

Adopt Psyc 100 – 200 to read as follows:

CHAPTER Psyc 100 ORGANIZATIONAL RULES

PART Psyc 101 DEFINITIONS

Psyc 101.01 Terms Used. The following terms are defined as follows:

- (a) “Board” means the New Hampshire board of psychologists created under RSA 329-B; and
- (b) “Licensee” means a person who possesses a current license pursuant to RSA 329-B: 15.

PART Psyc 102 DESCRIPTION OF AGENCY

Psyc 102.01 Composition of the Board.

- (a) The board shall consist of 8 members appointed by the governor with the approval of the council pursuant to RSA 329-B:3.
- (b) Each person so appointed shall meet the eligibility requirements of RSA 329-B: 3 and RSA 329-B:6.
- (c) Pursuant to RSA 329-B:9, II, when a quorum is not available for just and timely resolution of a specific matter, the board members who are available shall, by majority vote, appoint one or more former board members to serve as acting board members for purposes of obtaining the minimum quorum to act in that specific matter.

Psyc 102.02 Staff. The board shall receive assistance from the staff of the office of professional licensure and certification as is necessary to conduct the board’s daily operations and to fulfill its statutory duties.

Psyc 102.03 Office Hours, Office Location, Mailing Address and Telephone.

- (a) The board’s office mailing address is:
State of NH Board of Psychologists
121 South Fruit Street
Concord, NH 03301
- (b) The board’s office is open to the public Monday through Friday during normal business hours.
- (c) The board’s telephone number is (603) 271- 9369.
- (d) The board’s facsimile number is (603) 271-6702.
- (e) Electronic mail may be directed to the board at: Psychologists.Board@nh.gov

Psyc 102.04 Meetings.

- (a) The board shall meet at least annually in the month of September at its offices in Concord, N.H.
- (b) Additional regular meetings will generally be called monthly except in August.
- (c) The date, time, and place of any regular meeting shall be determined by:
 - (1) The chairperson then serving; or
 - (2) The majority vote of the board at a previous regular or special meeting.
- (d) A special meeting shall be called by the chairperson upon receipt of a written request to call a meeting, signed by any 3 or more members of the board, and delivered to the chairperson at the offices of the board.
- (e) Notice of any annual, regular, or special meeting shall be provided to the public as required by RSA 91-A:2.
- (f) Notice of any annual, regular, or special meeting shall be provided to each member and acting member of the board in writing at an address the member shall provide to the board.

Psyc 102.05 Committees.

- (a) Pursuant to RSA 329-B: 4, and in accordance with its requirements, the board shall create and administer the following standing committees:
 - (1) The advisory committee;
 - (2) The committee for professional conduct investigations; and
 - (3) The professional's health committee.
- (b) The members of each standing committee shall meet the eligibility requirements set forth in RSA 329-B: 6.
- (c) Any other committee appointed by the board to make recommendations on matters within the statutory authority of the board, shall:
 - (1) Be deemed a special committee to exist only until completion of its assigned task;
 - (2) Consist of one or more members of the board; and
 - (3) Be chaired by a member of the board.
- (d) Standing committees and special committees shall make recommendations to the board, but shall not take final action on behalf of the board.

PART Psyc 103 PUBLIC REQUESTS FOR INFORMATION

Psyc 103.01 Record of Board Actions. The board shall keep records of:

- (a) Actions taken at all public and non-public board meetings in the form of written minutes pursuant to RSA 91-A:2;
- (b) All applications for licensure, together with the disposition of the application;
- (c) All complaints filed against licensees, together with the disposition of the complaint;
- (d) All rules adopted in accordance with RSA 541-A, as well as any petitions to adopt, amend or repeal a rule; and
- (e) All other official actions of the board.

Psyc 103.02 Custodian of the Records. The office of professional licensure and certification is the custodian of the board's records at its offices, and shall respond to requests to examine any portion of the board's records in accordance with the time limits set forth in RSA 91-A:4.

Psyc 103.03 Copies of Records. Persons desiring copies of board records shall:

- (a) Identify as particularly as possible the information being sought; and
- (b) If seeking a copy of a board record subject to disclosure, agree to pay the actual cost of providing such copy, which shall be:
 - (1) The amount of \$.25 per page for a paper copy in the size of 8 ½ inches by 11 inches; or
 - (2) The actual cost of the media and cost of reproduction for a record in any other format, which cost shall be disclosed prior to the creation of such copy.

Psyc 103.04 Records Not Subject to Disclosure.

(a) The board, and the office of professional licensure and certification shall deny requests to access the following board records:

- (1) Minutes of non-public sessions sealed by the board pursuant to RSA 91-A:3, III;
- (2) Governmental records exempt from disclosure under RSA 91-A:5;
- (3) Records compiled in connection with disciplinary investigations or disciplinary proceedings pursuant to RSA 329-B: 21, provided that there shall be public disclosure of:
 - a. The existence of a complaint and status of the investigation, without disclosing the identity of those involved; and
 - b. The written decision in all final disciplinary actions, including those which occur without holding a public hearing, at the time the decision is served upon the parties; and

(4) The office records of any client or patient who receives psychological services from a licensee.

(b) Notwithstanding the provisions of (a) above, the board and the office of professional licensure and certification shall disclose board records in accordance with the order of a court of competent jurisdiction.

CHAPTER Psyc 200 PRACTICE AND PROCEDURE

PART Psyc 201 PURPOSE AND APPLICABILITY

Psyc 201.01 Purpose. These rules set forth how the board conducts proceedings to reach decisions on matters within its statutory jurisdiction. These rules shall be construed to secure the just, efficient and accurate resolution of such proceedings.

Psyc 201.02 Applicability. These rules shall apply to the following types of proceedings:

- (a) Adjudicative proceedings regarding the issuance, renewal, or other status of a regular, emergency or temporary license to practice psychology;
- (b) Investigations of alleged misconduct by licensees;
- (c) Adjudicative proceedings seeking the imposition of disciplinary action upon a licensee;
- (d) Public comment hearings;
- (e) Petitions for rulemaking; and
- (f) Requests for declaratory ruling.

PART Psyc 202 DEFINITIONS

Psyc 202.01 Definitions. The following terms shall have the meaning indicated when used in this chapter:

- (a) "Administrative Prosecutions Unit" (APU) means the administrative prosecutions unit of the New Hampshire attorney general's office;
- (b) "Allegation" or "communication of alleged misconduct" means information received by the board, in any format, suggesting that a licensee might have engaged in professional misconduct that comes within the jurisdiction of the board and meeting the criteria specified in Psyc 503.01(c);
- (c) "Board" means the board of psychologists created pursuant to RSA 329-B;
- (d) "Board investigator" means "board investigator" as defined in RSA 329-B:2, II;
- (e) "Complaint" means a communication of alleged misconduct containing information that, if true, could violate ethical rules, administrative rules, or the law. A matter is considered a complaint when the board orders the change of status from allegation to complaint;
- (f) "Consent decree" means an agreement or settlement to resolve a complaint following the issuance of a notice of hearing;
- (g) "Corrective action" means a written agreement between the board and a licensee to resolve a formal complaint whereby the licensee agrees to make certain changes in his or her practice, to accept

clinical supervision, and/or to take some recommended program of study to resolve a complaint of misconduct presented to the board pursuant to RSA 329-B:21, III;

- (h) "Corrective supervision" means the board mandated professional supervision of a licensee to remediate faulty professional practices;
- (i) "Corrective supervisor" means a board licensed psychologist with prior experience in clinical supervision, training supervision, and mandated therapy, who provides supervision to a licensee pursuant to the board's direction in order to remediate faulty professional practices;
- (j) "Data" means all information relevant to an investigation, including but not limited to:
 - (1) Oral or written statements;
 - (2) Reports;
 - (3) Maps;
 - (4) Charts;
 - (5) Drawings;
 - (6) Photographs;
 - (7) Audio or video recordings;
 - (8) Computer programs;
 - (9) Electronic documentation; or
 - (10) Telephonic, oral, written, or electronic communications;
- (k) "Disciplinary proceeding" means an adjudicative proceeding commenced by the board for the purpose of examining alleged misconduct by a licensee;
- (l) "Investigation" means a gathering of data by the board of psychologists concerning matters within its jurisdiction;
- (m) "Order" means a document issued by the board:
 - (1) Establishing procedures to be followed in an adjudicative or nonadjudicative proceeding;
 - (2) Granting or denying a petition or motion;
 - (3) Requiring a person to do, or to abstain from doing something; or
 - (4) Determining a person's rights to a license or other privilege established by RSA 329-B;
- (n) "Report of investigation (ROI)" means report of information, facts and data gathered for the board of psychologists pursuant to RSA 329-B; and

- (o) "Settlement agreement" means a written order of the board acknowledging consent of the licensee to enter stipulated facts and impose disciplinary action to resolve certain allegations of misconduct, made prior to the issuance of a notice of hearing.

PART Psyc 203 WAIVERS

Psyc 203.01 Waiver of Procedural Rules.

