

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2021-137 Rule Number Occ 400

<p>1. Agency Name &amp; Address: <b>Occupational Therapy Governing Board c/o Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u><b>RSA 328-F:11, I(b), (c), (d), (e), (f); RSA 541-A:16, I(b)</b></u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p><input checked="" type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Amendment (only if Initial Proposal was filed before 9/27/20.)</p> <p><input checked="" type="checkbox"/> Repeal</p> <p><input type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p>
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5. Short Title: **Continued Status**

6. Contact person for copies and questions:

Name:	<b>Tina M. Kelley</b>	Title:	<b>Program Specialist IV</b>
Address:	<b>Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</b>	Phone #:	<b>(603) 271-5247</b>

7. The rulemaking notice appeared in the Rulemaking Register on January 6, 2022.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET  
AND ONE COPY OF THE FOLLOWING:  
(optional to number correspondingly)**

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.
9. Yes  N/A  Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
10. Yes  N/A  The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
11. Yes  N/A  The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Notice Number 2021-137

Rule Number Occ 400

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5. Short Title: **Continued Status**

6. (a) Summary of what the rule says and of any proposed amendments:

**Occ 401.01 describes active in the profession and is being readopted with amendment to change active in the profession from during each 12 month period for 2 consecutive 12 month periods immediately preceding the date of submission of the application form for reinstatement to 100 hours for the 2 years immediately preceding the completed application.**

**Change the part heading of Occ 402 “procedures for renewing a license and indicating a decision not to renew” by removing “and indicating a decision not to renew”.**

**Repeal Occ 402.01 which describes procedure for licensees who do not wish to renew their license.**

**Occ 402.02 describes license renewal procedure and is being readopted with amendment and renumbered as Occ 402.01 correcting the rule citation describing where the application packet is described from Occ 402.02 to Occ 402.01.**

**Occ 402.03 describes the license renewal application packet and is being readopted with amendment to correct the citation of the rule where the description of the application is located from Occ 402.04 to Ahp 401.01 and add a question to that application: “Have you been active in the profession as an occupational therapist or occupational therapist assistant by engaging in one of the 7 activities described in Occ 401.01 for 100 hours in the immediately preceding 2 years?”**

**Occ 402.04 describes the licensure renewal application form and is being repealed.**

**Occ 402.05 describes the effect of the renewal applicant’s signature and is being repealed.**

**Occ 402.06 describes the documents required to renew the application and is being readopted with amendment and renumbered as Occ 402.03 to reflect the correct location of the “yes” and “no” questions requiring an affirmation if the answer is in the affirmative and to correct the location of the supervision form required to be completed by the occupational therapy assistant.**

**Occ 402.07 describes the board's renewal application processing procedures and is being readopted with amendment and renumbered as Occ 402.04 to change the number of days the Board must notify the applicant of missing renewal documents from 60 days to 30 days and to change the days the Board must approve or deny an application for renewal from 120 days to 60 days.**

**Occ 402.08 describes renewal of licensure and is being readopted with amendment and renumbered as Occ 402.05 to correct the location of the "yes" and "no" questions that are used to help the Board determine good moral and professional character.**

**Occ 402.10 describes the continuing education audit procedures for those renewing their license and is being readopted with amendment and renumbered as Occ 402.07 to correct the location of the description of proof of continuing education completed for the renewal.**

**Occ 403.01 describes licenses subject to reinstatement and is being readopted with amendment to correct the location of description of lapsed licenses and suspended licensed.**

**Occ 403.02 describes the Board's procedure for reinstatement applications and is being readopted with amendment to change the number of days the Board must notify the applicant of missing renewal documents from 60 days to 30 days and to change the days the Board must approve or deny an application for renewal from 120 days to 60 days.**

**Occ 403.03 describes the reinstatement application form and is being readopted with amendment to remove the incorporated application and statement the applicant must sign below and cite the correct location of the description of the application form.**

**Occ 403.04 describes early reinstatement lapsed licenses within 70 days of the date the license expires and is being readopted with amendment to:**

- **Include certification;**
- **Clarify that the application for reinstatement and information described in Occ 403.04(b) are required to be submitted within 70 days of the license expiration date;**
- **Correct the cited location of the "yes/no" question of the reinstatement application form, description of required reports, and written statement;**
- **Correct the location of the reinstatement application form and supporting reinstatement documents; and**
- **Remove outdated information of the "yes/no" questions used to determine if an application should be approved for reinstatement.**

**Occ 403.05 describes application for reinstatement for those who have been active in the profession in another state and have been lapsed for more than 70 days and is being readopted with amendment to correct the cited locations of the application for reinstatement or certification, required reports, written statement, criminal offender record reports, and verification of licensure. In addition, redundant information regarding submission of documents is being removed and the location of the description of those documents in Occ 403.10 is being cited.**

**Occ 403.06 describes conditional reinstatement for those who have not been active in the profession and seek reinstatement of their license up to six years after the date their license expired and is being readopted with amendment to correct the cited locations of the application for reinstatement or certification, required reports, written statement, criminal offender record reports, and verification of licensure. In addition, redundant information regarding submission of documents is being removed and the location of the description of those documents in Occ 403.10 is being cited.**

**Occ 403.07 describes license reinstatement for occupational therapists who have not been active in the profession and seek reinstatement of their license more than six years after the date their license expired and is being readopted with amendment to correct the cited locations of the application for reinstatement or certification, required reports, written statement, criminal offender record reports, and verification of licensure. In addition, redundant information regarding submission of documents is being removed and the location of the description of those documents in Occ 403.10 is being cited.**

**Occ 403.08 describes reinstatement of licensure for occupational therapy assistants who have not been active in the profession and seek reinstatement of their license more than six years after the date their license expired and is being readopted with amendment to clarify that they must meet all the requirements set for the in Occ 403.06.**

**Occ 403.10 is being adopted to describes the materials supporting the reinstatement application.**

**Occ 404.03 describes the administrative obligations of conditionally reinstatement licensees and is being readopted with amendment to clarify that the person shall complete the items listed in (1) through (3) of 404.03 before being issued a conditional licensure authorizing supervision and correct the cited location of the description of the supervision form.**

**Occ 404.05 describes the supervision form and is being readopted with amendment to remove that description and cite the location of the description as being in Ahp 601.06.**

**Occ 404.06 describes the extension of conditionally reinstated licenses and is being readopted with amendment to require that the request for the extension of the conditionally reinstated license be received in the Board's office when the conditional license is still valid.**

**Occ 404.07 describes the eligibility requirements for supervisors and is being repealed.**

**Occ 404.08 and Occ 404.09 renumbered as Occ 404.07 and Occ 404.08 describe issuance of a full license for initial conditionally reinstated license and the expiration and suspension of conditionally reinstated licenses and is being readopted with amendment to correct incorrect rule citations, to clarify when the supervisory letters must be submitted, and recognize Occ 404.01 as an exception to when conditionally reinstated license will expire.**

**Occ 406.01 provides definitions and is being readopted with amendment to correct the incorrect rule citation of where documentation of proof of distance-learning is located.**

**Occ 406.02 describes maintenance of continuing competence and is being readopted with amendment to clearly describe academic and non-academic, remove completion of distance learning and teaching occupational therapy, and correct incorrect rule citations.**

**Occ 406.03 through 406.15 describe the various types of continuing education and is being readopted with amendment to place the description of documentation of continuing education being removed from Occ 407 in the appropriate section of Occ 406.**

**Occ 406.16 described completion of distance learning courses and is being repealed.**

**Occ 406.17 describes teaching occupational therapy as a form of continuing education and is being repealed.**

**Occ 406.18 and 406.19 renumbered as Occ 406.16 and Occ 406.17 describe types of continuing education and are being readopted with amendment to place the description of documentation of continuing education being removed from Occ 407 in the appropriate section.**

**Occ 407 describes documentation of maintenance of continuing competence and is being repealed.**

**Occ 408.10 renumbered as Occ 407.10 describes the supervision form and is being readopted with amendment to remove the description of the form and to cite the rule where the description is located, Ahp 601.06.**

**Occ 408.12 describes the storage of medications for physical agent modalities and is being repealed.**

6. (b) Brief description of the groups affected:

The groups affected by these rule changes are licensed Occupational Therapists and Occupational therapy assistants who are renewing their licenses and those who were licensed and wish to have their license reinstated.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<b>Rule</b>	<b>Statute</b>
Occ 400	RSA 326-C:5 and 6

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	<b>Tina M. Kelley</b>	Title:	<b>Program Specialist IV</b>
Address:	<b>Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</b>	Phone #:	<b>(603) 271-5247</b>
		Fax#:	<b>(603) 271-0597</b>
		E-mail:	<b>OPLC-Rules@oplcnh.gov</b>
		TTY/TDD Access:	<b>Relay NH 1-800-735-2964 or dial 711 (in NH)</b>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, February 10, 2022 by 4:00 p.m.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, January 31, 2022 at 10:30 a.m.**

Place: **Office of Professional Licensure and Certification  
7 Eagle Square  
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 21:140, dated 12-22-2021

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to Occ 403.10, which is new.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

There is no additional cost or benefit associated with Occ 403.10, which is a new section.

