

Readopt with amendments Resp 302.01, effective 10-10-15 (Document # 10946), to read as follows:

Resp 302.01 Processing of Applications.

(a) Applicants who wish to apply for initial licensure to practice respiratory care shall do so by submitting, or arranging for the submission of, each of the following components of the application packet:

- (1) An application form provided by the board that contains the information specified by [~~Resp 302.02~~] **Ahp 601.01**;
- (2) The required documents specified by Resp [~~302.04~~] **302.02**;
- (3) The non-refundable application processing fee specified by Ahp 301.02(a); and
- (4) The initial license fee specified by Ahp 301.02(a).

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

- (1) So notify the applicant in writing within [~~60~~] **30** days; and
- (2) Specify the information or documents it requires.

(c) An application shall be considered to be completed on the first date that the board has received:

- (1) The completed application packet described in (a) above; and
- (2) Any additional information or documents which may have been requested pursuant to (b) above.

(d) The application shall be denied if the application is not complete within [~~54~~] **38** weeks of the receipt by the board of the application-form part of the application packet.

(e) The board shall issue written approval or denial of an application within [~~120~~] **60** days of the date that the application is complete.

(f) The board shall refund the license fee, but not the application processing fee, if:

- (1) The applicant withdraws the application;
- (2) The application is not completed within [~~54~~] **38** weeks of receipt by the board of the application-form part of the application packet; or
- (3) The board denies the application.

(g) Any applicant wishing to challenge the board's denial of an application for initial 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.

Repeal Resp 302.02, effective 8-30-13 (Document #10405), as amended effective 10-10-15 (Document #10946), as follows:

~~Resp 302.02 Multipart Application Form~~

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

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

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

~~a. Part one, which is held confidential by the board; and~~

~~b. Part 2, which is available to the public.~~

~~—— (b) The applicant shall:~~

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

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

~~—— (c) On part one of the form the applicant shall designate the initial license applied for by circling the appropriate designation preprinted on the form.~~

~~—— (d) On part one of the form the applicant shall provide his or her:~~

~~(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;~~

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

~~(9) Date of birth; and~~

~~(10) Place of birth.~~

~~—— (e) On part one of the form the applicant shall designate by checking the appropriate box which address, if any, can be made available for purchase to public entities:~~

~~(1) Home mailing address;~~

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

~~(3) None.~~

~~—— (f) On part one of the form the applicant shall designate by checking in the appropriate box if the applicant wishes to receive notifications from the board by e-mail or regular mail.~~

~~—— (g) Also on part one of the form the applicant shall indicate using the “yes” and “no” columns provided:~~

~~(1) Whether 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 of any state or jurisdiction;~~

~~(2) Whether any malpractice claim has been made against the applicant;~~

~~(3) Whether the applicant has for disciplinary reasons been put on administrative leave, been fired for cause other than staff reductions from a position at your place of employment, or had any privileges limited, suspended or revoked in any:~~

~~a. Hospital;~~

~~b. Health care setting;~~

~~c. Home health care agency;~~

~~d. Educational institution; or~~

~~e. Other professional setting;~~

~~(4) Whether the applicant has been denied the privilege of taking an examination required for any professional licensure;~~

~~(5) Whether the applicant has 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; and~~

~~(6) Whether the applicant engages in any remedial undertaking to alleviate one or more conditions listed in (5) above which could itself negatively affect the applicant's ability to practice the profession for which licensure is sought.~~

~~(7) Whether the applicant has committed any act(s) that would violate the laws and/or rules that govern the profession for which you are applying.~~

~~——(h) Pursuant to RSA 161-B:11, VI a the applicant shall furnish his or her social security number on part one of the application form.~~

~~——(i) On part 2 of the application form the applicant shall provide:~~

~~(1) His or her full name;~~

~~(2) For the applicant's undergraduate education and graduate education:~~

~~a. The name and address of the college, university or other institution;~~

~~b. The degree earned;~~

~~c. The year of the degree earned; and~~

~~d. The major subject taken in the degree granting program;~~

~~(3) For any additional education, educational degree or educational credential required to achieve eligibility for initial licensure:~~

