

Notice Number 2023-67

Rule Number Plc 1400

<p>1. Agency Name &amp; Address:</p> <p><b>Office of Professional Licensure &amp; Certification</b>  <b>7 Eagle Square</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 326-J:1-a, II</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Recreational Therapists**

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

**Laws of 2022, 72:4-9, eff. 7-19-22, amended RSA 326-J to convert the previous Recreational Therapy Governing Board to an advisory board and transfer the Board’s authority to the Executive Director of the Office of Professional Licensure and Certification (OPLC), in consultation with the Advisory Board. The Executive Director adopted interim rules to implement RSA 326-J, effective December 30, 2022.**

**The Executive Director is now proposing to readopt the interim rules with amendments as regular rules to implement RSA 326-J. The amendments would add a definition of “criminal records check” to ensure the requirement to obtain one is clear; revise language in the rules to align with updated language in other OPLC rules; clarify the criteria for granting a license to an individual who was certified by the National Council for Therapeutic Recreation Certification (NCTRC) prior to July 1, 2007 as provided in RSA 326-J:5, III; clarify the provisions regarding the use of an on-line system to track continuing competence requirements; require payment of any penalties imposed prior to a license being renewed or reinstated; and clarify that license reinstatement after suspension requires a fee only if the license that was suspended expired during the suspension.**

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

**The proposed rules will affect any individual who is a licensed recreational therapist or who wishes to become a licensed recreational therapist in New Hampshire.**

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

<b>Rule(s)</b>	<b>State Statute(s) Implemented</b>
Plc 1400 (see below for additional/specific provisions)	RSA 326-J
Plc 1403	RSA 326-J:1-a
Plc 1404	RSA 326-J:5, I & III; RSA 310-A:1-e, I(a)
Plc 1405	RSA 326-J:3, I
Plc 1406	RSA 310-A:1-f; RSA 310-A:1-e, I(a)
Plc 1407	RSA 326-J:6, I(b)
Plc 1408	RSA 326-J:6; RSA 326-J:5, II; RSA 310-A:1-e, I(a)
Plc 1409	RSA 326-J:1-a, II
Plc 1410	RSA 326-J:1-a, II

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

Name: **Gretchen Hamel** Title: **Program Specialist IV**  
Address: **OPLC** Phone #: **(603) 271-2152**  
**7 Eagle Square** Fax #: **Please contact via email**  
**Concord, NH 03301** E-mail: **[discontinued]**  
[Gretchen.R.Hamell@oplcnh.gov](mailto:Gretchen.R.Hamell@oplcnh.gov)

The rules can be reviewed on-line at  
<https://www.oplc.nh.gov/oplc-laws-and-rules>

TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Thursday, April 20, 2023**

Please submit comments to [OPLC-Rules@oplcnh.gov](mailto:OPLC-Rules@oplcnh.gov)

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, April 13, 2023 at 11:00 AM**

Place: **3<sup>rd</sup> floor Hearing Room, Office of Professional Licensure & Certification, 7 Eagle Square, Concord, NH 03301**

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

FIS # 23:049, dated 02/24/2023

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.

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):**

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:

**The rules do not apply to political subdivisions. The rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.**