**A. To State general or State special funds:**

None

**B. To State citizens and political subdivisions:**

None

**C. To independently owned businesses:**

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.**

**Readopt with amendment Occ 401.01, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 401.01 "Active in the profession" means, as applied to an applicant for reinstatement of licensure, having engaged in occupational therapy:

(a) As:

- (1) A direct caregiver in occupational therapy;
- (2) An occupational therapy educator;
- (3) An occupational therapy administrator;
- (4) An occupational therapy consultant;
- (5) A member of an occupational therapy board or committee;
- (6) A student enrolled full time in an advanced occupational therapy degree program;  
or
- (7) A researcher; and

(b) For 100 hours for the 2 years immediately preceding the submission of the completed application.

**Change the part heading for Occ 402 to read as follows:**

PART Occ 402 PROCEDURES FOR RENEWING A LICENSE

**Repeal Occ 402.01, effective 3/26/14 (Document #10555), as follows:**

~~[— Occ 402.01 Procedure for Licensees Who Do Not Wish to Renew Their Licenses. Any licensee who does not wish to renew his or her license shall so indicate by:~~

~~— (a) Submitting only the first page of the renewal form on or before December first of the renewal year; and~~

~~— (b) Completing that page only to the following extent:~~

~~(1) Correcting or adding as necessary to the preprinted:~~

~~a. Home mailing address.~~

~~(2) Placing on the lines provided for a licensee not wishing to renew:~~

~~a. His or her signature; and~~

~~b. The date of signing.]~~

**Readopt with amendment and renumber Occ 402.02, effective 3/26/14 (Document #10555) as Occ 402.01, cited and to read as follows:**

Occ 402.01 License Renewal Procedure.

**Unclear.** The renewal application's requirements are not in this section. Is Occ 402.02 meant?

(a) A licensee wishing to renew his or her current license shall:

(1) Submit the completed renewal application packet described in **Occ 402.01**; and

(2) Do so by one of the following 3 methods:

a. The timely renewal method consisting of delivery of the completed packet by hand or secure electronic communication on or before December first of the renewal year, or delivery by mail postmarked on or before that date;

b. The late renewal method consisting of:

1. Delivery of the completed packet by hand or secure electronic communication between December 2 and December 31 of the renewal year, or delivery by mail postmarked during the same period; and

2. Inclusion in the packet payment of the late filing fee specified by **Ahp 301.02(a)** as well as the license renewal fee also specified by **Ahp 301.02(a)**; or

c. If the renewal applicant is on active military duty outside the United States, by delivery of the completed packet by hand, mail or secure electronic communication within 60 days of the renewal applicant's return to the United States or release from duty, whichever occurs later.

**Unclear/Legis. Intent.** The schedule of fees found at Ahp 301.02 is for the licensure and certification of speech-language assistants. It does not contain fees specific to occupational therapists.

(b) A licensee wishing to renew his or her current license shall have completed 24 hours of maintenance of continuing competence as described in Occ 406.02.

(c) Pursuant to RSA 328-F:19, III, licenses to be renewed shall lapse if the renewal applicants do not submit the completed renewal application packet within one of the time periods set forth in (a)(2) above.

(d) Renewal applicants whose licenses have lapsed shall not practice occupational therapy until their licenses have been reinstated by the board.

**Readopt with amendment and renumber Occ 402.03, effective 7/29/15 (Document #10902) as Occ 402.02, cited and to read as follows:**

Occ 402.02 License Renewal Application Packet. Applicants for license renewal shall submit the following components of the application packet:



**Edit.** Delete the "(1)" and place the question in parentheses.

**Unclear.** It is unclear whether the incorporated form edition 2019 at Ahp 601.03 needs to be amended to include this question.

(a) The completed renewal application form described in Ahp 601.03 which includes the following question:

(1) Have you been active in the profession as an occupational therapist or occupational therapist assistant by engaging in one of the 7 activities described in Occ 401.01 for 100 hours in the immediately preceding 2 years?;

(b) The documents described in Occ 402.03; and

**Unclear/Legis. Intent** See the previous unclear comment regarding the applicability of the cited fee schedule.

(c) The fee(s) specified by Ahp 301.02(a) for timely or late renewal, as applicable.

and Occ 402.04 and Occ 402.05, effective 7/29/15 (Document #10902), as follows:

[Occ 402.04 Licensure Renewal Application Form.

~~— (a) The renewal application form shall:~~

~~(1) Be provided by the board; and~~

~~(2) Contain 3 parts as follows:~~

~~a. Part one, which is available to the public, except for the information required by (c) below;~~

~~b. Part 2, which is held confidential by the board, except for the information required by (g)(5), (g)(6), and (g)(7) below; and~~

~~c. Part 3, which is available to the public.~~

~~— (b) The renewal applicant shall:~~

~~(1) Complete the entire renewal application form using a keyboard or by printing legibly in ink; and~~

~~(2) Complete all sections of the entire renewal application form or designate them as not applicable.~~

~~— (c) On part one of the renewal application form the renewal applicant shall correct as necessary the preprinted home mailing address.~~

~~— (d) Also on part one of the form the renewal applicant shall list the jurisdictions, other than New Hampshire, where the applicant is currently licensed to practice.~~

~~— (e) Also on part one of the form using the "yes" and "no" columns provided, the renewal applicant shall indicate whether:~~

~~(1) During the past 27 months, or if not previously reported, the applicant has been found guilty or entered a plea of no contest to any felony or misdemeanor;~~

~~(2) During the past 27 months, or if not previously reported, the applicant has been the subject of any disciplinary action by any professional licensing authority;~~

~~(3) During the past 27 months, or if not previously reported, the applicant has been denied a license or other authorization to practice in any state or jurisdiction; and~~

~~(4) During the past 27 months, or if not previously reported, the applicant has surrendered a license or other authorization to practice issued by any state or jurisdiction in order to avoid or settle disciplinary charges.~~

~~— (f) Also on part one of the form the renewal applicant shall place his or her signature and the date of signing below the following preprinted statement:~~

~~"I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted to support my application is complete and accurate to the best of my knowledge and belief. I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them."~~

~~— (g) On part 2 of the renewal application form the renewal applicant shall provide the applicant's:~~

~~(1) Full name;~~

~~(2) Home physical address;~~

~~(3) Home phone number or personal cell phone number;~~

~~(4) Home mailing address;~~

~~(5) Place of employment name, if any;~~

~~(6) Place of employment mailing address, if any;~~

~~(7) Place of employment phone number, if any; and~~

~~(8) E-mail address at which the applicant wishes to receive notifications from the board.~~

~~— (h) The renewal applicant shall use the boxes provided to indicate which of the following addresses, if any, the board is permitted to make available to the various public entities:~~

~~(1) Home mailing address;~~

~~(2) Place of employment mailing address; and~~

~~(3) None.~~

~~— (i) The renewal applicant shall designate by checking one of the appropriate boxes if the applicant wishes to receive notification from the board by e-mail or regular mail.~~

~~— (j) The renewal applicant shall verify his or her social security number and make any necessary corrections to the preprinted number by striking through the incorrect number and writing the corrected number under the following preprinted statement:~~

~~“The Governing Board of your profession will deny licensure if you refuse to submit your social security number (SSN). Your professional license will not display your SSN. Your SSN will not be made available to the public.~~

~~— The governing Board is required to obtain your social security number for the purpose of child support enforcement and is in compliance with RSA 161-B:11. This collection of your social security number is mandatory.”~~

~~— (k) Also on part 2 of the renewal application form the renewal applicant shall, using the “yes” and “no” columns provided, indicate whether:~~

~~(1) The applicant has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board or any state or jurisdiction;~~

~~(2) During the past 27 months, or if not previously reported, any malpractice claim has been made against the applicant;~~

~~(3) During the past 27 months, or if not previously reported, the applicant has for disciplinary reasons been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant’s place of employment, or had any privileges limited, suspended or revoked in any:~~