- (a) No procedural requirement of the rules in this chapter shall be waived, except for good cause as provided herein.
- (b) For the purposes of this section, good cause shall be deemed to exist if:
 - (1) Adherence to the rule would cause undue hardship to any party by:
 - a. Imposing unreasonable delay in the implementation of relief;
 - b. Imposing unreasonable delay in the provision of treatment; or
 - c. Imposing unreasonable and avoidable financial burdens upon a party;
 - (2) Waiver of the rule would be consistent with the enabling statutes and rules of the board;
 - (3) Waiver of the rule would not injure third persons;
 - (4) Waiver is made necessary by factors outside the control of the petitioner; and
 - (5) Waiver is not made necessary by neglect or malfeasance on the part of the petitioner.
- (c) The procedures to be followed in the conduct of any adjudicative proceeding shall be subject to waiver by the presiding officer based upon:
 - (1) The request of any party to the proceeding;
 - (2) A request assented to by all parties to the proceeding; or
 - (3) The determination of the presiding officer following notice to all parties and an opportunity for any party to be heard in opposition to the proposed waiver.
- (d) The procedures to be followed in the conduct of any annual, regular, or special meeting of the board, or any public comment proceeding, shall be subject to waiver by the chairperson of the board upon the request of any participant in such proceeding.
- (e) Notwithstanding (c) above, the decision of the presiding officer to waive such procedures shall be overruled by a majority vote of the quorum of the board disapproving of such action, in which case the applicable provisions of these rules shall be followed.

- (f) In a proceeding requesting rulemaking or a declaratory ruling, no waiver of required procedures shall be granted other than by a petition to waive such procedures filed with the board.
- (g) The person requesting relief shall:
 - (1) File an original and 10 copies of the petition with the board;
 - (2) In such petition, clearly identify the rule in question and the relief requested; and
 - (3) In such petition, set forth specific facts and/or legal arguments which support the requested waiver.
- (h) In a proceeding under (d) or (f) above, the board shall consider the petition and rule upon the same only in a public meeting duly noticed to the parties and the public in accordance with RSA 91-A.

PART Psyc 204 INVESTIGATIONS

Psyc 204.01 Initial Procedure.

- (a) The board shall make inquiry whenever it receives information alleging violation by a licensed psychologist of any statute indicating misconduct within the meaning of RSA 329-B:21, II, or provision of Psyc 501.01 through 503.01.
- (b) When the board receives information indicating that a psychologist has engaged in or is likely to engage in professional misconduct which poses an immediate danger to life or health, the board shall issue an order which shall set forth the alleged misconduct and immediately suspends the license for not more than 90 days pursuant to RSA 329-B:24.
- (c) The exact length of the suspension shall be determined by the board in a formal disciplinary proceeding pursuant to Psyc 205 of these rules on the specified issues.
- (d) No investigation surrounding conduct complained of shall occur if the adjudication of such conduct is barred by the provisions of RSA 541-A:31.

Psyc 204.02 Informal Resolution.

- (a) The board shall dismiss an allegation when the undisputed facts received from the complainant do not warrant disciplinary action against a licensee because:
 - (1) The board lacks jurisdiction over the subject matter of the alleged facts;
 - (2) The facts, taken in a light most favorable to the complainant, do not allege a violation of RSA 329-B or the standards contained in Psyc 501.01 through 503.01; or
 - (3) So much time has passed since the conduct complained of that disciplinary action is time barred as a civil matter by RSA 508 or as a criminal matter by RSA 625:8.
- (b) Allegations that are dismissed shall be considered confidential and shall not be released to the public, pursuant to Psyc 103.04(a)(3).

- (c) Allegations and complaints that are dismissed or settled informally shall not be reportable by the licensee for any purpose for any credential, or for insurance or any other business or professional purpose.
- (d) The board shall settle an allegation or complaint informally by taking confidential nondisciplinary action, provided that:
 - (1) The action complies with RSA 329-B:21, IV or RSA 329-B:22, IX;
 - (2) The licensee has been fully informed of all relevant facts in the possession of the board, including any ROI that has been prepared, and consents to the action; and
 - (3) The individual alleging misconduct is given an opportunity to comment upon the terms of the proposed settlement.

Psyc 204.03 Formal Investigation.

- (a) A formal investigation shall be commenced when the board determines that the allegations in its possession are sufficient, if shown to be true, to lead to the imposition of disciplinary action pursuant to RSA 329-B:21, and thus constitute a complaint.
- (b) Each complaint shall be reduced to writing, made under penalty of unsworn falsification in accordance with RSA 641:3, and signed by a person who is:
 - (1) At least 18 years of age;
 - (2) Acting up on his or her own behalf as a complainant; or
 - (3) Acting as a person with legal responsibility to represent the interests of a complainant who is unable to represent himself or herself due to age or other legal disability.
- (c) A signature on a complaint shall be deemed a certification that the person files the information with the board in good faith, and that the facts set forth in the document are true to the best of his or her information and belief.
- (d) Investigations shall gather information through various techniques, including but not limited to:
 - (1) Requests for additional information from the complainant;
 - (2) Requests for a release of relevant records belonging to or under the control of the petitioner; and
 - (3) Face-to-face meetings with the licensee, potential witnesses and interested persons.
- (e) Pursuant to RSA 329-B:22, I, information gathered during such investigations shall be exempt from the public disclosure provisions of RSA 91-A, provided that the board:

- (1) Pursuant to RSA 329-B:22, shall disclose information acquired to law enforcement or health licensing agencies in this or any other jurisdiction, in response to specific statutory requirements or court orders; and
 - (2) Shall promptly inform the licensee of the nature and scope of any pending investigation.
- (f) A formal investigation of a complaint shall be commenced by the issuance to the licensee of an order of investigation containing:
- (1) The statutory or regulatory authority for the investigation;
 - (2) The identity of the licensee who is the subject of the investigation;
 - (3) The specific nature of the conduct being investigated;
 - (4) Any statutes or rules, including Psyc 501.01 through 501.03, alleged to have been violated;
 - (5) The time, place and manner in which the investigation is to be conducted, and whether the investigating officer shall provide a preliminary report to the board;
 - (6) Any special authority conferred upon the investigating officer, including the authority to issue subpoenas on behalf of the board to obtain information and data to prepare its ROI and prepare to prosecute the case;
 - (7) The name of the person or persons designated as investigating officer; and
 - (8) Any other provision relevant to the issues under investigation.
- (g) The formal investigation shall be strictly limited to matters set forth in the order of investigation, provided that:
- (1) Any party or the board's investigator may request a change to an order of investigation by filing a motion with the board setting forth specific facts in support of the request; and
 - (2) Unless assented to by all parties, the board shall conduct a hearing on the matter in accordance with Psyc 205.15.
- (h) At the conclusion of an investigation, the professional conduct investigator, under the supervision of the board investigator as outlined in Psyc 204.05(b), shall provide a written ROI to the board.
- (i) After receiving the ROI, the board shall request further investigation if it receives new material information, or upon determining that some aspect of the initial allegation was not thoroughly explored.
- (j) The ROI shall be considered confidential, provided that the ROI shall be:
- (1) Provided to the board;
 - (2) Considered public, subject to the confidentiality provisions of Psyc 204.04, if it is introduced as evidence in a disciplinary hearing;

- (3) Provided to relevant law enforcement agencies when mandated by law or when the board suspects criminal activity has occurred;
- (4) Provided to other licensing bodies from which the licensee holds or seeks to hold a professional license or registration, in response to a request from such bodies;
- (5) Provided to board investigators and prosecutors;
- (6) Provided to the licensee, in the form of a summary of the facts contained in the ROI, in contemplation of good faith settlement proceedings; and
- (7) Provided to the corrective supervisor if corrective supervision is ordered by the board.

Psyc 204.04 Handling of Psychological Records.

