

Text added to existing rules shown in ***bold italics***
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Initial Proposal - draft - 1

Readopt Occ 401.02 through Occ 401.08, effective 7-29-15 (Document #10902), to read as follows:

~~Occ 401.02 "American Occupational Therapy Association (AOTA)" means the entity recognized as the national professional organization of occupational therapists and occupational therapy assistants;~~

Occ 401.03 "Direct supervision" means:

(a) One or more face-to-face meetings between a supervisor and the person being supervised for the purpose of reviewing a treatment plan or treatment progress; or

(b) Direct and continuous observation by the supervisor of the activities of the person being supervised.

Occ 401.04 "Indirect supervision" means supervision through the supervisor's review of the treatment progress notes made by the person supervised, telephone conversations between the supervisor and the person supervised, electronic correspondence between the supervisor and the person supervised or any other form of supervision which is not direct supervision.

Occ 401.05 "Job shadow" means gaining knowledge about the practice of occupational therapy through observation of an occupational therapist or occupational therapist assistant.

~~Occ 401.06 "National Board for Certification in Occupational Therapy, Inc. (NBCOT)" means the entity that develops the national examination for occupational therapy and certifies individuals in occupational therapy practice.~~

Occ 401.07 "Supervision" means a cooperative process in which 2 or more people participate in a joint effort to establish, maintain or elevate a level of competence and performance.

Occ 401.08 "Supportive tasks" means tasks or treatment which facilitate the delivery of occupational therapy, are routine and are easily learned by unlicensed persons.

Repeal Occ 401.09, effective 7-29-15 (Document #10902), and hold said section in reserve as follows:

~~Occ 401.09 "Renewal year" means any odd-numbered year which is not the year of initial licensure.~~
RESERVED

Readopt with amendment, Occ 402.01, effective 7-26-22 (Document #13417), to read as follows:

Occ 402.01 License Renewal Procedure.

(a) A licensee wishing to renew ~~his or her~~ ***their*** current license shall ***submit the following***:

(1) Submit the completed renewal application packet described in Occ 402.02 ***An application as specified in Plc 308.05***; 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~~

~~e. 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.~~

(2) Documentation of the completion of 24 hours of continuing education as described in Occ 406.02;

(3) The supporting documentation identified in Plc 308.07;

(4) The application fees identified in Plc 1002.35;

(5) The applicant shall answer the following question:

“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?”; and

(6) If applying for renewal of licensure as an occupational therapy assistant and employed at the time of application, a completed supervision form as specified in Occ 404.05.

~~(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.~~

(e) Pursuant to RSA 328-F:19, III 310:8, II, 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 the application related fees for renewal, and any supporting documents required for renewal on or before the license expiration date.

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

Repeal Occ 402.02 and Occ 402.03, effective 7-26-22 (Document #13417), and hold said sections in reserve as follows:

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

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~~—(a) In addition to the questions contained on the form described in Ahp 601.03, the licensee shall answer the following question:~~

~~“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~~

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

RESERVED

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.~~

RESERVED

Readopt with amendment, Occ 402.04, effective 7-26-22 (Document #13417), to read as follows:

Occ 402.04 The Board's-Licensing Bureau's Renewal Application Processing Procedures. *The licensing bureau shall process applications for license renewal in accordance with Plc 308.09 and Plc 308.11.*

~~—(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:~~

~~(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)~~ ***(b)*** A renewal applicant wishing to challenge the board's intent to deny the ***denial of an*** application for license renewal shall ***submit a written request for a hearing before the board within 30 days of the notification of denial in accordance with Plc 206.31.***

~~(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.~~

Repeal Occ 402.05, effective 7-26-22 (Document #13417), and hold said section in reserve as follows:

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;

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

~~(1)~~ The answers to the questions found on the renewal application form as specified in Ahp 601.01; and

~~(2)~~ Any related documents submitted pursuant to Occ 402.03(a); and;

~~(d)~~ Have been active in the profession as described in Occ 401.01.

RESERVED

Readopt with amendment Occ 402.07, effective 7-26-22 (Document #13417), to read as follows:

Occ 402.07 Audit Procedure. ***Plc 308.04 shall govern the process for continuing competence documentation and audits.***

~~(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 31st 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.