~~a. Hospital;~~

~~b. Health care institution;~~

~~e. Home health care agency;~~

~~d. Educational institution; or~~

~~e. Other professional setting;~~

~~(4) During the past 27 months, or if not previously reported, the applicant has been denied the privilege of taking an examination required for any professional licensure; and~~

~~(5) During the past 27 months, or if not previously reported, the applicant has had any physical, mental or emotional condition, or any alcohol or substance abuse problem, which could negatively affect the applicant's ability to practice the profession for which licensure is sought.~~

~~(6) During the past 27 months, or if not previously reported, the applicant has committed any act(s) that would violate the laws and/or rules that govern the profession for which he or she is applying.~~

~~—— (l) Also on part 2 of the renewal application form the renewal applicant shall, using the “yes” and “no” columns provided, indicate whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(s) as required by RSA 125:25-C.~~

~~—— (m) On part 3 of the form the renewal applicant shall:~~

~~(1) Place his or her full name and current license number; and~~

~~(2) Indicate, by using the check box provided, the allied health profession of licensure.~~

~~—— (n) Also on part 3 of the renewal application form the renewal applicant shall use the designated columns to report the following information about each continuing professional education course or professional activity constituting maintenance of continuing education completed since the issuance of the initial license or within the 2 calendar years since the last license renewal:~~

~~(1) Its beginning and ending dates;~~

~~(2) Its title;~~

~~(3) The name of its sponsor or provider;~~

~~(4) The clinical contact hours attributable to it;~~

~~(5) The other contact hours attributable to it; and~~

~~(6) The total number of hours attributable to it.~~

~~—— (o) Also on part 3 of the form the renewal applicant shall:~~

~~(1) Show in the space provided the total hours of continuing professional education and professional activity completed;~~

~~(2) Use the designated columns to report the same information required by (h) above for each course or professional activity he or she anticipates will be completed between November 1 and December 31; and~~

~~(3) Show in the space provided the total hours of continuing professional education and professional activity anticipated to be completed between November 1 and December 31.~~

~~—— Occ 402.05 Effect of the Renewal Applicant’s Signature. The effect of the renewal applicant’s signature on part one of the form shall be:~~

~~—— (a) The renewal applicant’s acknowledgement that knowingly making a false statement on the license renewal application form is a misdemeanor under RSA 641:2, I;~~

~~—— (b) The renewal applicant’s certification that:~~

~~(1) The information provided on all of the parts of the license renewal application form and in the documents personally submitted to support the application is complete and accurate to the best of the applicant's knowledge and belief; and~~

~~(2) The applicant has read the statutes and administrative rules of the board; and~~

~~——(c) The applicant's promise to abide by the statutes and administrative rules of the board.]~~

**Readopt with amendment and renumber Occ 402.06 through Occ 402.08, effective 7/29/15 (Document #10902) as Occ 402.03 through Occ 402.05 and renumber the remaining sections, cited and to read as follows:**

Occ 402.03 Required Documents. Applicants for licensure renewal shall include in their application packets:

(a) On a separate sheet, a detailed report of the relevant circumstances concerning any answer in the affirmative from the application form specified in Ahp 601.03; and

(b) If applying for renewal of licensure as an occupational therapy assistant and employed at the time of applying, a completed supervision form as specified in Ahp 601.06.

Occ 402.04 The Board's Renewal Application Processing Procedures.

(a) If the board, after receiving and reviewing a completed license renewal application packet requires further information or documents to determine the renewal applicant's eligibility, the board shall:

(1) So notify the applicant in writing within 30 days; and

(2) Specify the information or documents it requires.

(b) An application for license renewal shall be complete when the board's office has received:

(1) The completed application packet; and

(2) Any additional information or documents which may have been requested pursuant to (a) above.

(c) Within 60 days of the date that the renewal application packet is completed, the board shall issue written approval of, or intent to deny, the application.

(d) The board shall refund the license renewal fee if:

(1) The applicant withdraws the application for license renewal before the license is issued; or

(2) The board denies the application.

(e) A renewal applicant wishing to challenge the board's intent to deny the application for license renewal shall:

- (1) Make a written request for a hearing of the applicant's challenge; and
- (2) Submit this request to the board:
  - a. Within 60 days of the board's notification of intent to deny; or
  - b. If the applicant is on active military duty outside the United States, within 60 days of the applicant's return to the United States or release from duty, whichever occurs later.

Occ 402.05 Renewal of Licensure. The board shall renew the licenses of licensees who:

- (a) Have timely submitted the completed renewal application packet;
- (b) Have reported on the renewal application form their compliance with the maintenance of continuing competence obligations set forth in Occ 406.02; and
- (c) Are of good moral and professional character, as evidenced by:

**Unclear.** It is unclear what is meant as the form's requirements are found at Ahp 601.01 and the rule does not include additional questions. If the questions are on the form, please amend this language and consider rulemaking for Ahp 601.01.

- (1) The answers to the questions specified in Ahp 601.01; and
- (2) Any related documents submitted pursuant to Occ 402.03(a).

**adopt with amendment and renumber Occ 402.10, effective 3/26/14 (Document #10555) as Occ 402.07, cited and to read as follows:**

Occ 402.07 Audit Procedure.

(a) The board shall select on a random basis 10% of the renewal applications submitted in each renewal year for an audit of completion of maintenance of continuing competence required by Occ 406.02.

(b) Audited renewal applicants who report on their renewal application form that they completed maintenance of continuing competence before December **thirty-first** of the renewal year shall:

- (1) Submit proof in the form of documentation described in Occ 406; and
- (2) Do so no later than February 28 of the year following the renewal year.

(c) If the board observes that the documents submitted pursuant to (b)(1) above do not support the renewal applicant's claim of maintenance of continuing competence, the board shall review the possibility that the renewal applicant made an error on his or her renewal application form or in submitting documents.

(d) In making the review called for by (c) above the board shall seek further information from the renewal applicant if doing so will aid in the review.

**Edit.** "31st"

(e) If, having completed the review required by (c) above, the board determines that the renewal applicant made an error in reporting or in submitting documents, but did not intentionally falsely report maintenance of continuing competence, the board shall:

- (1) Require correction of the error; or
- (2) If the error cannot be corrected issue a notice of hearing to determine if the renewal license should be suspended pursuant to Occ 405.02.

(f) If, having completed the review required by (d) above, the board believes that the renewal applicant has intentionally falsely reported maintenance of continuing competence, the board shall commence a disciplinary adjudicative proceeding in the manner required by Ahp 209.01.

**Readopt with amendment Occ 403.01 through Occ 403.03, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 403.01 Licenses Subject to Reinstatement. The following licenses shall be subject to reinstatement by the board:

- (a) Licenses lapsed pursuant to Occ 402.01(b);
- (b) Licenses suspended pursuant to Occ 402.06(f)(2); and
- (c) Licenses suspended for disciplinary reasons as part of a settlement pursuant to Ahp 214 or as part of an order of the board.

Occ 403.02 Board's Procedure for Reinstatement Applications.

(a) If the board, after receiving and reviewing a completed application for reinstatement of licensure, requires further information or documents to determine the reinstatement applicant's qualification, the board shall:

- (1) So notify the applicant in writing within 30 days; and
- (2) Specify the information or documents it requires.

(b) The board shall issue written approval or denial of an application for reinstatement of licensure within 60 days of the date that the application is complete.

(c) The board shall refund the reinstatement fee if:

- (1) The applicant withdraws the application for reinstatement before the license is issued; or
- (2) The board denies the application.

(d) If the board denies an application for reinstatement of licensure, the board shall include in its notice of denial the information stated in (e) below.

(e) An applicant wishing to challenge the board's denial of an application for reinstatement of licensure shall:

- (1) Make a written request for a hearing of the applicant's challenge; and
- (2) Submit this request to the board:
  - a. Within 60 days of the board's notification of denial; or
  - b. If the applicant is on active military duty outside the United States, within 60 days of the applicant's return to the United States or release from duty, whichever occurs later.

Occ 403.03 Reinstatement Application Form.

Edit. "a completed and signed"

(a) The reinstatement application form shall be the completed application form specified in Ahp 601.02.

**Readopt with amendment Occ 403.04 through Occ 403.07, effective 10/14/16 (Document #12005), cited and to read as follows:**

Occ 403.04 Early Reinstatement of Lapsed Licenses. The board shall reinstate lapsed licenses or certifications if ~~the~~ affected individuals:

Unclear. Should this language in (a) include certifications?

(a) Submit their applications for reinstatement and provided all the information described in (d) below within 70 days of the last date on which their New Hampshire licenses were valid;

Unclear. See comment to Occ 402.05(c)(1) on p. 8.