- (a) Pursuant to RSA 329-B:22, VI, if it determines that just cause exists to do so, the board shall subpoena psychological records from its licensees, hospitals, or other health care providers licensed in New Hampshire.
- (b) In the event that the client or patient owning the privilege of psychology records sought by the board is the person who has made the allegations against the licensee, the board shall have access to such records.
- (c) In the event that the client or patient named in the complaint is a child, the legitimate assertion of the privilege by one natural parent or adoptive parent or legal guardian is sufficient for this paragraph to apply. The board may act on that parent or guardian's initiation of a complaint regardless of the objection of the other parent or guardian.
- (d) In the event that the person alleging misconduct against the licensee is not the owner of the privilege for the records of the client or patient named in the complaint, the records for an investigation shall be treated as follows:
 - (1) When the board reviews the initial allegations and upon all further reviews of the case by the board, the identity of the named client/patient shall be redacted from the documents reviewed by the board;
 - (2) Upon issuance by the board of an order of investigation, but prior to the assignment of the case to a member of the professional investigation team, the name of the client or patient shall be provided to the immediate investigative team in order to determine the need for recusal of those members before accepting assignment as described in paragraph (h);
 - (3) The record of the client or patient under this paragraph that has been specifically named in the complaint shall be obtained by the professional investigative team as follows:
 - a. The board may order its administrator or investigator to request permission from the client or patient to obtain the record for the investigation, informing the client or patient about the bounds of confidentiality of such records and the nature of the investigation

process. If the client or patient grants permission, the board may obtain the copies of the record from the licensee;

- b. If the client/patient denies permission for access to the record, or if the board chooses to omit the request for permission, the procedures of subparagraphs (e)(4), (5), (6), and (8) shall apply to the handling of those records and requests for interviews;
 - (4) Personally identifiable information pertaining to the client or patient under this subparagraph shall remain known only to the immediate investigation team assigned to the case, including, but not limited to, the board investigator, any administrative prosecution unit attorney assigned to the case, a professional conduct investigator, the board administrator;
 - (5) All communication beyond the immediate investigation team pertaining the client or patient named in the complaint shall be conducted without the use of personally identifying information;
 - (6) The name of the client or patient under this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent.
- (e) Records of client/patients who are not named in the initial allegations shall be treated as follows:
 - (1) If the investigation team wishes to obtain records of, or contact, clients/patients not named in the original order of investigation, the investigation team shall make its request to the board with reasons for the request, shall specify the scope of cases and types of records requested, and shall state the name of the individual authorized to contact any client/patient;
 - (2) Upon issuance of an order of investigation by the board pertaining to treatment of patients defined in this subparagraph, the names of the clients/patients that fulfill the criteria of selection may be made available to the immediate investigation team for purposes of determining whether recusal issues pertain to their selection for the investigation as described in subparagraph (g);
 - (3) If the board orders investigation into client/patient cases who are not named in the original allegations, it shall specify whether these clients/patients may be contacted directly by the investigation team;
 - (4) For records requested under this subparagraph, a licensee shall be instructed to provide records that are redacted of personally identifiable information. Each record shall be marked with an identifying code and the licensee shall provide to the board administrator the contact information for corresponding clients/patients as specified in paragraph (g);
 - (5) The board administrator shall separately store in a secure manner the list of these client/patient codes with corresponding contact information;
 - (6) In the event the investigation team has just cause to verify its redacted copies against originals of the records of specified cases, it shall request permission of the board giving reason for its request. If the board grants permission, the investigation team may have access to the identified records. Originals of the records may be viewed at a time and location determined by the investigation team. The investigation team may request a copy of the identified original records be sent to the immediate investigation team. The investigation team may then proceed

- to review the original or copies of the identified records in comparison with the redacted copies to ascertain their completeness and accuracy. Copies and corrections to the redacted records may be made by the investigation team, after which any identified copies in the possession of the investigation team shall be destroyed and original records returned to the licensee;
- (7) When permission has been granted by the board pursuant to subparagraph (e)(1) to contact clients/patients pertaining to this subparagraph, access to the contact information is limited to the professional conduct investigators and administrative prosecution unit attorneys assigned to the case, the administrative clerk who manages the confidential files of the case, and any assistants specifically approved by the board for contact;
 - (8) The member of the immediate investigation team making contact with clients/patients pursuant to subparagraph (e)(1), shall request permission from the clients/patients to conduct an interview and shall include an explanation that they may grant or refuse permission for such interview and that there are no adverse personal consequences of any kind for refusal to grant permission or for withdrawing permission at any time in the process. The investigation team member may inform the clients/patients that refusal to participate may prevent the investigation to proceed or reach a conclusion. The investigation team member shall predicate continuation of the interview on the client/patient's agreement to a confidentiality agreement concerning the licensee and the existence of the investigation;
 - (9) At the conclusion of the investigation and prior to review of the report of investigation, the identity of the client/patient under this paragraph shall be disclosed to members of the board to determine the need for recusal of its members as described in subparagraph (g);
 - (10) The identity of each client/patient shall be redacted by the administrator or investigation team from any documents reviewed by the board;
 - (11) The identity of a client/patient defined in this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent;
- (f) The mental health records obtained through subparagraphs (a), (b), and (c) shall, if archived, be treated as follows:
- (1) At or before the conclusion of the licensee investigation case, including all disciplinary action and completion, remediation and sanctions ordered and completed, and completion of all appeals, and appeal periods, the client/patient records shall be reduced to those clients/patients and sections of records that had been included in the prosecution, defense, deliberation, and determination of the case. Client/patient materials not pertinent to the above shall be destroyed;
 - (2) Materials retained in subparagraph (d)(1) pertaining to clients/patients other than the complainant shall be redacted of all personally identifiable information; and
 - (3) The identification and contact information collected during the investigation for clients/patients other than the complainant shall be destroyed prior to archiving.
- (g) The archived mental health records shall be destroyed according to the attorney general's archive destruction schedule.

(h) In the process of determining recusal, the security of the client/patient's identity shall be preserved, as follows:

- (1) Before engaging in any cases as defined in subparagraph (d), board members, investigators, and others as specified in this paragraph with access to case files shall first review the name of the client/patient before proceeding with the case. If a conflict of interest is revealed, that person shall recuse himself or herself from the case.
- (2) Before engaging in any cases defined in subparagraph (e), the immediate investigation team members at the onset of investigation, board members at the time of reviewing the findings of the formal investigation, and any others authorized in this paragraph to have access to the case prior to commencing review of such cases shall first determine if there is a need for recusal. The name and town of the client/patient shall be embedded in a list of at least 12 other names and towns prepared by the board administrator. The list shall be reviewed by the team member in the presence of the board administrator. Telephonic review is permitted. The member shall not retain a written record of the list. The member shall indicate which if any names would present reasons for recusal for that member. If the names indicated by the member do not include the client/patient as known to the administrator, then the member shall be permitted to participate in the case.
- (3) If a client/patient as defined in subparagraphs (d) or (e) testifies or intends to attend the hearing of the case involving his or her treatment, in which the board may see the client/patient inadvertently or directly, the client/patient's name shall be revealed to the board members so that they may have the opportunity to recuse themselves prior to the proceeding, and the client/patient shall be informed beforehand of such disclosure.
- (4) For recusal issues pertaining to clients/patients selected under paragraph (e) of this section, the investigation team shall review the names of the clients/patients who qualify for the scope of investigation as defined in the order by the board, after which team members shall determine if recusal issues occur. The names and towns of the selected clients/patients shall be embedded in a list containing at least 25 percent other names and towns prepared by the board administrator. The list shall be reviewed by the team member in the presence of the board administrator. Telephonic review is permitted. The member shall not retain a written record of the list. Each member shall indicate which if any names would present reasons for recusal for that member. If the names indicated by the member do not include the clients/patients as known to the administrator, then the member shall be permitted to participate in the case. If a case presents a recusal issue, then the investigation team shall either disqualify clients/patients from the list or shall disqualify the team member from handling those cases, as the expeditious handing of the investigation and the interests of justice require.
- (5) When board members review the reports of investigations that include case information pertaining to clients/patients as defined in subparagraph (e), they shall review their names prior to reading such reports in the following manner:
 - a. If there are 10 or fewer cases with individual clinical information presented, then the methods of testing for recusal shall follow the recusal procedures of subparagraph (g)(2).

- b. When the report includes clinical information pertaining to more than ten cases, then the recusal methods of subparagraph (g)(4) shall apply.
 - c. When such clients'/patients' information is presented only in aggregate form, no recusal is required.
- (i) Testimony by clients/patients shall be handled with utmost regard for their privacy and protection of their identity from public disclosure.
- (1) A client/patient as defined under subparagraphs (d) or (e) shall not be compelled to testify at a board hearing.
 - (2) If a client/patient as defined in subparagraphs (d) or (e) testifies at a hearing, his or her identity shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client/patient. The board may view the client/patient. The public's access to the view or information that would identify the client/patient shall be restricted. At the board's discretion, the hearing may be closed to the public for the duration of the client/patient's testimony.
 - (3) If a client/patient who is party to the complaint requests such privacy safeguards as in subparagraph (i)(2), the accommodations of that subparagraph may likewise be made at the discretion of the board.
- (j) Licensees shall comply with board requests for client/patient records and all redaction requirements specified under this section. Failure to comply with lawful requests of the board under this section may subject the licensee to discipline as the board may determine.
- (k) For purposes of this section, "personally identifiable information" means information which identifies an individual or which a reasonable person would believe can be used to identify an individual, which includes common and uncommon identifiers, including but not limited to name, address, birth date, social security number, court docket number, insurance policy number, and any other identifiers of an individual and of the individual's known relatives, household members, and employers that a reasonable person would believe could identify the individual to whom the record pertains.
- (l) For purposes of this section, "record" means health information collected from or about an individual that:
- (1) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and
 - (2) Relates to the individual, the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

Psyc 204.05 Board Investigator.

- (a) The board shall create a professional conduct investigation committee to assist the board in carrying out its responsibilities under RSA 329-B:22 and RSA 329-B:23.