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~~(e) If, having completed the review required by (e) 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 ***licensing bureau*** 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.~~

Repeal Occ 403.01, effective 7-26-22 (Document #13417), and hold said section in reserve 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.; ***RESERVED***~~

Readopt with amendment, Occ 403.02, effective 7-26-22 (Document #13417), to read as follows:

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 (c) 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.~~

(a) To request reinstatement of an expired license not more than one year after the license expired, the former licensee shall complete the process for renewing a license as specified in Plc 308.

(b) An individual whose license has been expired more than one year who wishes to obtain a license shall apply for initial licensure as specified in Plc 304.

(c) An individual whose license was suspended who wishes to have the license reinstated shall:

(1) If the request is made withing 30 days of the termination of the suspension period and before the expiration date of the suspended license, submit a written request to the licensing bureau that demonstrates compliance with all conditions of the suspension order and plan of correction, including completing any additional continuing competence activities and paying any monetary penalties imposed, but not paying any additional application or reinstatement fee; or

(2) If the request is made withing 30 days of the termination of the suspension period and after the expiration date of the suspended license but within one year of the expiration date:

a. Submit an application for reinstatement of licensure in accordance with Plc 312.02, including paying the application-related fees and demonstrating all requirements for reinstatement have been met;

b. Pay all monetary penalties imposed, if any;

c. Pay the costs associated with the suspension, if imposed pursuant to RSA 310:12, V, or other applicable law; and

d. Demonstrate that all conditions imposed in the suspension order have been met.

(3) Any person whose license was suspended who does not apply for reinstatement within the time period specified in (1) or (2), above, who wishes to be licensed in New Hampshire shall apply for initial licensure in accordance with Plc 304.

(4) Reinstated licenses shall be:

a Fully reinstated; or

b Conditionally reinstated, with conditions specified pursuant to Plc 311.06.

Repeal Occ 403.03 through 403.08, effective 7-26-22 (Document #13417), and hold said sections in reserve as follows:

Occ 403.03 Reinstatement Application Form.

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~~— (a) The reinstatement application form shall be the completed and signed application form specified in Ahp 601.02. **RESERVED**~~

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

~~— (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;~~

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

~~(1) Answers to the questions found 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(e);~~

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

~~— (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); and~~

~~(3) Submission of the documents described in Occ 403.10 (a) through (e); and~~

~~— (e) Have been active in the profession as described in Occ 401.01. **RESERVED**~~

~~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:~~

~~(1) Answers to the questions found on the “Application for Reinstatement of Licensure or Certification” form pursuant to Ahp 601.02;~~

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

~~(3) The written statement required by Occ 403.10(e);~~

~~(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);~~

~~— (e) 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: **RESERVED**~~

~~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:~~

~~a. Answers to the questions found on the “Application for Reinstatement of Licensure or Certification” form pursuant to 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) 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 document described in Occ 403.10: **RESERVED**~~

~~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:~~

~~a. Answers to the questions found on the "Application for Reinstatement of Licensure or Certification" form pursuant to Ahp 601.02;~~

~~b. Any reports submitted pursuant to Occ 403.10(b);~~

~~c. The written statement required by Occ 403.10(e);~~

~~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 (c) 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; ***RESERVED***~~

~~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. 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 403.07, except that they shall job shadow either a licensed occupational therapist or a licensed occupational therapy assistant. ***RESERVED***~~

Repeal Occ 403.09, effective 10-14-16 (Document #12005), and hold said section in reserve as follows:

~~Occ 403.09 Reinstatement of Licenses Suspended for Disciplinary Reasons.~~

~~(a) The board shall reinstate licenses suspended for disciplinary reasons by order of the board in accordance with the terms of the order and the requirements set forth in Occ 403.06.~~

~~(b) The board shall reinstate licenses suspended as part of a settlement agreement pursuant to Ahp 214 in accordance with the terms of the settlement agreement and the requirements set forth in Occ 403.06. ***RESERVED***~~

Repeal Occ 403.10, effective 7-26-22 (Document #13417), and hold said section in reserve as follows:

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

~~— (a) A 2 X 2 photograph of the applicant's face taken within the immediately preceding 6 months;~~

~~— (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) 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~~
 - ~~e. Dated within the 6 months of the submission of the application.~~
- ~~(c) 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;~~

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~~—(g) Transcripts as required by Occ 302.04(d) if not previously submitted; and~~

~~—(h) Documentation of maintenance of continuing competence as described in Occ 406. **RESERVED**~~

Readopt with amendment Occ 404.01, effective 7-29-15 (Document #10902), to read as follows:

Occ 404.01 Conditionally Reinstated Licenses. Licenses reinstated conditionally pursuant to Occ 403.05 ~~02~~ shall:

- (a) Limit the licensee to practicing occupational therapy under the following conditions:
 - (1) Direct supervision by a supervisor who meets the requirements of Occ 404.04 during 5 percent of the hours worked each week; and
 - (2) Indirect supervision by such a supervisor for another 5 percent of the hours worked each week; and
- (b) Expire at the end of 26 weeks unless extended pursuant to Occ 404.06.