~~a. The name and address of the educational program or institution;~~

~~b. The degree or other credential earned; and~~

~~c. The year of the degree or credential earned; and~~

~~(4) A list of the jurisdictions where the applicant is or has been licensed to practice.~~

~~——(j) On part 2 of the application form the applicant shall indicate by using the “yes” and “no” columns provided:~~

~~(1) Whether the applicant has been found guilty of or entered a plea of no contest to any felony or misdemeanor;~~

~~(2) Whether the applicant has ever been the subject of any disciplinary action by any professional licensing authority;~~

~~(3) Whether the applicant has ever been denied a license or other authorization to practice in any state or jurisdiction;~~

~~(4) Whether the applicant has ever surrendered a license or other authorization to practice issued by any state or jurisdiction in order to avoid or settle disciplinary charges; and~~

~~(5) Whether the applicant has a full or partial ownership interest in any business providing services in the allied health professional field for which the applicant seeks to be licensed.~~

~~——(k) Also on part 2 of the form the applicant shall place his or her notarized signature, printed full name 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."~~

Repeal Resp 302.03, effective 10-10-15 (Document #10946), as follows:

~~—— Resp 302.03 Effect of Notarized Signature. The effect of the applicant's notarized signature on part 2 of the form shall be:~~

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

~~—— (b) The applicant's certification that:~~

~~(1) The information provided on all of the parts of the 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 amendments Resp 302.04, effective 8-30-13 (Document #10405), and renumber as Resp 302.02, to read as follows:

Resp [302.04] **302.02 Required Documents**. Applicants for initial licensure to practice respiratory care shall provide, or arrange for the board to receive, the following documents supporting their applications:

(a) A recent passport size, 2" x 2", original head shot photograph, *taken within the immediately preceding 6 months*;

(b) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions *from the application form specified in Ahp 601.01 are in the affirmative* [~~(f)(1) through (f)(6) on part one of the application form is in the affirmative~~];

~~[(c) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions (i)(1) through (i)(5) on part 2 of the application form is in the affirmative;]~~

~~[(d)] (c)~~ An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice 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;

~~[(e)]~~ (d) If the applicant met the educational requirements set forth in Resp 303.02(a) after July 31, 1977, an official transcript from the respiratory care educational program or school:

- (1) Mailed directly to the board by the educational program or school; or
- (2) Submitted by the applicant in an envelope sealed by the educational program or school in such a manner that it would be evident to the board if the envelope had been opened;

~~[(f)]~~ (e) An authenticated copy of one of the following certifications:

- (1) Certification as an inhalation therapy technician, whether by that name or a name later given by NBRC to the same certification; or
- (2) Certification as a registered inhalation therapist, whether by that name or a name later given by NBRC to the same certification;

~~[(g)]~~ (f) *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:

~~[(4)]~~ a. Issued by each state where the applicant has resided or been licensed within the past 6 years, providing that such state will:

~~[(a)]~~ 1. Send the report to the board; or

~~[(b)]~~ 2. To the applicant for forwarding to the board;

~~[(2)]~~ b. Covering the applicant under his or her name and any aliases; and

~~[(3)]~~ c. Dated within 6 months preceding the application for licensure;

~~(h) Original, not photocopied, letters of reference meeting the requirement of Resp 302.05 and written by 2 professional colleagues who are:~~

~~(1) Not related in any of the following ways to the licensee:~~

~~a. Spouse or civil union partner;~~

~~b. Parent, step parent, parent in law, or step parent in law;~~

~~e. Natural, foster or adopted child, or stepchild; or~~

~~d. Sibling, brother in law, or sister in law;~~

~~(2) Familiar with the applicant's character, professional competence and skills in respiratory care; and~~

~~(3) From individuals who are familiar with the applicant's professional abilities;~~

(h) ~~[(g)]~~ A resume presenting a chronologically organized account of the applicant's experience in respiratory care including:

(1) Each separate experience in paid or volunteer work as a direct care provider of respiratory care, an educator in respiratory care, a respiratory care administrator or a respiratory care consultant and whether the experience was part-time or full-time;

(2) The period of each separate experience described by its beginning and ending dates; and

(3) The physical address of each experience.