- (b) Pursuant to RSA 329-B:4, II, the board shall designate a member to serve as the board investigator, provided that:
 - (1) No board member shall be so designated if the selection would be contrary to RSA 329-B:22, II;
 - (2) No board member shall be so designated if the nature of the investigation would constitute employment or retention contrary to RSA 329-B:22, III; and
 - (3) Any board investigator shall serve at the pleasure of the board.
- (c) The board investigator shall:
 - (1) Serve as chair of the professional conduct investigation committee;
 - (2) Oversee any other persons who are appointed by the board to investigate a complaint;
 - (3) Assign cases to appointed investigators;
 - (4) Arrange training and supervision of appointed investigators as appropriate; and
 - (5) Supervise the creation of any ROI that is provided to the full board.
- (d) Any person who has been trained to discover facts and render reports to the board shall be eligible for service as a member of the professional conduct investigation committee at the pleasure of the board, but preference shall be given to psychologists who are willing to serve.

PART Psyc 205 ADJUDICATIVE PROCEEDINGS

Psyc 205.01 Hearings.

- (a) The board shall commence an adjudicative proceeding to resolve any disciplinary or licensure allegation arising under this chapter which has not been resolved in accordance with Psyc 204.02.
- (b) Once an adjudicative proceeding has been commenced, no party shall communicate with a participating member of the board concerning the merits of the case except upon notice to all parties and in accordance with the rules of this chapter.

Psyc 205.02 Presiding Officer, Appointment: Authority.

- (a) The board shall appoint a person to preside at the hearing who shall be:
 - (1) A member of the board; or
 - (2) A nonmember retained to serve as the hearing officer pursuant to RSA 329-B:22, III, if the board determines that:
 - a. The issues are of unusual complexity;

b. Hearings on procedural matters and the issues in contention will consume an amount of time that would substantially interfere with the ordinary business of the board; or

c. More than 2 members are recused from hearing the matter.

(b) The presiding officer shall as necessary:

- (1) Regulate and control the course of a hearing;
- (2) Facilitate an informal resolution of the subject matter of the hearing;
- (3) Administer oaths and affirmations;
- (4) Request the board, or its designee to issue subpoenas to compel the attendance of witnesses at hearings or the production of documents or objects, pursuant to RSA 329-B:22, V(a);
- (5) Receive relevant evidence at hearings and exclude irrelevant, immaterial or unduly repetitious evidence;
- (6) Rule on procedural requests, including adjournments or postponements, at the request of a party or on the presiding officer's own motion;
- (7) Question any person who testifies;
- (8) Cause a complete record of any hearing to be made, as specified in RSA 541-A:31, III (f);
- (9) Lead the process of preparing all written decisions to be issued upon pending motions or the final disposition of the case; and
- (10) Take any other action consistent with applicable statutes, rules and case law necessary to conduct the hearing and complete the record in a fair and timely manner.

Psyc 205.03 Withdrawal of Presiding Officer.

(a) Upon his or her own initiative or upon the motion of any party, a presiding officer shall, for good cause, withdraw from any hearing.

(b) Good cause shall exist if a presiding officer:

- (1) Has a direct interest in the outcome of a proceeding, including, but not limited to, a financial or family relationship with any party;
- (2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of a case; or
- (3) Personally believes that he or she cannot fairly judge the facts of a case.

- (c) Mere knowledge of the issues, or mere acquaintance with a party or any witness shall not constitute good cause for withdrawal.
- (d) If a member of the board withdraws in accordance with this section, the member shall also recuse himself or herself from any further connection with the investigation or disciplinary action against the licensee.

Psyc 205.04 Roles of Board Staff and Complainants.

- (a) Unless called as witnesses, board staff shall have no role in any enforcement or disciplinary hearing.
- (b) Unless called as a witness or granted party or intervener status, a person who initiates an adjudicative proceeding by complaining to the board about the conduct of a licensee shall have no role in any enforcement or disciplinary hearing regarding the licensee.

Psyc 205.05 Filing and Format of Documents.

- (a) All correspondence, pleadings, or communications intended for the board shall:
 - (1) Be addressed to the board's office in care of its administrative assistant;
 - (2) Be considered filed when it is actually received at the board's office in Concord;
 - (3) Include the title and docket number of the proceeding, if known; and
 - (4) Be typewritten or clearly printed on durable paper 8 ½ by 11 inches in size.
- (b) Original petitions, motions, exhibits, memoranda or other documents filed in connection with a request for board action shall be filed together with 10 copies,
- (c) Notwithstanding (b) above, only a single copy shall be filed of:
 - (1) Transmittal letters;
 - (2) Requests for public information;
 - (3) License applications; and
 - (4) A communication of alleged misconduct against a licensee.
- (d) Documents in an adjudicative proceeding shall not be filed electronically or by facsimile transmission.

Psyc 205.06 Signature on a Document.

- (a) A party or representative's signature on a document filed with the board shall constitute certification that:

- (1) The signer has read the document;
- (2) The signer is authorized to file it;
- (3) To the best of the signer's knowledge, information, and belief, there are good grounds to support it; and
- (4) The document has not been filed for purposes of delay or harassment.

Psyc 205.07 Computation of Time.

- (a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.
- (b) Pursuant to RSA 21:35:
 - (1) Except where specifically stated to the contrary, when a period or limit of time is to be reckoned from a day or date, that day or date shall be excluded from and the day on which an act should occur shall be included in the computation of the period or limit of time; and
 - (2) If a specified date falls on a Saturday, Sunday, or legal holiday, the document or fee shall be deemed timely filed if it is received by the next business day.
- (c) Communications from the board to a party sent by United States mail shall be considered dated as of the date of the outgoing postmark if different than the date appearing on the document itself.
- (d) Communications to the board shall be considered received on the received date so marked by the office.

Psyc 205.08 Commencement of Proceedings and Notice.

- (a) The board shall commence an adjudicative proceeding by issuing a notice of hearing to the parties at least 15 days before the initial prehearing conference or hearing date.
- (b) The notice commencing an adjudicative proceeding shall:
 - (1) Specify the time, place and nature of any hearing;
 - (2) Summarize the subject matter of the proceeding and identify the issues to be resolved;
 - (3) Specify the legislative authority for the proposed action and identify any applicable board rules;
 - (4) Specify the date by which, and the address where, appearances or motions by parties or representatives shall be filed;
 - (5) Specify the date, time, and location of an initial prehearing conference or oral hearing;

- (6) Identify the presiding officer for the proceeding if other than the chairperson of the board;
- (7) Identify any special procedures to be followed;
- (8) Identify any confidentiality requirements applicable to the proceeding;
- (9) Specify that each party has the right to have an attorney represent him or her at the party's own expense;
- (10) A statement that each party has the right to have the agency provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding; and
- (11) Contain such other information or attachments as are warranted by the circumstances of the case, including, but not limited to:
 - a. Orders consolidating or severing issues in the proceeding with other proceedings; and
 - b. Initial orders regarding the production or exchange of documents.

Psyc 205.09 Appearances and Representation.

- (a) A party or the party's representative shall file an appearance that includes the following information:
 - (1) A brief identification of the matter;
 - (2) A statement as to whether or not the representative is an attorney and if so, whether the attorney is licensed to practice in New Hampshire; and
 - (3) The party or representative's daytime address and telephone number.
- (b) Any changes to the information in (a) above shall be filed in writing with the board, and a copy provided to all other parties to the proceeding.

Psyc 205.10 Intervention.

- (a) Motions to intervene shall state with particularity:
 - (1) The petitioner's interest in the subject matter of the hearing;
 - (2) Why the interests of the parties and the orderly and prompt conduct of the proceeding would not be impaired; and
 - (3) Any other reasons why the petitioner should be permitted to intervene.
- (b) Motions to intervene shall be granted if:

- (1) The petitioner shows a substantial interest in the proceeding and qualifies for intervention in accordance with RSA 541-A: 32;
 - (2) The petitioner requested intervention in accordance with RSA 541-A;32; and
 - (3) Granting intervention will not prejudice a party or unduly delay the board's proceedings.
- (c) Once granted leave to intervene, an intervenor shall take the proceeding as he or she finds it, and no portion of the proceeding shall be repeated because of the fact of intervention.

Psyc 205.11 Consolidation or Severance.

- (a) Two or more adjudicative proceedings shall be consolidated for hearing, if:
- (1) The proceedings involve the same licensee, or substantially related issues;
 - (2) The board receives a motion from one or more parties seeking such consolidation; and
 - (3) The board determines, after notice to the parties and an opportunity for hearing, that fairness, accuracy and efficiency would be served by such an action.
- (b) The board shall sever one or more issues from an adjudicative proceeding if:
- (1) The board receives a motion from one or more parties seeking such severance; and
 - (2) The board determines, after notice to the parties and an opportunity for hearing, that fairness, accuracy and efficiency would be served by such an action.

Psyc 205.12 Prehearing Conference.