(b) Are of good moral and professional character, as evidenced by:

- (1) Answers to the questions on the reinstatement application form as specified in Ahp 601.02;
- (2) Any reports submitted pursuant to Occ 403.10(b); and
- (3) The written statement required by Occ 403.10(c);

(c) Have completed any maintenance of continuing competence obligations under Occ 406.02 due to have been completed at the time their licenses lapsed; and

(d) Have complied with the following application procedures:

- (1) Completion of the reinstatement application form as described in Ahp 601.02;
- (2) Payment of the reinstatement fee set forth in Ahp 301.02(a);
- (3) Submission of the documents described in Occ 403.10 (a) through (c).

See previous comments regarding the applicability of Ahp 301.02 to these rules.

Edit. insert "and"

Occ 403.05 Delayed Reinstatement of Lapsed Licenses for Those Who Have Been Active in the Profession in Another State. The board shall fully reinstate licenses which have been lapsed for any period of time in excess of 70 days if the affected individuals:



(a) Have been, in another state, active in the profession as defined by Occ 401.01 since their New Hampshire licenses ceased to be valid;

(b) Are of good moral and professional character, as evidenced by:

**Unclear.** Ahp 601.02 does not specify specific questions about moral and professional conduct. If the questions are on the form itself, consider replacing this verb with "pursuant".

(1) Answers to the questions on the "Application for Reinstatement of Licensure or Certification" form specified in Ahp 601.02;

(2) Any reports submitted pursuant to Occ 403.10(b);

(3) The written statement required by Occ 403.10(c);

(4) Any criminal offender record reports submitted in accordance with Occ 403.10(d); and

(5) Any verification letters submitted pursuant to Occ 403.10(f);

(c) Have maintained continuing competence by:

(1) Completing within the 2 calendar years just preceding the submission of the reinstatement application 24 contact hours of continuing professional education distributed as follows:

a At least half of such contact hours relating directly to the clinical application of occupational therapy; and

b. The balance of such contact hours relating to general occupational therapy theory and practice, including, but not limited to, supervision and consultation skills, curriculum development and trans-disciplinary issues or skills; or

(2) Holding current NBCOT certification; and

(d) Have complied with the following application procedures:

(1) Completion of the "Application for Reinstatement of Licensure or Certification" form as specified in Ahp 601.02;

(2) Payment of the reinstatement fee set forth in Ahp 301.02(a); and

(3) Submission of the documents described in Occ 403.10;

**See previous unclear comments regarding the applicability of the Ahp 301.02 fee schedule which clearly indicates it is for speech-language providers. Rulemaking is needed to amend Ahp 301.02 if it is going to apply to other licensees other than speech-language providers.**

Occ 403.06 Conditional Reinstatement of Licensure for Those Who Have Not Been Active in the Profession and Seek Reinstatement of Lapsed Licenses Up to Six Years Later.

(a) For those not active in the profession as defined by Occ 401.01 and seeking reinstatement of licenses lapsed up to and including 6 years before the date of the reinstatement application, the board shall conditionally reinstate their licenses, as further set forth in Occ 404, if the affected individuals:

(1) Are of good moral and professional character, as evidenced by:

**Unclear.** Ahp 601.02 does not specify specific questions about moral and professional conduct. If the questions are on the form itself, consider replacing this verb with "pursuant".

- a. Answers to the questions on the “Application for Reinstatement of Licensure or Certification” form as specified in Ahp 601.02;
- b. Any reports submitted pursuant to Occ 403.10(b);
- c. The written statement required by Occ 403.10(c);
- d. Any criminal offender record reports submitted in accordance with Occ 403.10(d); and
- e. Any verification letters submitted pursuant to Occ 403.10(f);

(2) Have maintained continuing competence by:

a. Completing within the 2 calendar years just preceding the submission of the reinstatement application 24 contact hours of continuing professional education distributed as follows:

- 1. At least half of such contact hours relating directly to the clinical application of occupational therapy; and
- 2. The balance of such contact hours relating to general occupational therapy theory and practice, including, but not limited to, supervision and consultation skills, curriculum development and trans-disciplinary issues or skills; or

b. Continually maintaining NBCOT certification; and

(3) Have complied with the application procedures set forth in (b) below.

(b) The application procedures for those seeking conditional reinstatement pursuant to (a) shall be:

(1) Completion of the “Application for Reinstatement of Licensure or Certification” form as specified in Ahp 601.02;

(2) Payment of the reinstatement fee set forth in Ahp 301.02(a); and

(3) Submission of the document described in Occ 403.10.

**See previous unclear/ Legis. Intent comments regarding the applicability of the Ahp 301.02 fee schedule which clearly indicates it is for speech-language providers. Rulemaking is needed to amend Ahp 301.02 if it is going to apply to other licensees other than speech-language providers.**

Occ 403.07 Reinstatement of Licensure for Occupational Therapists Who Have Not Been Active in the Profession and Seek Reinstatement of Licenses Lapsed More Than Six Years Ago.

(a) For those not active in the profession as defined by Occ 401.01 and seeking reinstatement of licenses lapsed for more than 6 years, the board shall reinstate their licenses if the affected individuals:

(1) Are of good moral and professional character, as evidenced by:

**Unclear.** Ahp 601.02 does not specify specific questions about moral and professional conduct. If the questions are on the form itself, consider replacing this verb with "pursuant".



- a. Answers to the questions on the "Application for Reinstatement of Licensure or Certification" form specified in Ahp 601.02;
- b. Any reports submitted pursuant to Occ 403.10(b);
- c. The written statement required by Occ 403.10(c);
- d. Any criminal offender record reports submitted in accordance with Occ 403.10(d); and
- e. Any verification letters submitted pursuant to Occ 403.10(f);

(2) Have performed 100 hours of job-shadowing of a licensed occupational therapist during the 6 months immediately preceding the reinstatement application;

(3) Have retaken and passed the NBCOT examination; and

(4) Have complied with the application procedures set forth in (b) below.

(b) The application procedures for those seeking reinstatement pursuant to (a) above shall be:

(1) Completion of the "Application for Reinstatement of Licensure or Certification" form as specified in Ahp 601.02;

(2) Payment of the reinstatement fee set forth in Ahp 301.02(a); and

(3) Submission of the following:

a. Documents described in Occ 403.10 with the exception of (e) and (h);

b. Proof of compliance with the job-shadowing requirement in (a)(2) above in the form of a letter:

1. Stating:

(i) That the reinstatement applicant performed 100 hours of job shadowing; and

(ii) The time period during which the shadowing was performed;

2. Written on business letterhead; and

3. Signed by the licensed occupational therapist who was shadowed;

**See previous unclear/ Legis. Intent comments regarding the applicability of the Ahp 301.02 fee schedule which clearly indicates it is for speech-language providers. Rulemaking is needed to amend Ahp 301.02 if it is going to apply to other licensees other than speech-language providers.**



**Readopt with amendment Occ 403.08, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 403.08 Reinstatement of Licensure for Occupational Therapy Assistants Who Have Not Been Active in the Profession and Seek Reinstatement of Licenses Lapsed More Than Six Years Ago.

Unclear. Is Occ 403.07 meant?

For occupational therapy assistants not active in the profession as defined by Occ 401.01 and seeking reinstatement of licenses lapsed for more than 6 years, the board shall reinstate their licenses if they meet all requirements set forth in Occ 403.06, except that they shall job-shadow either a licensed occupational therapist or a licensed occupational therapy assistant.

**Adopt Occ 403.10 to read as follows:**

Occ 403.10 Supporting Materials. The materials supporting the reinstatement application shall be as described below:

Edit. Remove quotation marks.

(a) A "2 X 2" photograph of the applicants face taken within the immediately preceding 6 months;

Edit. "applicant's"

(b) On a separate sheet, a detailed report of the relevant circumstances concerning any answer in the affirmative from the application form specified in Ahp 601.03;

(c) A written statement that the reinstatement applicant has not engaged in occupational therapy in New Hampshire on a volunteer or paid basis since the date that his or her license ceased to be valid in New Hampshire;

(d) Either:

(1) A criminal history records check form and fingerprint card, seeking both a New Hampshire and a federal records check, in accordance with the procedure specified by the NH department of safety at Saf-C 5700, Operation of the Central Repository: Criminal Records, with the required fee;

a. If the federal criminal history records check shows the existence of a criminal record in another state, the applicant shall obtain a detailed criminal record check directly from that state and provide it to the board; or

(2) An original, not a photocopy, of a criminal offender record report:

a. Issued by each state where the applicant has resided or been licensed within the past 6 years, provided that such state(s) will..