Readopt Occ 404.02, effective 7-29-15 (Document #10902), to read as follows:

Occ 404.02 Full Licensure of Conditionally Reinstated Licensees.

(a) To achieve full licensure conditionally reinstated licensees shall, within the period of validity of their conditionally reinstated licenses:

- (1) Practice under the supervision required by Occ 404.01(a) for at least 12 weeks if practicing 32 hours each week or for at least 24 weeks if practicing fewer than 32 hours each week; and
 - (2) Demonstrate competence as documented by at least one supervisory letter complying with (b) below.
- (b) The supervisory letter demonstrating competence shall:
- (1) Be on the supervisor's business stationery, dated and signed by the supervisor;
 - (2) Submitted to the ~~board~~ **licensing bureau** by the supervisor;
 - (3) Include the supervisor's statement that:
 - a. The required supervised practice was completed; and
 - b. The supervision rules were followed; and
 - (4) Include the supervisor's statement that, in the opinion of the supervisor, the person supervised is competent to practice under full licensure.

Repeal Occ 404.03, effective 7-26-22 (Document #1341.7), and hold said section in reserve 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. **RESERVED**~~

Adopt Occ 404.04, previously effective 3-26-14 (Document #10902) and expired 3-26-24, to read as follows:

Occ 404.04 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 ***for at least one year***;
- (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 ***or jurisdiction*** 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.

Repeal Occ 404.05 effective 7-26-22 (Document #13417), and hold said section in reserve as follows:

Occ 404.05 Supervision Form. ~~The supervision form shall be the form specified in Ahp 601.06.~~
RESERVED

Readopt with amendment Occ 404.06, effective 7-26-22 (Document #13417), to read as follows:

Occ 404.06 Extension of Conditionally Reinstated Licenses.

(a) The ~~board~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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.

Occ 404.07 Issuance of Full Initial License to Conditionally Reinstated Licensee. The ~~board~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~***licensing bureau*** 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~~***licensing bureau'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

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

(e) The ~~board~~***licensing bureau*** 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 Occ 405.01 and Occ 405.02, effective 7-29-15 (Document #10902), as follows:

Occ 405.01 Definitions.

(a) "Sexual misconduct" means engaging in one or more of the following activities with respect to a client:

- (1) Engaging in sexual relations, whether consensual or non-consensual;
- (2) Making sexual advances;
- (3) Requesting sexual favors; or
- (4) Engaging in physical contact of a sexual nature.

Occ 405.02 Misconduct. Misconduct shall be:

(a) Knowingly or negligently providing inaccurate material information to the ~~board~~***licensing bureau*** or failing to provide complete and truthful material information upon inquiry by the ~~board~~***licensing bureau***, including during the process of applying for a license, license renewal, or license reinstatement;

(b) Conviction of any criminal offense involving:

- (1) Injury to a victim;
- (2) The risk of such injury; or
- (3) Dishonesty;

(c) Failure to report to the ~~board~~***licensing bureau*** a conviction described in (b) above within 30 days;

- (d) Violation of the ethical standards adopted by the ~~board~~ ***licensing bureau***;
- (e) Engaging in sexual misconduct;
- (f) Violation of any provision of Occ ~~408~~ ***407***;
- (g) Actual or potential inability to render care with reasonable skill and safety by reason of illness, by reason of use of alcohol or drugs or any other material, or by reason of mental or physical condition;
- (h) The imposition of disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;
- (i) Failure to take appropriate action to safeguard individuals from incompetent counselors and health care practitioners, whether or not they are licensed in this state;
- (j) Practice without a currently valid license; and
- (k) Violation of:
 - (1) Any provision of RSA 328-F;
 - (2) Any provision of RSA 326-C;
 - (3) Any rule adopted by the ~~board~~ ***licensing bureau***; or
 - (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Source. #8896, eff 6-7-07; ss by #10902, eff 7-29-15

Readopt with amendment Occ 405.03 through Occ 405.06, effective 7-29-15 (Document #10902), to read as follows:

Occ 405.03 Sanctions.