(i) ~~[(h)]~~ If subject to conditional licensure pursuant to Resp 305.02, a completed supervision form as described in ~~[Resp 305.07]~~ **Ahp 601.05**; and

(j) ~~[(i)]~~ If Resp 305.02(a)(1) is applicable, the following proofs of having met the competency requirements of Resp 305.03:

(1) For the courses described in Resp 305.03(b)(1) and (2), proofs of attendance showing:

a. The name of the applicant;

b. The name or main topic of the course;

c. The beginning and ending dates of the course;

d. The duration of the course in hours; and

e. The signature of a representative of the course sponsor or provider; and

(2) For the NBRC self-assessment examination described in Resp 305.03(b)(3), the applicant's scores sent directly to the board by NBRC.

Repeal Res 302.05, effective 10-10-15 (Document #10946), as follows:

~~Resp 302.05 Letters of Reference. Letters of reference shall:~~

~~—— (a) Be completed on the “Letter of Reference Form” dated March 2, 2015;~~

~~—— (b) Be completed by an individual currently holding a license in a regulated health care profession and who is familiar with the applicant's professional abilities;~~

- ~~—— (c) Be dated within 6 months of the applicant's submission of the application;~~
- ~~—— (d) Include a brief statement of the capacity in which the writer knows the applicant; and~~
- ~~—— (e) Attest that the writer has completed the entire form personally, that the applicant is of good moral character, professional competence, and possesses good respiratory care skills, and that the writer submits the letter without reservation.~~

Readopt with amendments Resp 303.01, effective 10-10-15 (Document #10946), to read as follows:

Resp 303.01 Eligibility Requirements for Initial Licensure.

(a) Applicants for initial licensure to practice respiratory care shall:

(1) Have good professional character as evidenced by:

a. The answers to the questions *from the application form specified in Ahp 601.01* [~~in Resp 302.02(f)(1) through (f)(6);~~

~~[b. The answers to the questions in Resp 302.02(i)(1) through (i)(5);]~~

~~[e.]~~ *b.* Any explanations submitted pursuant to Resp [302.04(b) or (e)] *Resp 302.02(b);*

~~[d.]~~ *c.* Any verification information as described in [~~Resp 302.04(d)~~] *Resp 302.02(c);*
and

e. The criminal offender record report(s) required by [~~Resp 302.04(e)~~] *Resp 302.02(f).*
[~~and~~]

~~[f. The letters of reference required by Resp 302.04(h);]~~

(2) Meet the educational requirements set forth in Resp 303.02; and

(3) Have passed one of the examinations described in Resp 304.

(b) Applicants meeting the requirements of (a) above but in the groups described in Resp 305.02(a) shall be issued conditional licenses.

(c) Based on the board's determination pursuant to RSA 332-G:7 no military experience is applicable to the education of respiratory care practitioners military experience and shall not be considered when determining whether an applicant meets the educational requirements for licensure.

Readopt with amendments Resp 305.03, effective 10-10-15 (Document #10946), to read as follows:

Resp 305.03 Competency Requirements.

(a) Applicants described in Resp 305.02(a)(1) shall meet the competency requirements set forth in (b) below within the calendar year just preceding the submission of their application forms.

