2022	S	Ought to Pass: MA, VV; OT3rdg; 03/31/2022; SJ 7
5/3/2022	S	Enrolled Bill Amendment #2022-1699e Adopted, VV, (In recess of 04/28/2022); SJ 11
5/6/2022	H	Enrolled Bill Amendment #2022-1669EBA: AA VV (in recess of) 05/04/2022 HJ 11
5/13/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
5/13/2022	H	Enrolled (in recess of) 05/12/2022
5/24/2022	H	Signed by Governor Sununu 05/20/2022; Chapter 72; Eff. 07/19/2022

NH House

NH Senate

Other Referrals

April 21, 2022
2022-1699-EBA
08/04

Enrolled Bill Amendment to HB 1446-FN

The Committee on Enrolled Bills 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 following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1446-FN

This enrolled bill amendment revises section 2 to reflect current law as enacted in HB 1427-FN of the 2022 regular legislative session.

Enrolled Bill Amendment to HB 1446-FN

Amend the bill by replacing section 2 with the following:

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

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

Senate Inventory Checklist for Archives

Bill Number: HB 1446 M

Senate Committee: FDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # _____
- amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____
- amendment # _____
- amendment # _____
- amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s) 1699E
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate
- as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Crowe
Committee Aide

5/13/2002
Date

Senate Clerk's Office AK