(a) ~~Pursuant to RSA 328-F:23, IV(a) through (f), and~~ Disciplinary measures available to the board to sanction misconduct shall be ***governed by RSA 310:12***.

- ~~(1) License revocation;~~
- ~~(2) License suspension for a specified period of time;~~
- ~~(3) License suspension conditioned on the achievement of specified continuing competence requirements or continuing education, clinical experience or training;~~
- ~~(4) License suspension conditioned on successful participation in specified mental or physical health treatment, a rehabilitative program, counseling, a professional assistance program or in any other program designed to overcome the deficiency or condition in the licensee which appears to have caused the misconduct;~~
- ~~(5) A requirement that the licensee's practice be supervised for a specified period of time by a licensed occupational therapist; and~~
- ~~(6) The imposition of an administrative fine not to exceed \$1,000 for:~~
 - a. ~~Misconduct as described in Occ 405.02; or~~

~~b. The practice of occupational therapy by a person who was once licensed to practice such profession but does not currently hold a valid license, or who is practicing in violation of the conditions upon which he or she is licensed.~~

~~(b) Pursuant to RSA 328-F:23, IV(g), a measure available to the board to sanction continuing misconduct of the kinds described in (a)(6) above shall be the imposition of an administrative fine of \$100 for each day the misconduct continues after notice from the board that the misconduct shall cease.~~

~~(e) Pursuant to RSA 328-F:23, V an additional measure available to the board to sanction misconduct shall be denial of license renewal or reinstatement.~~

Occ 405.04 Procedure for Imposition of Sanctions. Other than immediate license suspension authorized by RSA 541-A:30, III, ~~the board shall impose disciplinary sanctions only; ***Plc 311.09 shall govern the procedures for imposing sanctions.***~~

~~(a) After prior notice to the licensee in accordance with Ahp 209.01 and the opportunity for the licensee to be heard; or~~

~~(b) By agreement in a settlement between the board and the licensee made pursuant to Ahp 214.~~

Occ 405.05 Determinations Required for Sanctions. ***Plc 311.10 shall govern the method for determining sanctions.***

~~(a) In determining which sanction or combination of sanctions to impose, the board shall:~~

~~(1) First determine the nature of the act or omission constituting the misconduct done by the licensee;~~

~~(2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and~~

~~(3) Finally, apply the standards in Occ 405.06.~~

~~(b) The characteristics shall be:~~

~~(1) The misconduct actually caused physical or mental harm to the client or another person;~~

~~(2) The misconduct had the potential to cause physical or mental harm to the client or another person;~~

~~(3) The misconduct repeated earlier misconduct done by the licensee, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on the same misconduct by the licensee;~~
~~or~~

~~e. An admission by the licensee;~~

~~(4) The misconduct was not the first misconduct by the licensee, as determined by:~~

~~a. An earlier hearing;~~

- ~~b. An earlier settlement agreement predicated on misconduct by the licensee; or~~
- ~~e. An admission by the licensee; and~~
- ~~(5) The misconduct was intentional rather than the result of negligence or inadvertence.~~

Occ 405.06 Standards for the Selection of Sanctions. The board shall select appropriate sanction(s):
Plc 311.11 shall govern the standards for the selection of sanctions.

- ~~(a) From the list in Occ 405.03; and~~
- ~~(b) By choosing, in light of the characteristics determined pursuant to Occ 405.05(b), the sanction or combination of sanctions most likely to:~~
 - ~~(1) Protect public health and safety;~~
 - ~~(2) Prevent future misconduct by the licensee;~~
 - ~~(3) Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;~~
 - ~~(4) Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;~~
 - ~~(5) Encourage the responsible practice of occupational therapy; and~~
 - ~~(6) Demonstrate to the licensee and the public the board's intention to insure that its licensees practice in accordance with applicable law and the public welfare.~~

Repeal Occ 405.07, effective 7-29-15 (Document #10902), and hold said section in reserve as follows:

Occ 405.07 Unauthorized Practice. When the board determines that one of the following measures is likely to be the most effective way to stop unauthorized practice as defined in RSA 328-F:27, II, the board shall:

- ~~(a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice;~~
- or
- ~~(b) Seek an injunction against such person or entity. ***RESERVED***~~

Readopt with amendment, Occ 406.01, effective 7-26-22 (Document #13417), 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.~~

(e) "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.