- (a) The presiding officer upon motion from a party, or upon his or her own initiative, shall require the parties to attend an initial prehearing conference when such a conference would assist in planning for the prompt and efficient disposition of the proceeding.
- (b) Matters to be addressed at the initial prehearing conference shall include, but not be limited to:
- (1) The distribution of exhibits and written testimony, if any, to the parties;
 - (2) Opportunities and procedures for simplification of the issues;
 - (3) Possible amendments to the pleadings;
 - (4) Opportunities and procedures for settlement;
 - (5) Possible admissions of fact and authentication of documents to avoid unnecessary proof;
 - (6) Possible limitations on the number of witnesses and possible limitations on the scheduling of witnesses;

- (7) Possible changes to the standard procedures which would otherwise govern the proceeding;
 - (8) The identification of any pending motions and objections, including those for the production of information pursuant to Psyc 205.17, and the production, use, and archival of psychological records, with a timetable for the release of rulings on such motions; and
 - (9) Other matters which might contribute to the prompt and orderly conduct of the proceeding.
- (c) If the parties agree that facts material to the subject matter of the proceeding are in dispute, but personal observation of the witnesses or the immediate opportunity for cross-examination of witnesses is not required, the proceeding shall consist of the submission of affidavits and memoranda to the board.
- (d) If the parties agree that no facts material to the subject matter of the proceeding are in dispute, the proceeding shall be limited to the submission of memoranda to the board which argue the conclusions the parties wish the board to draw from the undisputed facts.
- (e) If the parties do not agree to one of the methods of proceeding in ([a]c) above, the matter shall:
- (1) Proceed to an adjudicatory hearing before the full board in accordance with the prehearing conference report and order; or
 - (2) Proceed to hearing before a single hearings officer in accordance with Psyc 205.02.
- (f) At the conclusion of the prehearing conference, a written order shall be prepared setting forth the resolution of the issues noted in (b) above and the times set for further proceedings in the matter.

Psyc 205.13 Record of the Hearings.

- (a) The board shall record all hearings by tape recording or other method that will provide a verbatim record of the proceedings.
- (b) A stenographic recording of the hearing shall be taken and preserved in all hearings involving:
- (1) The issuance, renewal, or other status of a regular, emergency or temporary license to practice psychology; and
 - (2) Disciplinary action upon a licensee.
- (c) If any person requests a transcript of the recording of a hearing, the board shall:
- (1) Cause an estimate of the cost to transcribe the recording to be prepared, and provided to the person requesting the transcript; and
 - (2) Upon receipt of payment for the cost of the transcription, authorize preparation of the transcript and transmittal of the document to the board and a copy to the person making the request.

Psyc 205.14 Delivery of Documents.

- (a) All documents filed by any party in connection with an adjudicative proceeding shall be delivered to all other parties to the proceeding by:
 - (1) Depositing a copy of the document in the United States mails, first class postage prepaid, addressed to the last address given to the board by the person being served, no later than the day the document is filed with the board; or
 - (2) Delivering a copy of the document in hand on or before the date it is filed with the board.
- (b) When a party's representative has filed an appearance, delivery shall be to the representative.
- (c) Except for exhibits distributed at a prehearing conference or hearing, every document filed with the board in a proceeding shall be accompanied by a certificate, signed by the person making delivery, attesting to the method of delivery, date of delivery, and the parties to whom delivery was made.

Psyc 205.15 Motions and Objections.

- (a) Motions shall be in written form, and filed with the presiding officer unless made in response to a matter asserted for the first time at a hearing, or the nature of the relief requested requires oral presentation upon short notice.
- (b) All motions shall state clearly and concisely in separately numbered paragraphs:
 - (1) The purpose of the motion;
 - (2) The relief sought by the motion;
 - (3) The statutes, rules, orders, or other authority authorizing the relief sought by the motion; and
 - (4) The facts claimed to constitute grounds for the relief requested by the motion.
- (c) Objections to motions shall state clearly and concisely:
 - (1) The objection or defense of the party filing the objection to any fact or request in the motion, set forth in separate paragraphs numbered identically to the paragraphs in the original motion;
 - (2) The action which the party filing the objection wishes the board to take on the motion;
 - (3) The statutes, rules, orders, or other authority relief upon in defense of the motion; and
 - (4) Any facts which are additional to or different from the facts stated in the motion.
- (d) All motions and objections shall contain the signature required by Psyc 205.04.
- (e) Objections to motions shall be filed within 10 days after the filing of the motion.

- (f) Failure to object to a motion within the time allowed shall constitute a waiver of objection to the motion, but shall not in and of itself constitute grounds for granting the motion.
- (g) The presiding officer shall rule upon a motion only after the time for objection has passed, and after full consideration of all objections received and other factors relevant to the motion.

Psyc 205.16 Postponement Requests and Failure to Attend Hearing.

- (a) Any party or intervener may make an oral or written motion that a hearing be delayed or continued to a later date or time.
- (b) A motion for a delay or a continuance shall be granted if the presiding officer determines that there is good cause to do so.
- (c) Good cause shall include:
 - (1) The unavailability of parties, interveners, representatives of parties or interveners, or witnesses necessary to conduct the hearing;
 - (2) The likelihood that a settlement will make the hearing or its continuation unnecessary; and
 - (3) Any other circumstances that demonstrate that a delay or continuance would assist in resolving the case fairly.
- (d) If the later date, time and place are known when the hearing is being delayed or continued, the information shall be stated on the record.
- (e) If the later date, time and place are not known at that time, the presiding officer shall as soon as practicable issue a written scheduling order stating the date, time and place of the delayed or continued hearing.
- (f) If any party to whom notice has been given in accordance with Psyc 205.08 fails to attend a hearing, the presiding officer shall declare that party to be in default, and:
 - (1) If the party has the burden of proof, the matter shall be dismissed; or
 - (2) If a party does not have the burden of proof, the testimony and evidence of any other parties or interveners shall be received, and the matter shall proceed to a decision.
- (g) A party may move to strike the default within 10 days of receipt of an order imposing the default if there is just cause shown for failure to attend.
- (h) Just cause shall include:
 - (1) Illness of the party that prevented attendance;
 - (2) Accident involving the party that prevented attendance; or

- (3) Some other circumstance beyond the control of the party that does not involve neglect or inattention to the proceeding.

Psyc 205.17 Production of Information.

- (a) The board shall provide for the disclosure to the parties of any investigative report, including but not limited to the ROI created under the direction of the board investigator, or other unprivileged information in the possession of the board, which is reasonably related to the subject matter of the proceeding.
- (b) Each party shall attempt in good faith to make complete and timely response to requests for the voluntary production of information or documents relevant to the hearing.
- (c) Any party may by motion request the presiding officer to order the parties to comply with information requests. Such motion shall be filed at least 30 days prior to the date scheduled for hearing, or as soon as possible after receiving the notice of hearing if the hearing will be held less than 30 days in the future.
- (d) The motion shall:
 - (1) Set forth in detail those factors which it believes justify its request for information; and
 - (2) List with specificity the information it is seeking to discover.
- (e) The presiding officer shall grant the motion if the parties cannot voluntarily resolve the request for information, and the moving party has demonstrated that the information is necessary for a full and fair presentation of the evidence at a hearing.
- (f) At least 5 days before the hearing, the parties shall provide to the other parties and interveners:
 - (1) A list of all witnesses to be called at the hearing together with a brief summary of their testimony;
 - (2) A list of all documents and exhibits to be offered as evidence at the hearing; and
 - (3) A copy of each document or exhibit.

Psyc 205.18 Subpoenas.

- (a) Subpoenas for the attendance of witnesses or the production of evidence in investigations or adjudicative proceedings shall be issued upon the order of the board by specific resolution or order, or by rule.
- (b) In adjudicative proceedings, a party requesting the board to authorize a subpoena shall attach a copy of the proposed subpoena to its motion. If the motion is granted, the requesting party shall be responsible for the service of the subpoena and payment of any applicable witness fee and mileage expenses.

- (c) Motions to quash or modify a subpoena shall be entertained from the person to whom the subpoena is directed, if filed within 7 days after service of the subpoena, or one day before the date specified in the subpoena for compliance therewith, whichever is later. If the board denies the motion to quash or modify, in whole or in part, the person to whom the subpoena is directed shall comply with the subpoena or any modification thereof, within the balance of time prescribed in the subpoena or within 3 days from the date of the board's order, whichever is later, unless the board expressly provides additional time to comply.
- (d) Should a person fail to comply with a subpoena issued pursuant to this section, the board shall take one or more of the following actions:
 - (1) Impose sanctions specific to any pending proceeding or investigation, including, but not limited to, entry of a default judgment as to some or all of the pending issues which is adverse to the noncompliant party;
 - (2) Institute a separate investigation against any non-compliant individual who is subject to the board's jurisdiction; and
 - (3) Continue with the proceeding and defer all, or part, of the judicial subpoena enforcement issues.

Psyc 205.19 Evidence.

- (a) Receipt of evidence and official notice of facts, the record of other proceedings before the board, generally recognized scientific or technical facts, or codes or standards adopted by the board shall be governed by the provisions of RSA 541-A:33.
- (b) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time the evidence is offered.