(b) Competency requirements to be met by such applicants shall be:

(1) Completion of **12** [24] contact hours of professional respiratory care courses which are:

a. Described by the course sponsors or providers as review courses; and

b. Approved by:

1. The American Medical Association's Committee on Allied Health Education and Accreditation in collaboration with the Joint Review Committee for Respiratory Therapy Education or its successor organization;

2. The Committee on Accreditation for Respiratory Care or its successor organization;

3. The Commission on Accreditation of Allied Health Education Programs or its successor organization; or

4. AARC;

(2) Completion of a minimum of 6 contact hours of continuing education in:

a. Current treatment or management of infectious diseases;

b. Advances in the pharmacologic treatment of the cardio-pulmonary system;

c. New modes of respiratory care; or

d. Any other current topics in respiratory care; and

(3) Taking and scoring in the passing range on all parts of the NBRC self-assessment examination designed for the highest NBRC credential the applicant has obtained.

Readopt with amendments Resp 305.06, effective 10-10-15 (Document #10946), to read as follows:

Resp 305.06 Administrative Obligations of Conditional Licensees.

(a) Before the beginning of supervision by each individual who will provide some or all of the weeks of supervision, conditional licensees shall:

(1) Give the individual a copy of Resp 305 and the supervision form provided by the board;

(2) Discuss the required supervision with the individual; and

(3) Submit to the board the completed supervision form described in [~~Resp 305.07~~] **Ahp 601.05.**

(b) Whenever an individual providing supervision is replaced by other individual(s), conditional licensees shall:

- (1) Notify the board of that fact; and
- (2) Take the actions required by (a) above.

Repeal Resp 305.07, effective 10-10-15 (Document #10946), as follows:

~~Resp 305.07 Supervision Form.~~

~~——(a) The supervision form shall:~~

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

~~“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.~~

Readopt and renumber Resp 305.08 – Resp 305.11, effective 10-10-15 (Document #10946), as Resp 305.07 – Resp 305.10 to read as follows:

Resp [305.08] **305.07 Extension of Conditional License When Supervised Practice is Incomplete or Supervisory Letter is Unavailable**. The board shall extend a conditional license for an additional period of no more than 26 weeks when:

- (a) The conditional license is currently valid;
- (b) The conditional licensee:

- (1) Is unable to complete the practice required by Resp 305.05(a)(1) because of loss of employment for any reason other than being terminated for cause or terminated during probationary employment because of incompetence; or
 - (2) Is unable to submit the supervisory letter required by Resp 305.05(b) for a reason unrelated to the supervisor's belief that the licensee is not competent to practice under full licensure; and
- (c) The conditional licensee submits to the board a written request for the extension explaining the details of one of the reasons in (b) above.

Resp [~~305.09~~] **305.08** Extension of Conditional License in Accordance with Supervisor's Request. The board shall extend a conditional license for an additional period of not more than 12 weeks when:

- (a) The conditional license is currently valid; and
- (b) The individual supervising the conditional licensee requests the extension to allow the conditional licensee to establish competence sufficient for full licensure.

Resp [~~305.10~~] **305.09** Professional Obligations of Conditional Licensees. Conditional licensees shall at all times be subject to the same disciplinary sanctions as are holders of other licenses issued by the board.

Resp [~~305.14~~] **305.10** Expiration, Suspension and Emergency Suspension of Conditional Licenses.

- (a) A conditional license not expired by date shall expire when the board approves or denies full initial licensure.
- (b) The conditional licensee shall have the right to challenge the board's denial of full licensure through an adjudicative hearing.
- (c) The board shall suspend a conditional license under the following circumstances:
 - (1) Practice by the conditional licensee without supervision;
 - (2) The conditional licensee's for-cause termination from employment as a practitioner;
 - (3) The conditional licensee's termination from employment for incompetence during a probationary period; or
 - (4) Violation by the conditional licensee of RSA 328-F, RSA 326-E or the administrative rules of the board.
- (d) The board shall suspend a conditional license on the bases set forth in (c) above only after:
 - (1) Giving the conditional licensee notice containing:
 - a. A statement of the board's intention to suspend the conditional license;

- b. The grounds of the intended suspension;
- c. The date of the intended suspension; and:
- d. A statement that the conditional licensee has the right to request an adjudicative hearing to challenge the intended suspension; and

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

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

Adopt Resp 306 to read as follows:

PART Resp 306 TEMPORARY LICENSES

Resp 306.01 The Nature of Temporary Licenses. Temporary licenses shall:

- (a) Be available only to individuals currently licensed as a respiratory care practitioner and in good standing in either Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont who has applied for full licensure or certification from the board; and
- (b) Remain valid for no more than 120 days.