No proposed changes to:

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.

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

Source. #8896, eff 6-7-07; ss by #10283, eff 2-28-13; ss by #13417, eff 7-26-22 (see Revision Note at chapter heading for Occ 400)

Readopt with amendment Occ 406.03 through Occ 406.017, effective 7-26-22 (Document #13417), to read as follows:

Occ 406.03 Maintenance of NBCOT Certification.

(a) The ~~board~~***licensing bureau*** 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 Course Work, AOTA Approved Programs, and Non-Academic Conferences, Courses, and Workshops in Occupational Therapy.

(a) The ~~Board~~***licensing bureau*** shall recognize academic coursework and documentation as follows:

(1) Receipt of academic course work shall be a licensee's completion of academic course work in occupational therapy sponsored and assigned credit by a college or university;

(2) Credit for academic course work shall be 15 contact hours for each credit hour of academic course work; and

(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:

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

2. The course syllabus.

(b) The ~~board~~***licensing bureau*** shall recognize AOTA approved provider programs and documentation as follows:

(1) Credit for AOTA approved programs shall be a licensee's completion of any continuing education program given by a provider approved by AOTA.

(2) Credit for completing an AOTA approved program shall be 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) The ~~board~~ ***licensing bureau*** shall recognize courses, seminars, conferences and workshops as follows:

(1) Credit for shall be 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
- b. Any conditions for which occupational therapy is often or usually recommended;

(2) Each clock hour of attendance at such courses, seminars, conferences, and workshops shall equal 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.

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

(a) The ~~board~~ ***licensing bureau*** 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 2 hours or less.

(b) The ~~board~~ ***licensing bureau*** 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~~***licensing bureau*** 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~~***licensing bureau*** 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
- (2) The licensee's report of the major thesis of the item read or viewed.

Occ 406.07 Formal Mentored Independent Study.

(a) The ~~board~~***licensing bureau*** 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~~***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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.

(b) The ~~board~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** shall recognize participation in an occupational therapy research project as maintenance of continuing competence.

(b) The ~~board~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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~~ ***licensing bureau*** 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:

(1) 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) That states:

- 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.

Occ 406.16 Cardiopulmonary Certification or Re-certification.

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

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

(b) The ~~board~~ ***licensing bureau*** 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.

Readopt Occ 407.01 through Occ 407.05, effective 7-29-15 (Document #10902), to read as follows:

Occ 407.01 Definitions.

(a) "Current best evidence" means methods of intervention determined by the profession of occupational therapy, based on research or professional peer review, to be the accepted and optimal ones.

(b) "Standardized assessment" means a test using standard procedures, requiring individuals taking it to respond to identical questions under the same conditions and directions, and administered and scored in a consistent manner.

Occ 407.02 Referral Not Required. A referral shall not be required for a licensed occupational therapist to provide:

- (a) Consultation;
- (b) Screening, evaluation and re-evaluation of clients;
- (c) Wellness services;
- (d) Prevention services; and
- (e) Special education services to students with non-medically related conditions.

Occ 407.03 Screening, Evaluation and Re-Evaluation of Clients.

- (a) An occupational therapist shall:
 - (1) Initiate and direct the screening, evaluation and re-evaluation processes;
 - (2) Analyze and interpret the resulting data; and
 - (3) Document the results of the screening, evaluation or re-evaluation.
- (b) The occupational therapist shall evaluate the client's ability to participate in daily life activities by considering the client's capacities and activities, and the environments in which the activities occur.
- (c) An occupational therapy assistant shall contribute to the screening, evaluation, and re-evaluation processes by:
 - (1) Administering standardized assessments and other delegated screenings; and
 - (2) Providing verbal and written reports to the occupational therapist about the assistant's observations and the client's capacities; and
 - (3) Contributing to the documentation of the results.
- (d) An occupational therapist and an occupational therapy assistant shall follow the instructions specifically designed for performing a standardized assessment when administering such an assessment.
- (e) An occupational therapist and an occupational therapy assistant shall communicate screening, evaluation and re-evaluation results within the boundaries of client confidentiality.

Occ 407.04 Treatment Plan and Treatment.

