

Amendment to HB 650-FN

1 Amend RSA 329-B:12, II as inserted by section 5 of the bill by replacing it with the following:

2
3 II. The board ~~[of mental health practice, pursuant to RSA 330-A:12, II,]~~ shall ~~[continue to]~~
4 establish fees applicable to psychologists for review of applicants; reinstatement of license; inactive
5 license status; reactivation of an inactive license; examination of applicants; transcribing and
6 transferring records; and other services, including investigations and hearings conducted under this
7 chapter.

8
9 Amend the bill by replacing section 6 with the following:

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11 6 Psychologist License; Criminal History Records Release; References to Fees Corrected.
12 Amend RSA 329-B:15, I(e) and II to read as follows:

13 (e) Has paid all fees established and collected by the board ~~[of mental health practice]~~.

14 ***(f) Has submitted a complete set of fingerprints and a notarized criminal***
15 ***history records release form in accordance with RSA 329-B:14-a.***

16 II. Examinations for applicants under this chapter shall be held by the board at least once
17 each year. The board shall determine the subject and scope of the examination, which may be
18 written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a
19 subsequent examination upon the payment of an additional fee in the amount established by the
20 board ~~[of mental health practice under RSA 330-A:12]~~.

21
22 Amend RSA 329-B:22, IX as inserted by section 11 of the bill by replacing it with the following:

23
24 IX. The board may dismiss complaints when the undisputed allegations do not warrant
25 disciplinary actions and may settle complaints informally with the consent of the licensee. Some or
26 all of the allegations in a complaint may be consolidated with another complaint or with issues
27 which the board chooses to investigate or hear on its own motion. If an investigation of a complaint
28 results in an offer of settlement by the licensee, the board may settle the allegations against the
29 licensee without the consent of a complainant, provided that the complainant is given an
30 opportunity to comment on the terms of the proposed settlement. ***Prior to the settlement or***
31 ***other negotiated termination of proceedings, the board shall provide the licensee with a***
32 ***summary of the investigation, which shall include an overview of the evidence, including***

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1 *incriminating and exculpatory elements. The summary of the investigation shall remain*
2 *confidential to the licensee and his or her counsel.*

3
4 Amend the bill by inserting after section 11 the following and renumbering the original section 12-
5 14 to read as 14-16, respectively:

6
7 12 New Section; Criminal History Record Checks. Amend RSA 329-B by inserting after section
8 14 the following new section:

9 329-B:14-a Criminal History Record Checks.

10 I. Every applicant for initial permanent licensure or reinstatement shall submit to the
11 board a notarized criminal history record release form, as provided by the New Hampshire division
12 of state police, which authorizes the release of his or her criminal history record, if any, to the
13 board.

14 II. The applicant shall submit with the release form a complete set of fingerprints taken by
15 a qualified law enforcement agency or an authorized employee of the department of safety. In the
16 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
17 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
18 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
19 criminal history records check, accept police clearances from every city, town, or county where the
20 person has lived during the past 5 years.

21 III. The board shall submit the criminal history records release form and fingerprint form
22 to the division of state police which shall conduct a criminal history records check through its
23 records and through the Federal Bureau of Investigation. Upon completion of the records check,
24 the division of state police shall release copies of the criminal history records to the board.

25 IV. The board shall review the criminal record information prior to making a licensing
26 decision and shall maintain the confidentiality of all criminal history records received pursuant to
27 this section.

28 V. The applicant shall bear the cost of a criminal history record check.

29 13 New Paragraph; Investigations and Complaints; Confidentiality. Amend RSA 329-B:22 by
30 inserting after paragraph IX the following new paragraph:

31 X. Except as otherwise provided in this chapter, including paragraph VIII, the existence of
32 an allegation of misconduct shall be confidential and shall not be required to be reported by the
33 licensee to any person. Insurance carriers and certifying bodies shall be prohibited from asking
34 about the existence of such allegations and shall not hold the existence of such allegations in this
35 chapter against the licensee in any way, including, but not limited to, denial of any professional
36 privileges or increased costs, fees, or charges.

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1 Amend RSA 329-B:25, II as inserted by section 14 of the bill by replacing it with the following:

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3 II. If a license is not renewed it may be reinstated not later than 6 months after the date of
4 license expiration upon compliance with rules adopted by the board and payment of the
5 ***reinstatement*** fee [~~established by the board of mental health practice under RSA 330-A:12~~]. A
6 license may be placed on inactive status pursuant to rules adopted by the board.