Edit. "shall:"

1. Send the report to the board; or

2. To the applicant for forwarding to the board;

b. Covering the applicant under his or her name and any aliases; and

c. Dated within the 6 months of the submission of the application.

(e) A chronologically organized resume covering the 24 months immediately preceding the reinstatement application, reporting for each paid or volunteer occupational experience:

(1) A description of the experience;

(2) Whether the experience was as:

- a. A direct caregiver in occupational therapy;
  - b. An occupational therapy educator;
  - c. An occupational therapy administrator;
  - d. An occupational therapy consultant;
  - e. A member of an occupational therapy board or committee;
  - f. A student enrolled full time in an advanced occupational therapy degree program; or
  - g. A researcher;
- (3) The time period of the experience described by its beginning and ending dates;
- (4) An estimate of the total number of hours of the experience;
- (5) The number of hours of the experience estimated on a per-week or per-month basis; and
- (6) The physical address of each separate experience;

(f) An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice since the date that the reinstatement applicant's license ceased to be valid in New Hampshire, stating whether:

- (1) The license or other authorization is or was, during its period of validity, in good standing; and
  - (2) Whether any disciplinary action was taken against the license or other authorization to practice;
- (g) Transcripts as required by Occ 302.04(d) if not previously submitted.
- (h) Documentation of maintenance of continuing competence as described in Occ 406.

**Edit.** Replace with semicolon and. ";and"

**Readopt with amendment Occ 404.03, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 404.03 Administrative Obligations of Conditionally Reinstated Licensees.

(a) Before being issued a conditional license authorizing supervision by each individual who will provide some or all of the weeks of supervision, conditionally reinstated licensees shall:

- (1) Give to these individuals a supervision form to complete and a copy of Occ 404;
- (2) Discuss the required supervision with these individuals; and

(3) Submit to the board the completed supervision form(s) as specified in Ahp 601.06.

(b) Conditionally reinstated licensees shall submit a revised or additional supervision form to the board:

(1) Within 30 days of the date of change each time there is a change in the person providing supervision; and

(2) Whenever the conditionally reinstated licensee takes on a second employer.

**Readopt with amendment Occ 404.05 and Occ 404.06, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 404.05 Supervision Form.

**Edit.** Delete "(a)" and move sentence to immediately after the section heading.

(a) The supervision form shall be the form specified in Ahp 601.06.

Occ 404.06 Extension of Conditionally Reinstated Licenses.

(a) The board shall extend the period of validity of a conditionally reinstated license for not more than 26 weeks when:

(1) The request for the extension of the conditionally reinstated license is received when the conditional license is still valid;

(2) The licensee has been unable to comply with Occ 404.02 because:

a. The conditional licensee is unable to complete the required weeks of practice for any reason other than being fired for cause or terminated during probationary employment because of incompetence; or

b. The conditional licensee is unable to submit the required supervisory letter for a reason unrelated to the supervisor's belief that the licensee is not competent to practice under full licensure; and

(3) The conditional licensee submits a written request for the extension stating the facts relating to one of the reasons in (2) above.

(b) The board shall extend the period of validity of a conditional license for the period of time, not to exceed 6 weeks, specified by the supervisor of the conditional licensee when:

(1) The conditional license is still valid; and

(2) The conditional licensee submits the supervisor's signed statement of opinion that the licensee will become competent to practice under full licensure if the conditional license is extended for a period to time, not to exceed 6 weeks, specified by the supervisor.

**Repeal Occ 404.07, effective 3/26/14 (Document #10555), as follows:**

~~[Occ 404.07 Eligibility Requirements for Supervisors. To qualify to provide supervision to conditionally reinstated licensees, individuals shall be:~~

- ~~—— (a) Currently licensed in New Hampshire as occupational therapists;~~
- ~~—— (b) Non probationary employees not under disciplinary investigation or under pending disciplinary charges and have not had disciplinary action taken against them in any state within the past 5 years; and~~
- ~~—— (c) Not related in any of the following ways to the conditional licensees to be supervised:
  - ~~(1) Spouse;~~
  - ~~(2) Parent, step parent, parent in law or step parent in law;~~
  - ~~(3) Natural, foster or adopted child or stepchild;~~
  - ~~(4) Sibling, brother in law or sister in law;~~
  - ~~(5) First or second cousin;~~
  - ~~(6) Grandparent; or~~
  - ~~(7) Aunt or uncle.]~~~~

**Readopt with amendment Occ 404.08 and Occ 404.09, effective 7/29/15 (Document #10902) as Occ 404.07 and Occ 404.08, cited and to read as follows:**

Occ 404.07 Issuance of Full Initial License to Conditionally Reinstated Licensee. The board shall issue a full license when the conditionally reinstated licensee has:

- (a) Completed the supervised practice required by Occ 404.02(a)(1); and
- (b) Submitted to the board the supervisory letter described in Occ 404.02(a)(2) within 14 days of completion of the supervision.

Occ 404.08 Expiration and Suspension of Conditionally Reinstated Licenses.

- (a) Notwithstanding Occ 404.01(b), a conditionally reinstated license shall expire when the board approves or denies full initial licensure.
- (b) The conditionally reinstated licensee shall have the right to challenge the board's denial of full licensure through an adjudicative hearing.
- (c) The board shall suspend a conditionally reinstated license under the following circumstances:
  - (1) Practice by the licensee without supervision;

- (2) The licensee’s termination from employment for cause; or
- (3) The licensee’s termination from employment for incompetence during a probationary period.

(d) The board shall suspend a conditionally reinstated license pursuant to (c)(1) through (3) above only after:

(1) Giving the licensee notice containing:

- a. A statement of the board’s intention to suspend the conditionally reinstated license;
- b. The grounds of the intended suspension;
- c. The date of the intended suspension; and;
- d. A statement that the conditionally reinstated licensee has the right to request an adjudicative hearing to challenge the intended suspension; and

Edit. Delete.



(2) Providing the conditionally reinstated licensee the opportunity to challenge the intended suspension at an adjudicative hearing.

(e) The board shall suspend a conditionally reinstated license on an emergency basis in the circumstances, and according to the procedures, set forth in RSA 541-A:30, III.

**Readopt with amendment Occ 406.01, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 406.01 Definitions. In Occ 406 the following terms shall have the following meanings:

(a) "American Occupational Therapy Association (AOTA)" means the national professional association of occupational therapists, occupational therapy assistants and students of occupational therapy, organized with the purpose to advance the quality, availability, use, and support of occupational therapy through standard-setting, advocacy, education, and research on behalf of its members and the public.

(b) "Certification in Hand Therapy (CHT)" means a certification issued by the hand therapy certification commission, a non-profit corporation which sponsors a credentialing program for occupational therapists and physical therapists who specialize in upper-extremity rehabilitation.

(c) "Contact hour" means a unit of measure of continuing professional education or professional activity.

(d) "Continuing professional education or professional activity" means structured courses, activities and experiences beyond entry-level professional preparation that are designed to provide advanced or enhanced knowledge in the field of occupational therapy.



(e) "Distance-learning" means electronic participation in continuing competence activities described in Occ 406.02(d) so long as the participation can be proven with the appropriate document described in Occ 406.

(f) "Level II fieldwork student" means a student who is in the clinical component of his or her academic program and is provided with the opportunity to integrate academic knowledge with the application of therapeutic skills in a supervised practice setting.

(g) "Maintenance of continuing competence" means using a dynamic multidimensional process to develop and maintain for the purpose of performing professional responsibilities the following abilities:

- (1) Knowledge;
- (2) Performance skills;
- (3) Interpersonal abilities;
- (4) Critical reasoning; and
- (5) Ethical reasoning.

(h) "Certification in neurodevelopmental treatment (NDT)" means a certification issued by the Neurodevelopmental Treatment Association, a non-profit corporation which sponsors certification courses for occupational therapists and physical therapists who specialize in neurodevelopmental treatment.

(i) "Universal precaution education" means didactic education addressing infectious diseases, including but not limited to, HIV and hepatitis B, and addressing the precautions to be taken when such diseases are present in clients.

**Readopt with amendment Occ 406.02, effective 2/28/13 (Document #10283), cited and to read as follows:**

Occ 406.02 Maintenance of Continuing Competence.