Psyc 205.20 Inquiry by Presiding Officer or Board Members. The presiding officer or board members shall make such inquiry of witnesses, parties or counsel, as they believe necessary to develop a sound record for decision.

Psyc 205.21 Burden of Proof. The party asserting the affirmative of a proposition shall have the burden of proving the truth of that proposition by a preponderance of the evidence.

Psyc 205.22 Proposed Findings of Fact and Conclusions of Law.

- (a) Parties may submit proposed findings of fact or conclusions of law which shall be set forth in separately numbered paragraphs.
- (b) The presiding officer shall direct all parties to submit proposed findings of fact or conclusions of law. Individual rulings upon such proposed findings or conclusions shall be included as part of any proposed or final decision or order issued.

- (d) Oral argument to the full board, other than a brief opening and closing statement, shall be permitted only when requested in a written motion, which demonstrates a substantial need for such a procedure.
- (e) Written argument in the form of legal memoranda shall be permitted subject to such filing schedules as the board shall direct by written order, or orally during the conduct of the hearing.
- (f) The board shall schedule supplemental argument or hearing, or otherwise reopen the record, at any time prior to the issuance of a final order in a proceeding upon motion of a party or a member of the board, alleging:
 - (1) Receipt of new evidence which could not have been presented at the time of the hearing;
 - (2) Receipt of evidence that a new statute has become applicable, or other legal precedent has been received that could alter rulings of law in the matter; or
 - (3) A majority of the board determines that additional testimony or legal argument should be received and considered in the matter.

Psyc 205.23 Decisions.

- (a) If the disposition of the matter depends upon the credibility of any witness, no board member shall participate in the deliberation of the decision unless he or she personally was in attendance for all of the witness's testimony in the case, in order to effectively assess the issue of credibility.
- (b) If the record provides a reasonable basis for evaluating the testimony of all witnesses in the matter, a board member may participate in the deliberation of the decision even if not personally present to hear the testimony of the witness.
- (c) When the board has directed a hearings officer to receive evidence and enter a proposed decision:
 - (1) There shall be no communications between the hearings officer and the board members concerning the merits of the case;
 - (2) The board members shall not participate in the questioning of witnesses at the hearing;
 - (3) Following the close of the hearing, the proposed decision of the hearings officer shall be served upon the parties and the board; and
 - (4) Following the receipt of the proposed decision of the hearings officer, all written pleadings, and the receipt of any oral argument, the board shall deliberate to a decision.
 - (5) The board decision shall:
 - a. If the factual conclusions support the proposed decision by the hearing officer and the board determines that the discipline imposed is commensurate with the misconduct found, adopt the proposed decision without change;

- b. If the board concurs with the factual conclusions but determines the discipline is unfair or insufficient, modify the proposed decision by majority vote; or
 - c. If there are incomplete factual conclusions, refuse to approve or modify the proposed decision, and determine what additional proceedings are required to reach a final decision.
- (d) The parties may file exceptions and supporting memoranda of law for review by the board within 30 days from the date the proposed decision was served.
 - (e) Each party may file one additional written reply pleading within 15 days following service of the original exception or memoranda.
 - (f) If a party wishes to present oral argument to the board regarding the proposed decision, the party shall file a separate motion for oral argument within the time allowed for filing exceptions or replies to exceptions.
 - (g) The board shall keep a final decision in its records for at least 5 years following its dates of issuance.
 - (h) Orders of the board shall take effect on the date they are served upon the parties.

Psyc 205.24 Motion for Rehearing, Reconsideration or Clarification.

- (a) A motion for rehearing, reconsideration or clarification shall be filed within 30 days after service of a final adjudicative order.
- (b) Any member of the board who participated in the decision may seek rehearing, reconsideration or clarification of a final adjudicative order by motion presented to the remaining board members within 30 days after entry of a final adjudicative order.
- (c) The motion shall state with specificity those points of law or fact that:
 - (1) The board is alleged to have overlooked or misapprehended;
 - (2) How the order is alleged to be unclear or internally inconsistent;
 - (3) Show how the order is alleged to be unlawful, unjust, or illegal in respect to jurisdiction, authority or observance of the law; or
 - (4) Show how the order is alleged to be an abuse of discretion, or is arbitrary, unreasonable or capricious.
- (d) Each motion for rehearing, reconsideration, or clarification shall be served on all parties to the proceeding in accordance with these rules.
- (e) No answer to a motion for rehearing, reconsideration or clarification shall be required, but any answer or objection filed by another party shall be delivered to the board within 10 days following notification that the motion to reconsider has been filed with the board.

- (f) The board shall deny the motion unless the board finds that a relevant rule, point of law or fact has been overlooked or misapprehended, or that the decision is unlawful, unjust, or unreasonable, but may in all cases amend its order to clarify any items alleged to be unclear or inconsistent.

Psyc 205.25 Motion for Rehearing or Reconsideration Granted.

- (a) If the motion of any party or board member for rehearing or reconsideration is granted, the process for commencement of an adjudicative proceeding shall begin again, with notice to all affected parties.
- (b) The scope of any rehearing or reconsideration including the issues to be heard and the introduction of the previous record into evidence shall be determined by the presiding officer at a new prehearing conference called for the purpose.

Psyc 205.26 Stay of Board Orders.

- (a) Board actions shall be stayed only in response to a specific motion requesting a stay or by the board acting on its own motion.
- (b) A motion for stay shall be considered only if it is filed within the time period for requesting reconsideration, and shall demonstrate good cause sufficient to warrant the stay of an action by the New Hampshire Superior Court.
- (c) A stay of board action shall be specifically requested. The mere filing of a motion for reconsideration shall not operate as a stay of any order, but a motion for stay may be combined with a motion for reconsideration.

PART Psyc 206 RULEMAKING

Psyc 206.01 Procedure for Adopting Rules. The board shall seek to adopt any rule, or an amendment or repeal thereof, by filing a rulemaking proceeding in accordance with RSA 541-A.

Psyc 206.02 Petition for Rulemaking.

- (a) Any person may request the board to adopt, amend, or repeal a rule by filing a petition with the board which contains the following information:
 - (1) A statement of the petitioner's interest in the proposed rulemaking action;
 - (2) The text of the proposed new rule;
 - (3) The text of a proposed amendment to an existing rule;
 - (4) The text of any existing rule which the petitioner wishes to have repealed;

- (5) A statement of the particular results intended by the petitioner to flow from the proposed rulemaking proceeding; and
- (6) Any data or legal argument the petitioner believes would be useful to the board in evaluating whether the proposed rulemaking proceeding should be commenced.

Psyc 206.03 Disposition of Petition for Rulemaking.

- (a) Within 30 days of the submission of a petition, the board shall:
 - (1) Deny the petition by written order, stating its reasons for the denial; or
 - (2) Initiate rulemaking proceedings, pursuant to RSA 541-A:4.
- (b) The board shall deny a petition if it finds that:
 - (1) The petition for rulemaking seeks a change that is not consistent with published declaratory rulings of the board;
 - (2) The board lacks rulemaking authority over the issues in the petition; or
 - (3) The petition is contrary to legislative intent.

Psyc 207 PUBLIC COMMENT HEARINGS

Psyc 207.01 Public Access and Participation.

- (a) Public comment hearings shall be open to the public, and members of the public may provide information to the board, subject to the limitations of these rules.
- (b) Written comments may be submitted in lieu of or in addition to oral testimony.
- (c) Notice of the hearing shall be provided to the public in accordance with the requirements of RSA 541-A and RSA 91-A.

Psyc 207.02 Conduct of Public Comment Hearings.

- (a) A public comment hearing shall be attended by a quorum of the board.
- (b) A public comment hearing shall be presided over by the board chair or a board member knowledgeable in the subject area of the proposed rules who has been designated by the board to preside over the hearing.
- (c) The chair or other person presiding over a hearing shall:
 - (1) Call the hearing to order;

- (2) Identify the proposed rules that are the subject matter of the hearing and provide copies of them upon request;
 - (3) Cause a recording of the hearing to be made;
 - (4) Recognize those who wish to be heard;
 - (5) Request each person who wishes to provide information to the board to write on the speaker's list:
 - a. His or her full name and address; and
 - b. The name and address of organizations, entities or other persons whom he or she represents, if any.
- (d) A hearing shall be postponed in accordance with RSA 541-A:11, IV when:
- (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing will be unable to do so; or
 - (2) The board chair or other person designated by the board to preside over the hearing is ill or unavoidably absent.
- (e) A hearing shall be moved to another location in accordance with RSA 541-A:11, V when the original location is not able to accommodate the number of people who wish to attend the hearing.
- (f) A hearing shall be continued past the scheduled time or to another date in accordance with RSA 541-A:11, III when:
- (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
 - (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend and it is not possible to move the hearing to another location.

Psyc 207.03 Limitations on Public Participation.