- (a) Treatment of individuals with medically related conditions shall be initiated only after:
 - (1) A referral from a licensed physician, a licensed physician assistant, a licensed advanced registered nurse practitioner, a licensed chiropractor, a licensed optometrist or any other licensed health care professional who has authority to refer for healthcare services; and
 - (2) An evaluation by an occupational therapist.
- (b) For any client, the occupational therapist shall:
 - (1) Develop the client's initial plan for treatment, including identified treatment goals;

- (2) Ensure that the initial treatment plan and any revision in the treatment plan are documented;
 - (3) Revise the treatment plan throughout the treatment process;
 - (4) Document changes in the client's needs, goals, and performance; and
 - (5) Maintain overall responsibility for the following aspects of the treatment plan;
 - a. Its development;
 - b. Any revision;
 - c. Its documentation; and
 - d. Its implementation.
- (c) An initial treatment plan shall be based on the evaluation, client goals, current best evidence and clinical reasoning.
- (d) An occupational therapist or an occupational therapy assistant shall review the treatment plan with the client, and others authorized by the client, regarding the plan's:
- (1) Rationale;
 - (2) Safety issues; and
 - (3) Relative benefits and risks.
- (e) Either an occupational therapist or an occupational therapy assistant shall implement the client's treatment plan.
- (f) An occupational therapy assistant shall select, implement and modify therapeutic activities and interventions only if doing so is consistent with:
- (1) The occupational therapy assistant's demonstrated competency;
 - (2) The occupational therapy assistant's delegated responsibilities; and
 - (3) The client's treatment plan.
- (g) An occupational therapy assistant shall contribute to the modification of the treatment plan by:
- (1) Exchanging information with the occupational therapist as part of direct on-site supervision by the occupational therapist; and
 - (2) Providing documentation to the occupational therapist about the client's responses to and communications throughout the intervention.

Occ 407.05 Discontinuation of Services.

- (a) An occupational therapist shall make the decision about discontinuing services.
- (b) Services shall be discontinued when:
 - (1) The client has achieved identified treatment goals;

- (2) The client has reached maximum benefit from treatment; or
- (3) The client does not desire to continue services.

(c) An occupational therapy assistant shall contribute to the decision about discontinuing services by providing information and documentation to the occupational therapist related to the client's needs, goals, performance, and follow-up resources.

(d) Occupational therapists and occupational therapy assistants shall bill only for occupational therapy services that:

- (1) Were actually provided;
- (2) Were provided by licensed occupational therapists or occupational therapy assistants; and
- (3) Have supporting documentation.

Readopt with amendment, Occ 407.06 through Occ 407.11, effective 7-29-15 (Document #10902), to read as follows:

Occ 407.06 Supervision of Occupational Therapy Assistants.

(a) Occupational therapy assistants shall be supervised in their work in occupational therapy by occupational therapists:

- (1) Who meet the description in Occ ~~408-07~~ ***407.07***;
- (2) In accordance with the requirements of (b), (c) and (d) below; and
- (3) For periods longer than those set forth in (b), (c) and (d) below whenever such longer periods are required for accurate implementation of treatment plans.

(b) Occupational therapy assistants with less than one year of paid experience in occupational therapy shall be directly supervised at least 5% of their work time and indirectly supervised an additional 10% of their work time.

(c) Occupational therapy assistants with one to 5 years of paid experience in occupational therapy shall be directly supervised during at least 5% of their work time and indirectly supervised an additional 5% of their work time.

(d) Occupational therapy assistants with greater than 5 years of paid experience in occupational therapy shall receive both direct and indirect supervision during 5% of their work time.

Occ 407.07 Qualifications to be a Supervisor. To qualify to supervise occupational therapy assistants individuals shall be:

- (a) Currently licensed in New Hampshire as occupational therapists ***for a minimum of one year***;
- (b) Not under disciplinary investigation by the ~~board~~ ***licensing bureau, another state or jurisdiction***, or under pending disciplinary charges in the facilities where supervision is to take place; and
- (c) Not related in any of the following ways to the occupational therapy assistants being 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.

Occ 407.08 Limitation on Number of Occupational Therapy Assistants Under Supervision. An occupational therapist shall not supervise at any one time more occupational therapy assistants than those whose combined work hours total the work hours of 2 full-time occupational therapy assistants.

Occ 407.09 Occupational Therapy Assistants' Obligation to Present Supervision Rules to Supervisors and to Report Supervision to the Board.