(a) Licensees intending to renew their licensure shall maintain continuing competence by:

(1) Completing 24 contact hours of continuing professional education per biennium in accordance with (d) below if they are renewing:

- a. An initial license issued in an even-numbered year; or
- b. A license already renewed at least once; or

(2) Completing 6 contact hours of continuing professional education in accordance with (d) below if they are renewing an initial license issued between January 1 and August 31 in an odd-numbered year.

**Edit.** "therapy, and these hours"

(b) At least one half of the contact hours required by (a) above shall relate directly to the clinical application of occupational therapy. These hours shall be considered clinical hours.

(c) The balance of the contact hours required by (a) above shall relate to general occupational therapy theory and practice, including, but not limited to, supervision and consultation skills, curriculum development and trans-disciplinary issues or skills.

(d) Continuing competence shall be accumulated through on-site, distance-learning or other participation in the following activities related to occupational therapy:

- (1) Maintenance of current NBCOT certification, as further described in Occ 406.03
- (2) Receipt of academic instruction and non-academic conferences, courses, and workshops in occupational therapy, as further described in Occ 406.04;
- (3) Facility-based in-service training as related to the practice of occupational therapy, as further described in Occ 406.05;
- (4) Informal independent study as further described in Occ 406.06;
- (5) Formal mentored independent study as further described in Occ 406.07;
- (6) Direct supervision of fieldwork, as further described in Occ 406.08;
- (7) Employer-required peer review activities, as further described in Occ 406.09;
- (8) Publication of writing related to occupational therapy, as further described in Occ 406.10;
- (9) Public professional presentations relating to occupational therapy, as further described in Occ 406.11;
- (10) Participation in an occupational therapy research project, as further described in Occ 406.12;
- (11) Specialty certifications, as further described in Occ 406.13;
- (12) Product development, as further described in Occ 406.14;
- (13) Participation in the work of professional boards, committees, and agencies, as further described in Occ 406.15;
- (14) Cardiopulmonary certification or re-certification, as further described in Occ 406.16; and
- (15) Receipt of universal precaution education, as further described in Occ 406.17.

**Readopt with amendment Occ 406.03 through Occ 406.15, effective 7/29/15 (Document #10902), cited and to read as follows:**

Occ 406.03 Maintenance of NBCOT Certification.

(a) The board shall recognize as maintenance of continuing competence a licensee's maintenance of current NBCOT certification.

(b) Maintenance of NBCOT certification shall fulfill the requirements of Occ 406.02(a), (b) and (c) for the biennium.

(c) Documentation of maintenance of continuing competence for NBCOT certification shall be a photocopy of the front and back of the certificate issued by NBCOT.

Occ 406.04 Receipt of Academic Instruction and Non-Academic Conferences, Courses, and Workshops in Occupational Therapy.

**Unclear.** This is unclear as written as it is not a sentence and does not lead into the sub-paragraphs.

(a) **Academic Coursework:**

**Edit.** Replace with a semicolon.

(1) The board shall recognize as maintenance of continuing competence a licensee's completion of academic course work in occupational therapy sponsored and assigned credit by a college or university.

**Edit.** Replace with ";and"

(2) The board shall credit the licensee with 15 contact hours for each credit hour of academic course work.

(3) Documentation of successful completion of academic course work shall be:

a. An official transcript showing successful completion of the course and the date of the course; and

b. One of the following descriptions of the course:

i. The description of the course copied from the college or university catalogue; or

ii. The course syllabus.

**Edit.** Replace with "1." and "2."

**Unclear.** Like (a) above this needs to be rewritten so that it is a complete sentence that leads into (1)-(3) below, and that is probably going to require rewriting (1)-(3).

(b) **AOTA approved provider programs:**

(1) The board shall recognize as maintenance of continuing competence a licensee's completion of any continuing education program given by a provider approved by AOTA.

(2) The board shall credit the licensee completing an approved provider program with the contact hours attributed to the program by the provider.

(3) Documentation of attendance at programs of AOTA-approved providers shall be an official certificate showing:

a. The licensee's name;

b. The name and location of the program;

- c. The name of the provider;
- d. The beginning and ending date(s) of the program;
- e. The name of the speaker or instructor;
- f. The number of hours credited by the provider; and
- g. The signature of the representative of the provider or sponsoring entity.

(c) Courses, seminars, **conferences** and workshops:

(1) The board shall recognize as maintenance of continuing competence the completion of courses, seminars, conferences and workshops not described by (a) or (b) above if they are primarily on the topics of:

a. Occupational therapy theory or practice or both; or

**Edit.** Replace period with a semicolon since this is a list.

b. Any conditions for which occupational therapy is often or usually recommended.

(2) For each clock hour of attendance at such courses, seminars, **conferences** and workshops, the board shall credit the licensee with one contact hour.

(3) Documentation of attendance at non-academic courses, seminars, **conferences** and workshops shall be an official certificate showing:

a. The licensee's name;

b. The name and location of the course, seminar, **conference** or workshop;

c. The name of the sponsoring entity;

d. The beginning and ending date(s) of the course, seminar, **conference** or workshop;

e. The name of the speaker or instructor;

f. The number of hours credited by the sponsoring entity; and

g. The signature of the speaker, the instructor or sponsoring entity.

**Edit.** Insert a comma.

Occ 406.05 Facility-Based In-Service Training as Related to the Practice of Occupational Therapy.

(a) The board shall recognize as maintenance of continuing competence a licensee's participation in, or attendance at, a facility-based in-service training as related to the practice of occupational therapy consisting in an informal exchange of information at a staff meeting of **two** hours or less.

**Edit.** "2"

(b) The board shall credit the licensee with one contact hour for each clock hour of participation or attendance, to a maximum of 8 contact hours.

(c) Documentation of participation in facility-based occupational therapy in-service training shall be a memo from the occupational therapy supervisor of the facility showing:

- (1) The licensee's name;
- (2) The name of the facility and the topic of the in-service training;
- (3) The name of the speaker or instructor, if any; and
- (4) The date of the in-service training and the licensee's hours of attendance.

Occ 406.06 Informal Independent Study.

(a) The board shall recognize informal independent study in occupational therapy as maintenance of continuing competence.

(b) Informal independent study shall include but not be limited to:

- (1) Reading occupational therapy-related books and journals; and
- (2) Viewing video recorded occupational therapy-related information.

(c) The board shall credit the licensee with one contact hour for every 2 clock hours of informal independent study to a maximum of 4 contact hours, provided that the licensee writes a report of the major theses of the book, journal, video recorded information.

(d) Documentation of informal independent study shall be:

(1) The licensee's signed written statement setting forth, for each item read or video viewed:

- a. The title of the item read or video viewed;
- b. The author and publisher of the item read or video viewed;
- c. The clock hours spent in reading or viewing; and
- d. The date of completion of the reading or viewing; and

**Edit.** Misspelled.

(2) The licensee's report of the major **theses** of the item read or viewed.

Occ 406.07 Formal Mentored Independent Study.

(a) The board shall recognize formal mentored independent study in occupational therapy as maintenance of continuing competence so long as the study is performed under a written and signed mentorship agreement setting forth:

- (1) The name of the mentor; and

(2) The goals and objectives to be met by the mentored licensee during the course of his or her study.

(b) The board shall credit the licensee with one contact hour for every 2 clock hours of formal mentored independent study, to a maximum of 4 contact hours.

(c) Documentation of formal mentored independent study shall be:

(1) A copy of the signed mentorship agreement; or

(2) The licensee's signed written statement describing the mentor-assigned study showing:

a. The dates of the study;

b. The hours spent on the study; and

c. The focus and outcome of the study.

Occ 406.08 Direct Supervision of Fieldwork.

(a) The board shall recognize as maintenance of continuing competence the direct supervision of fieldwork when the licensee acts as the primary fieldwork instructor for a level I or level II fieldwork student.

(b) The board shall credit the licensee with one contact hour per one week of supervision per student supervised, to a max of 14 contact hours.

(c) Documentation of direct supervision of field work shall be a memo signed by the supervisor of the facility where the fieldwork was supervised, specifying:

(1) The name of the licensee;

(2) The fieldwork student's school; and

(3) The beginning and ending dates of the licensee's supervision of the student's fieldwork.

Occ 406.09 Employer-Required Peer Review Activities.

(a) The board shall recognize as maintenance of continuing competence employer-required peer review activities, including such activities by the licensee as peer ratings, chart audits and direct observation of the work of the licensee's peers

**Edit.** Insert a period.

(b) The board shall credit the licensee with one contact hour for each peer review activity, to a maximum of 4 contact hours.

(c) Documentation of employer-required peer review activities shall be a memo signed by the facility supervisor specifying:

(1) The name of the licensee;

- (2) The peer review activity or activities of the licensee; and
- (3) The dates of the activity or activities.

