

CHAPTER Mhp 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION

REVISION NOTE.

Pursuant to 1992, 280:4, effective 1-1-93, the Board of Examiners of Psychologists became the Board of Examiners of Psychology and Mental Health Practice.

Document #5675, effective 7-22-93, made extensive changes to the wording, format, and numbering of the rules of the former Board of Examiners of Psychology and Mental Health Practice (Board), which were readopted with amendments as Chapters Psy 100 through Psy 500 in Document #5675. Document #5675 superseded all prior filings for the rules of the Board. The prior filings for the rules of the Board, formerly the Board of Examiners of Psychologists, included the following documents:

#1353, eff 5-14-79
#1976, eff 3-10-82
#2679, EMERGENCY, eff 3-21-84
#2731, eff 5-31-84
#4289, eff 7-6-87
#5358, eff 3-16-92

The Board of Mental Health Practice (rule title “Mhp”) was established pursuant to 1998, 234:1, effective 10-31-98, which abolished the former Board of Examiners of Psychology and Mental Health Practice. Pursuant to 1998, 234:18, effective 10-31-98, all existing effective rules of the (Board of Examiners of Psychology and Mental Health Practice rule title “Psy”) in Document #5675 adopted under the former RSA 330-A were transferred to the Board of Mental Health Practice and continued in effect until they expired 7-22-99. See the source notes for subsequent Documents affecting the rules of the Board of Mental Health Practice.

PART Mhp 101 PURPOSE AND SCOPE

Mhp 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of mental health practice under RSA 330-A which, include, but are not limited to:

(a) Protecting the public receiving mental health services not limited by geographic boundary or technology used;

(b) Determining the qualifications for the licensing of pastoral psychotherapists, independent clinical social workers, clinical mental health counselors, marriage and family therapists, school social workers, licensed social workers, and social work associates;

(c) “Licensee” means a person who possesses a current license pursuant to RSA 330-A;

(d) “Scope of practice” means assessment, diagnosis, consultation, treatment recommendations, and treatment of a person with a diagnosis or a concern specified in the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM) and the Diagnostic Coding Manual (ICD-10) in accordance with RSA 330-A:1; and

(e) The procedures for assuring the continuing professional education requirements and other requirements for demonstrating professional competence for the renewal or reinstatement of licensees.

Source. (See Revision Note at chapter heading for Psy 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, *eff 1-25-11*, EXPIRED in (b) 7-1-14; *amd in (b) by #11040, eff 2-24-16; ss by #14182, eff 2-20-25*

PART Mhp 102 DEFINITIONS

Mhp 102.01 Terms Used. As used in these rules, the following terms shall have the meanings indicated:

(a) “Board administrator” means the board’s staff director, a person with delegated authority from the board to perform administrative and clerical functions for the board;

(b) “Board” means the New Hampshire board of mental health practice created under RSA 330-A;

(c) “Licensee” means a person who possesses a current license pursuant to RSA 330-A;

(d) “Scope of practice” means assessment, diagnosis, consultation, treatment recommendations, and treatment of a person with a diagnosis or a concern specified in the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association (DSM) and the Diagnostic Coding Manual (ICD-10) in accordance with RSA 330-A:1; and

(e) “Independent solo or solo private mental health practice” means practice which is not done as an employee of an employer who assumes full financial responsibility for the actions of that employee and furnishes the employee with a W-2 form pursuant to US Internal Revenue Services regulations.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, *eff 1-25-11*; ss by #13224, *eff 6-30-21*

PART Mhp 103 AGENCY ORGANIZATION

Mhp 103.01 Composition of the Board. The board shall consist of 9 members appointed by the governor and council and shall meet the eligibility requirements of RSA 330-A:3.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, *eff 1-25-11*, EXPIRED: 7-1-14

New. #11040, *eff 2-24-16*; ss by #13224, *eff 6-30-21*

Mhp 103.02 RESERVED.

Mhp 103.03 Office Hours, Office Location, Mailing Address and Telephone.

(a) The board’s office shall be:

7 Eagle Square, Suite 300
Concord, NH 03301

- (b) The board's office shall be open to the public during normal business hours.
- (c) The board's telephone number shall be (603) 271-2152.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11; ss by #13224, eff 6-30-21

Mhp 103.04 Meetings. The board shall generally meet monthly and at such additional times as shall be called for by the chairperson or by the vote of the board.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11; ss by #13224, eff 6-30-21

Mhp 103.05 Committees.

(a) The Board may create an advisory committee for each mental health discipline license. The board member of each mental health discipline shall serve as the chair of that advisory committee. The remaining members shall include at least 2 licensees, and no more than 4 licensees in the mental health discipline of that committee.

(b) The committee shall have no independent regulatory or disciplinary authority.

(c) This section shall not affect or change the scope of practice of any mental health practice license.

Source. #9852, eff 1-25-11 (formerly Mhp 103.06) (See Revision Note at chapter heading for Mhp 100); ss by #14182, eff 2-20-25

PART Mhp 104 PUBLIC INFORMATION

Mhp 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board pursuant to RSA 91-A:3, RSA 91-A:4 and RSA 91-A:5. Board minutes of actions that are not confidential under RSA 91-A:3 shall be public records pursuant to RSA 91-A:4 and shall be available for inspection as required by RSA 91-A:3.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11

Mhp 104.02 Custodian of the Records. The executive director of the office of professional licensure and certification shall be the custodian of the board's records. Plc 103 rules shall govern requests for information and access to records.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11; ss by #14182, eff 2-20-25

Mhp 104.03 Copies of Records. Persons desiring copies of board records shall identify as particularly as possible the information being sought and agree to pay a copying fee of \$.10 per page. If records are requested that contain both public and confidential information, the confidential information shall be deleted and the remaining information be provided.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11

Mhp 104.04 Access to Board Rules. Pursuant to RSA 541-A, the board files rules with the director of legislative services. Persons may receive rules by calling or writing the board. Any person may petition the board in writing to adopt, amend or repeal a rule and may appear in person to inspect the rules or obtain photocopies.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93, EXPIRED: 7-23-99

New. #7623, eff 1-10-02, EXPIRED: 1-10-10

New. #9852, eff 1-25-11

APPENDIX

RULE	SPECIFIC STATE STATUTE THE RULE IMPLEMENTS
Mhp 101	RSA 330-A:1 and RSA 541-A:16, I(a)
Mhp 101.01	RSA 330-A:3; RSA 330-A:10, IV-VII, XI; RSA 541-A:16, I(a)
Mhp 102	RSA 541-A:7 and RSA 541-A:16, I(a)
Mhp 103	RSA 330-A:3, RSA 330-A:4 and RSA 541-A:16, I(a)
Mhp 103.01	RSA 330-A:3, I
Mhp 103.02 (RESERVED)	2023, 235:27
Mhp 103.03	RSA 541-A:16, I(a)
Mhp 103.04	RSA 541-A:16, I(a)
Mhp 103.05	RSA 330-A:4, I
Mhp 104	RSA 91-A:4 and RSA 541-A:16, I(a)
Mhp 104.02	RSA 91-A:4; RSA 541-A:16, I(a); RSA 310:4, II(e)