- (a) The person presiding at a public comment hearing shall refuse to recognize, or revoke the recognition of any person who:
- (1) Speaks or acts in an abusive or disruptive manner to those in attendance;
 - (2) Fails to keep comments relevant to the subject matter of the hearing; or
 - (3) Needlessly restates information already provided to the board in a manner which results in the waste of time, or a likelihood that others who wish to speak will be denied an opportunity to present information to the board.

- (b) The person presiding at a public comment hearing shall limit oral presentations on behalf of an organization or entity to no more than 3 persons, provided that:
 - (1) All those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity; and
 - (2) All those representing such organization or entity shall be entitled to file written or electronic comments of any length with the board within 9 days of the close of the hearing.

PART Psyc 208 DECLARATORY RULINGS

Psyc 208.01 Petitions for Declaratory Rulings.

- (a) Any interested person may request a declaratory ruling from the board on how a statute, rule or order applies to a specific factual situation.
- (b) The request for a ruling shall be made by filing a petition with the board, which contains:
 - (1) The name and address of the petitioner;
 - (2) A concise statement of the facts which the petitioner believes requires a ruling from the board.
 - (3) A proposed ruling which the petitioner seeks the board to adopt; and
 - (4) The claimed statutory and factual basis for the requested ruling, set forth in separately numbered paragraphs, including any supporting factual affidavits or memoranda of law.

Psyc 208.02 Action on Petitions for Declaratory Rulings.

- (a) The board shall issue a decision on the request for a declaratory ruling, in writing, within 90 days of receipt of a petition.
- (b) A copy of each written decision on a request for declaratory ruling shall be:
 - (1) Filed with the director of legislative services;
 - (2) Sent to the petitioner by first class mail; and
 - (3) Filed with the board.

PART Psyc 209 EXPLANATION OF ADOPTED RULES

Psyc 209.01 Requests for Explanation of Adopted Rules. Pursuant to RSA 541-A:11, VII, any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the board including:

- (a) The name and address of the individual making the request; or

- (b) If the request is that of an organization or other entity, the name and address of such organization or entity and the name and address of the representative authorized by the organization or entity to make the request.

Psyc 209.02 Contents of Explanation. The board shall, within 90 days of receiving a request in accordance with Psyc 209.01, provide a written response which:

- (a) Concisely states the meaning of the rule adopted;
- (b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and
- (c) States, if the board did so, why the board overruled any arguments and considerations presented against the rule.

Adopt Psyc 300 – 500 to read as follows:

CHAPTER Psyc 300 LICENSE AND REGISTRATION REQUIREMENTS, APPLICATIONS AND FEES

PART Psyc 301 DEFINITIONS

Psyc 301.01 Definitions. The following terms shall have the meaning indicated when used in this chapter:

(a) “Applicant” means a person who seeks licensure as a psychologist in New Hampshire.

(b) “APA” means the American Psychological Association, whose address is 750 First Street, NE Washington, DC 20002-4242, and whose telephone number is (800) 374-2721 or (202) 336-5500.

(c) “Candidate for licensure” means a person, not licensed as a psychologist, who is receiving post-graduate supervision in psychology in order to meet the licensing requirements;

(d) “Canadian Psychological Association (CPA)” means the Canadian Psychological Association, whose address is 141 Laurier Avenue West, Suite 702, Ottawa, Ontario K1P 5J3 and whose telephone number is 613-237-2144;

(e) “Individual supervision” means one supervisor in the physical presence of one supervisee.

(f) “Group supervision” means one supervisor in the physical presence of 2 or more supervisees at the same time;

(g) “NRHSP” means the National Register of Health Service Psychologists, whose address is 1200 New York Avenue NW, Suite 800, Washington, DC 20005, and whose telephone number is 202-783-7663; and

(g) “Psychology practice” means “psychology practice” as defined in RSA 329-B: 2, VII.

PART Psyc 302 APPLICATION REQUIREMENTS

Psyc 302.01 Educational Requirements for Psychologists.

(a) All applicants for licensure as a psychologist shall have a doctoral degree from an accredited institution of higher learning, which has received regional accreditation from the Association of Secondary Schools and Colleges.

(b) In the case of foreign degrees, the applicant shall, at their own cost, submit credentials which have been positively evaluated by a member of the National Association of Credential Evaluation Services, who may be found at <http://www.naces.org/members.html>.

(c) If the doctoral program is accredited by the APA, the educational requirement shall be deemed acceptable without further documentation.

(d) If the doctoral program is not accredited by the APA, it shall meet the following minimum criteria:

- (1) The program shall consist of at least 3 academic years of full time graduate study;
- (2) Institutional catalogs and brochures of the program shall show the intent to educate and train professional psychologists;
- (3) The program shall be clearly identified and labeled as a psychology program;
- (4) The program shall stand as a recognizable, coherent entity within the institution;
- (5) The program staff shall include licensed or certified psychologists who have a clear authority and primary responsibility for the core and specialty areas;
- (6) The program shall be an integrated, organized sequence of study;
- (7) The program shall include supervised practicum, internship, field, or laboratory training appropriate to psychology practice;
- (8) The program shall provide the substantive courses of study required by Psyc 302.02 in an in-person modality, rather than predominantly through videoconferencing or other electronic means; and
- (9) The program shall include an identifiable body of students who are matriculated in the program seeking a doctoral degree.

Psyc 302.02 Courses Required for Psychologists.

- (a) Doctoral degree programs that are accredited by the APA or the CPA shall be recognized as meeting the requirements of these rules without further documentation.
- (b) For doctoral programs that are not accredited by the APA or CPA, graduate study in psychology shall be completed in residence at the institution granting the doctoral degree, as described in (c)(1)-(5) below.
- (c) To qualify as graduate study in psychology “in residence”, the institution shall require:
 - (1) Physical presence of the student, in person, at the educational institution in a manner that facilitates the full anticipations and integration of the individual in the educational and training experience and included faculty student interaction. Training modules that use face-to-face contact of student and faculty for shorter duration throughout a year, or models that use video teleconferencing or other electronic means to meet the residency requirement are not acceptable;
 - (2) The predominant modality is face-to-face instruction;
 - (3) Advising and evaluation of student performance is done face-to-face;
 - (4) Students have regular face-to-face access to a core psychology faculty whose primary time and employment responsibilities are to the institution; and

- (5) That students have regular face-to-face access to other students matriculated in the program.
- (d) Applicants attending doctoral programs described in (b) and (c) above on a part-time basis shall complete a minimum of one academic year of full-time academic graduate study in psychology.
- (e) Applicants from programs not accredited by the APA or CPA shall submit course descriptions and syllabi showing at least 24 semester hours with a minimum of 3 or more graduate semester hours in each of the following substantive areas of study:
 - (1) Scientific and professional ethics and standards;
 - (2) Research design and methodology;
 - (3) Statistics;
 - (4) Psychometrics;
 - (5) Psychotherapy techniques;
 - (6) Biological and chemical bases of behavior, including one or more of the following areas:
 - a. Physiological psychology;
 - b. Comparative psychology;
 - c. Neuropsychology;
 - d. Sensation and perception; or
 - e. Psychopharmacology;
 - (7) Cognitive-affective bases of behavior including one or more of the following areas:
 - a. Learning;
 - b. Thinking;
 - c. Motivation;
 - d. Emotion; or
 - e. Memory;
 - (8) Social bases of behavior including one or more of the following areas:
 - a. Social psychology;
 - b. Group processes;

- c. Organization and systems theory; or
 - d. Cultural diversity; and
- (9) Individual differences including one or more of the following areas:
- a. Personality theory;
 - b. Human development; or
 - c. Abnormal psychology.

Psyc 302.03 Prelicensure Supervised Practice.

- (a) Prior to seeking licensure, an applicant shall complete at least 2 years of supervised clinical experience in that area of psychology in which he or she plans to practice, one year shall occur prior to receipt of the doctoral degree as an internship, and one year shall be after the academic institution has certified that the applicant has completed all of the requirements to be awarded the doctoral degree.
- (b) Each year of supervised clinical experience shall include not less than 1500 clock hours of psychology practice, and shall be completed within not less than 12 and not more than 24 consecutive calendar months.
- (c) Each supervisor shall:
 - (1) Be licensed as a psychologist in the state where the supervision takes place; and
 - (2) Not have a dual relationship with the supervisee, such as a spouse, close relative, or therapist.
- (d) Acceptable clinical supervised experience shall include direct, formal contact with a licensed person who is responsible for the educational development and guidance of the supervisee.
- (e) Supervision shall occur at the site where the applicant delivers services, and be provided by a supervisor who is familiar with the applicant's work.
- (f) Hours spent in class work, practicum experience, or other course-related experiences shall not be counted as supervised experience.
- (g) The initial year of supervised experience shall not begin until the applicant has completed 3 academic years of full-time graduate training in psychology.
- (h) Independent private practice by the applicant, even under supervision, shall not be considered acceptable supervised professional experience.

Psyc 302.04 Internship.

- (a) The first year of clinical supervised experience shall occur as a formal internship in an organized

health care setting which may be referred to as a program, an agency, or a consortium.