Occ 406.10 Publication of Writing Related to Occupational Therapy.

(a) The board shall recognize publication of writing related to occupational therapy, including books, peer-reviewed and non-peer-reviewed chapters of books and peer-reviewed and non-peer-reviewed articles, as maintenance of continuing competence.

(b) The board shall credit the licensee as follows for no more than 2 published writings:

- (1) For a book, 12 contact hours;
- (2) For a peer-reviewed chapter of a book or a peer-reviewed article, 6 contact hours; and
- (3) For a non-peer reviewed chapter or article, 4 contact hours.

(c) Documentation of the publication of writing related to occupational therapy shall be any item showing:

- (1) The title of the writing;
- (2) The date of publication; and
- (3) The licensee's part or full authorship of the published writing.

Occ 406.11 Public Professional Presentations Relating to Occupational Therapy.

(a) The board shall recognize public professional presentations relating to occupational therapy, including workshops, lectures, poster presentations, and in-service trainings, as maintenance of continuing competence.

(b) The board shall credit the licensee with 2 contact hours for each clock hour of a public presentation and 2 contact hours per poster presentation, to a maximum of 12 contact hours, provided that, if the licensee gives substantially the same public presentation more than once, the board shall credit the licensee for only a single presentation.

(c) Documentation of public professional presentations relating to occupational therapy shall be:

- (1) A copy of the official program of the presentation; or
- (2) Written verification signed by a representative of the program's sponsor showing:
  - a. The title of the presentation;
  - b. The name of the licensee as presenter;

- c. The date of the presentation;
- d. The hours during which the presentation took place; and
- e. The type of audience attending the presentation.

Occ 406.12 Participation in an Occupational Therapy Research Project.

(a) The board shall recognize participation in an occupational therapy research project as maintenance of continuing competence.

(b) The board shall credit the licensee with one contact hour for every 4 clock hours spent on a research project, to a maximum of 8 contact hours.

(c) Documentation of participation in an occupational therapy research project shall be a statement signed by either the principal investigator or a representative of the grant sponsor showing:

- (1) The name of the research project;
- (2) The beginning and ending dates of the licensee's participation; and
- (3) The licensee's role in the research project.

Occ 406.13 Specialty Certifications.

(a) The board shall recognize as maintenance of continuing competence the receipt during the biennium by a licensee of:

- (1) An initial AOTA board certification in:
  - a. Geriatrics;
  - b. Mental health;
  - c. Pediatrics; or
  - d. Physical disabilities;
- (2) An initial AOTA specialty certification;
- (3) An initial certification in neurodevelopmental therapy; or
- (4) A certification in hand therapy.

(b) The board shall credit the licensee with 12 contact hours for a board certification named in (a)(1) above, to a maximum of 12 contact hours.

(c) The board shall credit the licensee with one contact hour for each 4 clock hours the licensee spent in preparation for a specialty certification named in (a)(2) above, to a maximum of 12 contact hours.



(d) Receipt of initial certification in neurodevelopmental therapy shall fulfill the requirements of Occ 406.02(a), (b) and (c) for the biennium.

(e) Receipt of certification in hand therapy shall fulfill the requirements of Occ 406.02(a), (b) and (c) for the current biennium and the following biennium.

(f) Documentation of receipt of a certification shall be a photocopy of the front and back of the certificate.

Occ 406.14 Product Development.

(a) The board shall recognize as maintenance of continuing competence the development of a product related to occupational therapy and disseminated by a manufacturer, distributor, publisher or government agency.

(b) The board shall credit the licensee with 4 contact hours for the development of a product described in (a) above, to a maximum of 4 contact hours.

(c) Documentation of product development shall be a letter or other written statement from the disseminating entity acknowledging the licensee as the developer.

Occ 406.15 Participation in the Work of Professional Boards, Committees and Agencies.

(a) The board shall recognize as maintenance of continuing competence the participation by a licensee in the work of a board or committee of a professional occupational therapy organization or government agency.

(b) The board shall credit the licensee with 2 contact hours for each board, committee or agency served, to a maximum of 4 contact hours.

(c) Documentation of participation in the work of a professional board, committee or agency shall be a letter:

**Edit.** Delete "The letter" since it is used in the lead-in. Also use 1/4 indents for a. and b.

(1) The letter shall be issued by:

a. The authority appointing the licensee to the board, committee or agency; or

b. The board, committee or agency served by the licensee.

(2) The letter shall state:

a. The appointment of the licensee to the board, committee or agency; or

b. The fact of the licensee's participation and the beginning and ending dates of the licensee's service.

**Repeal Occ 406.16, Effective 7/29/15 (Document #10902), as follows:**

~~[Occ 406.16 Completion of Distance Learning Courses.~~

~~— (a) The board shall recognize as maintenance of continuing competence a licensee's completion of courses taken through distance learning, including self study courses and self paced clinical courses.~~

~~— (b) The board shall credit the licensee with the contact hours attributed by the sponsor of the course.]~~

**Repeal Occ 406.17 effective 2/28/13 (Document #10283), as follows:**

~~[Occ 406.17 Teaching Occupational Therapy.~~

~~— (a) The board shall recognize as maintenance of continuing competence a licensee's teaching a college or university course in occupational therapy.~~

~~— (b) The board shall credit the licensee with 2 contact hours for each clock hour of teaching, to a maximum of 8 contact hours, provided that, if the licensee gives substantially the same course more than once, the board shall credit the licensee for only a single presentation of the course.~~

~~— (c) The board shall consider these hours as part of the hours allowed by Occ 406.02(e).]~~

**Readopt with amendment and renumber Occ 406.18 and Occ 406.19, effective 7/29/15 (Document #10902) as Occ 406.16 and Occ 406.17, cited and to read as follows:**

Occ 406.16 Cardiopulmonary Certification or Re-certification.

(a) The board shall recognize as maintenance of continuing competence a licensee's certification or re-certification in cardiopulmonary resuscitation.

(b) The board shall credit the licensee with one contact hour for each clock hour spent in preparation for certification or re-certification in cardiopulmonary resuscitation, to a maximum of 4 contact hours.

(c) Documentation of cardiopulmonary certification or recertification shall be a photocopy of the front and back of the certificate showing date of issuance.

Occ 406.17 Receipt of Universal Precaution Education.

(a) The board shall recognize as maintenance of continuing competence a licensee's receipt of infection control education.

(b) The board shall credit the licensee with one contact hour for each clock hour spent in receipt of infection control education, to a maximum of 2 contact hours.

(c) Documentation of universal precaution education shall be a photocopy of a certificate of attendance, or a statement signed by the supervisor of the facility where the education took place.

**Repeal Occ 407, effective 7/29/15 (Document #10902), and renumber Occ 408 as Occ 407, as follows:**

~~[PART Occ 407 DOCUMENTATION OF MAINTENANCE OF CONTINUING COMPETENCE~~

~~Occ 407.01 Documentation Requirements.~~

~~— (a) A licensee shall retain documentation of maintenance of continuing competence.~~

~~— (b) The renewal applicant shall furnish the documentation of continuing competence activities set forth in Occ 407.02 through Occ 407.19 only when requested to do so by the board.~~

~~Occ 407.02 Maintenance of Current NBCOT Certification. Documentation of maintenance of current NBCOT certification shall be a photocopy of the front and back of the certificate.~~

~~Occ 407.03 Receipt of Academic and Non-Academic Instruction.~~

~~— (a) Documentation of successful completion of academic course work shall be:~~

~~(1) An official transcript showing successful completion of the course and the date of the course; and~~

~~(2) One of the following descriptions of the course:~~

~~a. The description of the course copied from the college or university catalogue;  
or~~

~~b. The course syllabus.~~

~~— (b) Documentation of attendance at programs of AOTA approved providers and attendance at non-academic courses, seminars, conferences and workshops shall be an official certificate showing:~~

~~(1) The licensee's name;~~

~~(2) The name and location of the program, course, seminar, conference or workshop;~~

~~(3) The name of the provider or sponsoring entity;~~

~~(4) The beginning and ending date(s) of the program, course, seminar, conference or workshop;~~

~~(5) The name of the speaker or instructor;~~

~~(6) The number of hours credited by the provider or sponsoring entity; and~~

~~(7) The signature of the speaker, the instructor or a representative of the provider or sponsoring entity.~~

~~Occ 407.04 Facility Based Occupational Therapy In Service Training. Documentation of participation in facility based occupational therapy in service training shall be a memo from the occupational therapy supervisor of the facility showing:~~