Resp 306.02 Restriction on Temporary Licenses

- (a) If an applicant has previously received a temporary license from the board, the applicant is ineligible for a second temporary license.

Resp 306.03 Basic Eligibility Requirements for Temporary Licenses.

- (a) Applicants for temporary licensure as respiratory care practitioners shall:
 - (1) Have submitted a completed application form for full licensure and the appropriate fee, pursuant to Resp 302.02;
 - (2) Pay the temporary initial license fee required by Ahp 301.02;
 - (3) Hold an active, unencumbered license from one or more of the states listed in Resp 306.01(a), as evidenced by a letter of good standing sent by that state;
 - (4) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action; and
 - (5) Complete and submit Form “Application for Initial Temporary Licensure and Certification,” as adopted on 1/15/2019, as set forth in Ahp 601.04.
- (b) Applicants shall place their notarized signature, printed full name, and date of signing on an attestation on the form below the following preprinted statement:

“By Signing this application before the Notary Public/Justice of the Peace I attest to the following:

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. Based on the statute and rules governing the profession for which I am applying I have not committed any acts that would be grounds for disciplinary action in this or any other State.

If I am given a “Temporary License” to practice in the State of New Hampshire I attest to the fact that I am eligible for full licensure meeting all requirements set forth in the Board’s Administrative rules including any active in the profession requirements.”

- (c) The effect of the applicant’s notarized signature on the form shall be:
 - (1) The applicant’s acknowledgment that knowingly making a false statement on the application form is a misdemeanor under RSA 641:2, I;
 - (2) The applicant’s certification that:
 - i. The information provided on all the parts of the 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
 - ii. The applicant has read the statutes and administrative rules of the board; and
 - (3) The applicant’s promise to abide by the statutes and administrative rules of the board.

Resp 306.04 Issuance and Expiration of Temporary Licenses.

- (a) The board shall issue temporary licenses to applicants who meet the basic eligibility requirements of Phy 307.02.
- (b) Temporary licenses shall expire either at the conclusion of 120 days after issuance or after the board takes action on the applicant’s application for full licensure or certification, whichever occurs sooner.

Appendix

Rule	Statute
Resp 302.01	RSA 328-F:11, I(a), (h)
Resp 302.02 (repealed)	RSA 328-F:11, I(f); RSA 328-F:5, I
Resp 302.03 (repealed)	RSA 328-F:11, I(f); RSA 328-F:5, I
Resp 302.02 (formerly Resp 302.04)	RSA 328-F:11, I(a); RSA 328-F:5, I
Resp 302.05 (repealed)	RSA 328-F:11, I(f); RSA 328-F:5, I
Resp 303.01	RSA 326-E:3, I; RSA 328-F:11 (a)
Resp 305.03	RSA 328-F:11 (c)
Resp 305.06	RSA 328-F:11 (c)
Resp 305.07 (repealed)	RSA 328-F:11 (c)
Resp 305.07 (formerly Resp 305.08)	RSA 328-F:11 (c)
Resp 305.08 (formerly Resp 305.09)	RSA 328-F:11 (c)
Resp 305.09 (formerly Resp 305.10)	RSA 328-F:11 (c)
Resp 305.10 (formerly Resp 305.11)	RSA 328-F:11 (c)
Resp 306.01	RSA 328-F:18, VI
Resp 306.02	RSA 328-F:18, VI
Resp 306.03	RSA 328-F:18, VI
Resp 306.04	RSA 328-F:18, VI