(a) Before beginning work in occupational therapy, an occupational therapy assistant shall:

- (1) Give to the person intending to provide supervision to the assistant a copy of Occ ~~408.06-
Occ 408.10~~ ***400*** and the supervision form ***described in Occ 404.05***;
- (2) Discuss the supervision requirements with the person intending to provide supervision; and
- (3) Submit to the ~~board~~-***licensing bureau*** the completed supervision form.

(b) An occupational therapy assistant shall submit a revised or additional supervision form to the ~~board~~-***licensing bureau***:

- (1) Within 30 days of the date of change each time there is a change in the person providing supervision to the assistant; and
- (2) Whenever the occupational therapy assistant ~~takes on a second employer~~ ***begins work for any other employer as an occupational therapy assistant***.

Occ 407.10 Supervision Form. The supervision form shall be the form as specified in ~~Ahp 601.06~~ ***Occ 404.05***.

Occ 407.11 Licensees' Delegation of Supportive Tasks to ***Unlicensed*** Individuals ~~Not Licensed by the Board~~.

(a) A licensee shall delegate supportive tasks to an ***unlicensed*** individual ~~not licensed by the board~~ only when:

- (1) The anticipated outcome of such tasks is predictable;
- (2) The client and the client's environment are sufficiently stable that judgment, interpretations and adaptations by the unlicensed individual will not be required;

- (3) The client has previously demonstrated some ability to perform the client's part of the tasks; and
- (4) The licensee has taught the unlicensed individual the delegated tasks or is satisfied on the basis of a demonstration that the unlicensed individual is competent to perform the tasks.
- (b) When delegating supportive tasks to an ***unlicensed*** individual ~~not licensed by the board~~ the licensee shall ensure that the unlicensed individual:
- (1) Is trained and able to demonstrate competence in carrying out the supportive tasks and in using any equipment which may be required;
- (2) Has been instructed in how to carry out the supportive tasks with the particular client involved; and
- (3) Knows the precautions, signs and symptoms for that particular client which would indicate the need to seek assistance from the licensee.
- (c) A licensee delegating supportive tasks to an ***unlicensed*** individual ~~not licensed by the board~~ shall:
- (1) Directly supervise the unlicensed individual when that individual performs tasks of client care during the treatment of an occupational therapy client; and
- (2) Indirectly supervise the unlicensed individual at all other times.

Readopt with amendment Occ 407.12, effective 8-25-23 (Document #13678), to read as follows:

Occ 407.12 Administrative Obligations of Licensees. Licensees shall:

- (a) Maintain their current business address, home addresses, and e-mail address with the ~~board's office~~ ***licensing bureau***;
- (b) Notify the ~~board's office~~ ***licensing bureau*** of any change in addresses listed in (a) above no later than 30 days from the date of the change; and
- (c) Retain documentation of their continuing professional education and professional activities for at least 3 years.

Appendix I

Rule	Specific State Statute the Rule Implements
Occ 401.02 through Occ 401.08	RSA 541-A:7
Occ 402.01	RSA 326-C:6, I
Occ 402.02 (repeal)	2023, 79:281, XI
Occ 402.03 (repeal)	2023, 79:281, XIII
Occ 402.04	RSA 310:8
Occ 402.05 (repeal)	2023, 79:281, XIII
Occ 402.06 (expired)	RSA 328-F:11, I(e); RSA 328-F:20
Occ 402.07	RSA 328-F:11, I(b)
Occ 403.01	RSA 541-A:16, I(b)

Text added to existing rules shown in ***bold italics***

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Text deleted from existing rules shown ~~struck through~~

Occ 403.02	RSA 541-A:16, I(b)
Occ 403.03 through Occ 403.10 (repeal)	2023, 79:281, XIV
Occ 404.03	RSA 328-F:11, I(c)
Occ 404.04	RSA 328-F:11, I(c)
Occ 404.05	RSA 328-F:11, I(c)
Occ 404.06	RSA 328-F:11, I(c)
Occ 404.07	RSA 328-F:11, I(c)
Occ 404.08	RSA 328-F:11, I(c)
Occ 405.01	RSA 328-F:11, I(d)
Occ 405.02	RSA 310:12
Occ 405.03	RSA 310:9
Occ 405.04 through Occ 405.06	RSA 541-A:16, I(b)
Occ 405.07 (repeal)	2023, 79:281, XIX
Occ 406	RSA 328-F:11, I(b); RSA 326-C:6, I(b)
Occ 407	RSA 541-A:16, I(b)
Occ 407.10	RSA 541-A:16, I(b)
Occ 407.12	RSA 328-F:21