- ~~—— (a) The licensee's name;~~
- ~~—— (b) The name of the facility and the topic of the in-service training;~~
- ~~—— (c) The name of the speaker or instructor, if any; and~~
- ~~—— (d) The date of the in-service training and the licensee's hours of attendance.~~

~~Occ 407.05 Informal Independent Study. Documentation of informal independent study shall be:~~

- ~~—— (a) The licensee's signed written statement setting forth, for each item read or videotape or DVD viewed:
  - ~~(1) The title of the item read or video viewed;~~
  - ~~(2) The author and publisher of the item read or video viewed;~~
  - ~~(3) The clock hours spent in reading or viewing; and~~
  - ~~(4) The date of completion of the reading or viewing; and~~~~
- ~~—— (b) The licensee's report of the major theses of the item read, the videotape or the DVD.~~

~~Occ 407.06 Formal Mentored Independent Study. Documentation of formal mentored independent study shall be:~~

- ~~—— (a) A copy of the signed mentorship agreement; or~~
- ~~—— (b) The licensee's signed written statement describing the mentor assigned study showing:
  - ~~(1) The dates of the study;~~
  - ~~(2) The hours spent on the study; and~~
  - ~~(3) The focus and outcome of the study.~~~~

~~Occ 407.07 Direct Supervision of Fieldwork. Documentation of direct supervision of field work shall be a memo signed by the supervisor of the facility where the fieldwork was supervised, specifying:~~

- ~~—— (a) The name of the licensee;~~
- ~~—— (b) The fieldwork student's school; and~~
- ~~—— (c) The beginning and ending dates of the licensee's supervision of the student's fieldwork.~~

~~Oec 407.08 Employer Required Peer Review Activities. Documentation of employer required peer review activities shall be a memo signed by the facility supervisor specifying:~~

- ~~—— (a) The name of the licensee;~~
- ~~—— (b) The peer review activity or activities of the licensee; and~~
- ~~—— (c) The dates of the activity or activities.~~

~~Oec 407.09 Publication of Writing Related to Occupational Therapy. Documentation of the publication of writing related to occupational therapy shall be any item showing:~~

- ~~—— (a) The title of the writing;~~
- ~~—— (b) The date of publication; and~~
- ~~—— (c) The licensee's part or full authorship of the published writing.~~

~~Oec 407.10 Public Professional Presentations Relating to Occupational Therapy. Documentation of public professional presentations relating to occupational therapy shall be:~~

- ~~—— (a) A copy of the official program of the presentation; or~~
- ~~—— (b) Written verification signed by a representative of the program's sponsor showing:
  - ~~(1) The title of the presentation;~~
  - ~~(2) The name of the licensee as presenter;~~
  - ~~(3) The date of the presentation;~~
  - ~~(4) The hours during which the presentation took place; and~~
  - ~~(5) The type of audience attending the presentation.~~~~

~~Oec 407.11 Participation in an Occupational Therapy Research Project. Documentation of participation in an occupational therapy research project shall be a statement signed by either the principal investigator or a representative of the grant sponsor showing:~~

- ~~—— (a) The name of the research project;~~
- ~~—— (b) The beginning and ending dates of the licensee's participation; and~~
- ~~—— (c) The licensee's role in the research project.~~

~~Oec 407.12 Specialty Certifications. Documentation of receipt of an AOTA certification listed in Oec 406.13 shall be a photocopy of the front and back of the certificate.~~

~~Oec 407.13 Product Development. Documentation of product development shall be a letter or other written statement from the disseminating entity acknowledging the licensee as the developer.~~

~~Occ 407.14 Participation in the Work of Professional Boards, Committees and Agencies.~~

~~— (a) Documentation of participation in the work of a professional board, committee or agency shall be a letter conforming to (b) below and issued by:~~

- ~~(1) The authority appointing the licensee to the board, committee or agency; or~~
- ~~(2) The board, committee or agency served by the licensee.~~

~~— (b) The letter shall state:~~

- ~~(1) The appointment of the licensee to the board, committee or agency; or~~
- ~~(2) The fact of the licensee's participation and the beginning and ending dates of the licensee's service.~~

~~Occ 407.15 Completion of Distance Learning Courses. Documentation of completion of a course through distance learning shall be a photocopy of the certificate of completion issued to the licensee by the course sponsor.~~

~~Occ 407.16 Teaching Occupational Therapy. Documentation of occupational therapy teaching shall be a list of courses taught and a letter of confirmation signed by an official of the institution sponsoring the courses.~~

~~Occ 407.17 Cardiopulmonary Certification or Re-Certification. Documentation of cardiopulmonary certification or recertification shall be a photocopy of the front and back of the certificate showing date of issuance.~~

~~Occ 407.18 Receipt of Universal Precaution Education. Documentation of universal precaution education shall be a photocopy of a certificate of attendance or a statement signed by the supervisor of the facility where the education took place.]~~

**Readopt with amendment and renumber Occ 408.10, effective 7/29/15 (Document #10902), as Occ 407.10, cited and to read as follows:**

Edit. Delete (a) and move sentence up.

Occ 407[8].10 Supervision Form.

(a) The supervision form shall be **the form as specified in Ahp 601.06:**

- ~~(1) Be completed on the “Supervision Form” dated March 25, 2015;~~
- ~~(2) Be provided by the board and available on the boards web site, [www.nh.gov/alliedhealth](http://www.nh.gov/alliedhealth);~~
- ~~(3) Be completed legibly in ink or using a keyboard; and~~
- ~~(4) Be signed and dated below the following preprinted statement:~~

~~"By signing this form I state that I have read and understood the applicable rules of supervision or order of the Board for supervision, agree to undertake the duties of~~

~~supervision set forth in the rules or order of the Board, agree to be responsible for the acts and omissions of any person to whom I delegate the duties of supervision, and acknowledge that my own or my delegate's failure to comply with the rules or order of the Board might result in disciplinary sanctions.”~~

~~— (d) The signature required by (c)(3) above shall constitute the signer's:~~

~~(1) Assertion that the signer has read and understood the rules or order of the Board governing the supervision;~~

~~(2) Agreement to undertake the duties of supervision;~~

~~(3) Agreement to take responsibility for the acts and omissions of any individual to whom the signer delegates the duties of supervision; and~~

~~(4) Statement of understanding that the failure of the signer or the signer's delegate to follow the rules or order of the Board governing the supervision has the potential to subject the signer to disciplinary sanctions.]~~

**Repeal Occ 408.12, effective 7/29/15 (Document #10902), and renumber 408.13 as Occ 407.12, as follows:**

~~[Occ 408.12 Storage of Medications for Physical Agent Modalities. An occupational therapist or occupational therapy assistant shall purchase and store topical medications for the application of physical agent modalities upon the prescription of a health care practitioner licensed in this state and permitted by law to prescribe medications.]~~

### Appendix

<b>Rule</b>	<b>Statute Implemented</b>
Occ 401.01	RSA 541-A:7
Occ 402.01 (repealed)	RSA 541-A:16, I(b)
Occ 402.01 and Occ 402.03 (formerly Occ 402.02 and Occ 402.03)	RSA 328-F:11, I(g)
Occ 402.04 (repealed)	RSA 328-F:11 (f)
Occ 402.05 (repealed)	RSA 541-A:7
Occ 402.03 (formerly Occ 402.06)	RSA 328-F:11, I(g)
Occ 402.04 (formerly Occ 402.07)	RSA 541-A:16, I(b)
Occ 402.07 (formerly Occ 402.10)	RSA 328-F:11, I(e); RSA 328-F:20
Occ 403.01	RSA 541-A:16, I(b)
Occ 403.02	RSA 541-A:16, I(b)
Occ 403.03 – 403.07	RSA 328-F:11, I(e); RSA 328-F:20
Occ 403.08	RSA 328-F:20
Occ 403.10	RSA 328-F:11, I(d)
Occ 404.03	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 404.05	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 404.06	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 404.07 (repealed)	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 404.07 (formerly Occ 404.08)	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 404.08 (formerly Occ 404.09)	RSA 328-F:11, I(c); RSA 328-F:18, III
Occ 406.01 through Occ 406.15	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 406.16 (repealed)	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 406.17 (repealed)	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 406.16 (formerly Occ 406.18)	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 406.17 (formerly Occ 406.19)	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 407 (repealed)	RSA 541-A:16, I(b)
Occ 407.10 (formerly Occ 408.10)	RSA 326-C:7, IV; RSA 541-A:16, I(b)
Occ 408.12 (repealed)	RSA 326-C:2, I; RSA 328-F:11, II(a)