- (b) Internships that are accredited by the APA or the CPA shall be recognized without further documentation.
- (c) An internship program that is not accredited as in (b) above shall meet all of the following criteria:
 - (1) The program shall be organized and designed to provide the intern with a planned, programmed sequence of training experiences that is demonstrated by a written statement, brochure, or contract with the graduate program which:
 - a. Describes the goals and content of the internship;
 - b. States clear expectations for quantity and quality of trainee's work; and
 - c. Is made available to prospective interns;
 - d. Provides training in a range of assessment and intervention activities conducted directly with patients seeking health services; and
 - e. Provides for a minimum of 1500 hours of training to be completed within a maximum of 24 consecutive months;
 - (2) The program shall designate a staff psychologist, who is currently and actively licensed or certified by the state or provincial board of psychology in the state or province where the program is operated, as the person who is responsible for the integrity and quality of the training program;
 - (3) The program shall have 2 or more psychologists on the staff serving as supervisors of interns, at least one of whom is currently and actively licensed as a psychologist by the state or provincial board of psychology in the state or province where the program is operated;
 - (4) The program shall have a minimum of 2 persons enrolled at the internship level of training during the applicant's training period;
 - (5) Supervision of interns shall be provided by a staff member of the program who carries clinical responsibility for the cases being supervised. At least one program staff psychologist shall provide half of the internship supervision;
 - (6) At least 375 hours of an intern's program time shall be spent in direct patient contact;
 - (7) The program shall include a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with a staff member that directly evaluates the health services rendered directly to patients by the intern;
 - (8) The program shall include a minimum of 2 hours per week of learning activities including:
 - a. Case conferences involving a case in which the intern was actively involved;
 - b. Seminars dealing with clinical issues;

- c. Co-therapy with a staff person including discussion;
 - d. Group supervision; and
 - e. Additional individual supervision of the intern;
- (9) Any funds received from patients or their insurers shall contribute to payment of stipends to the interns in the program;
- (10) Training was post-clerkship, post-practicum and post-externship level; and
- (11) The trainee uses a title such as “intern,” “resident,” “fellow,” or other designation of trainee status;
- (d) The program shall maintain permanent records of the following information to permit applicants to complete their application for licensure:
- (1) The dates of attendance in the program and dates of supervised clinical experience;
 - (2) The hours of face to face individual supervision of the intern;
 - (3) The total hours of supervised clinical work experience;
 - (4) The name and title of each supervisor assisting the intern, together with:
 - a. The type of license held, the state of issue, the state license number, and the issue date of the license; and
 - b. The highest degree earned by the supervisor.

Psyc 302.05 Post-Doctoral Supervision.

- (a) The second year of supervised experience shall meet the following standards:
- (1) The title of “Trainee” shall not be required for the second year of supervision;
 - (2) Supervision shall, at a minimum consist of one hour per week, and not less than 50 total hours, of face-to-face individual clinical supervision of the applicant's direct health service in psychology provided to individuals or groups of patients; and
 - (3) The post-doctoral clinical supervisor shall be a licensed or certified psychologist who assumes professional and legal responsibility for the professional activities, cases, training, and supervision of the applicant.
- (b) The program and employing agency shall keep permanent records of the following, to permit applicants to complete their application for licensure:
- (1) The dates of attendance in the program and dates of supervised clinical experience;

- (2) The hours of face to face individual supervision of the applicant;
- (3) The total hours of supervised clinical work experience; and
- (4) The name and title of each supervisor assisting the applicant, together with:
 - a. The type of license held, the state of issue, the state license number, and the issue date of the license; and
 - b. The highest degree earned by the supervisor.
- (c) A person may continue to practice under supervision as described in (a) and (b) above after an application for licensure has been submitted but before licensure has been conferred.

PART Psyc 303 APPLICATION PROCESS

Psyc 303.01 Character Qualifications.

- (a) No application for licensure as a psychologist shall be approved if the applicant is not of good character.
- (b) For the purpose of this section a lack of good character shall be shown by one or more of the following:
 - (1) A finding by the board that the applicant, or someone acting on the applicant's behalf, has submitted materially false information to the board in connection with the applicant;
 - (2) The presence of any complaints pending against a license or certificate issued by another licensing body or professional association, indicating that the applicant cannot be relied upon to practice competently, safely and honestly, or adhere to the ethical standards required by Psyc 501;
 - (3) Receipt of evidence of past disciplinary action taken by another licensing body or professional association, or denial of a requested license or certificate by another licensing body or professional association indicating the applicant cannot be relied upon to practice competently, safely and honestly, or adhere to the ethical standards required by Psyc 501.02;
 - (4) Receipt of evidence of convictions of a felony or misdemeanor indicating that the applicant cannot be relied upon to practice competently, safely and honestly or adhere to the ethical standards required by Psyc 501.02;
 - (5) Receipt of evidence of past or pending civil suits alleging malpractice, professional incompetence, or negligence, indicating that the applicant cannot be relied upon to practice competently, safely, and honestly; or
 - (6) Receipt of evidence of a past or current, mental illness, organic illness, or addictive disorder which impaired or presently impairs the ability of the candidate to serve as a psychologist, provided that evidence of a positive outcome of treatment for a past disorder shall be

considered to determine whether the applicant is presently of good character.

Psyc 303.02 Application Process.

- (a) Persons wishing to obtain licensure as a psychologist in New Hampshire shall apply to the board by submitting the following:
 - (1) An application on a form provided by the board, which contains the information specified by Psyc 303.03 (b);
 - (2) Supporting documents required of the applicant, as specified in Psyc 303.03 (c);
 - (3) A 2 inch by 2-inch passport quality photograph taken within 90 days of the date of the application;
 - (4) The results of the examination for the professional practice of psychology (EPPP) taken in accordance with Psyc 303.05 (b); and
 - (5) The fee as required by RSA 310-A:1-e, I (b) (11).
- (b) The applicant shall supply the following information on the application form:
 - (1) Name, as it should appear on the license;
 - (2) Any other name used, if different from (1) above;
 - (3) Street and mailing address;
 - (4) Place of current employment, with business address;
 - (5) Personally identifying information of the applicant, to include:
 - a. Height;
 - b. Weight;
 - c. Hair color;
 - d. Eye color;
 - e. Birthplace;
 - f. Date of birth;
 - g. Sex;
 - h. Social security number, pursuant to RSA 161-B: 11, VII-a; and
 - i. Personal email address;

- (6) All places of residence for the 5 years prior to the date of the application;
- (7) An original certified transcript, signed and sealed by the school, of both the undergraduate and graduate courses taken by the applicant, showing dates of attendance, courses taken, grades and class hours earned, programs completed and degrees awarded by colleges and universities attended;
- (8) If the applicant indicates that the Examination for the Professional Practice of Psychology (EPPP) was previously taken, a copy of the exam score in an envelope that has been sealed by the testing company;
- (9) Any information to be disclosed in answer to the following questions:
 - a. "Have you ever been convicted of a felony or misdemeanor crime in this or any other state, province, or country which has not been annulled by a court of competent jurisdiction? If so, provide details of each such conviction, and whether you are in compliance with any outstanding court orders entered for each such conviction;"
 - b. "Are you currently under the care of a health professional who has recommended treatment for drug or alcohol addiction or abuse, or any physical, mental or emotional illness that could affect your ability to competently and responsibly provide psychological services to any patient? If so, are you following the recommendations of the treating professional?";
 - c. "Have any of the following been denied, revoked, suspended, reduced, limited, placed on probation, or not renewed based upon a complaint alleging violation of any ethical code, professional misconduct, incompetence or negligence:
 1. License or certificate to practice psychology in any state or jurisdiction;
 2. Academic appointment;
 3. Membership on any hospital medical or allied health provider staff;
 4. Provider status with any group or health maintenance organization;
 5. Clinical privileges;
 6. Privileges or rights on any medical or clinical staff;
 7. Any other institutional affiliation or status;
 8. Professional society or association membership or fellowship;
 9. Professional office;
 10. Board certification; or
 11. Professional liability insurance?;"

- d. "To your knowledge, have you been the subject of an individual focused review required by a professional review organization (PRO) or a similar agency?";
- e. "Have you been, or are you currently the subject of a civil suit involving the practice of your profession or any other health care profession, and if so, provide a copy of any settlement or judgment entered in such suit?";
- f. "Are there any complaints, charges of violation of any ethical code, professional misconduct, incompetence or negligence pending against you before any licensing body in any state or province?";
- g. "Have you ever been previously licensed with this Board?" and, if so, provide a written description of the type of work the applicant has been doing since his or her license expired;
- h. "Have there ever been any criminal charges brought against you?";
- i. "Have you ever entered into a consent decree regarding a violation ethics codes, professional misconduct, unprofessional conduct, incompetence or negligence in any state or country by any licensing board of professional ethics body?";
- j. "Have you ever been convicted of a drug or alcohol related offense?"; and
- k. "Have you ever been charge or convicted of a felony in any state or country?"; and

(10) The applicant's signature on a statement, which shall declare that:

- a. The information and documentation is true, accurate, complete and unaltered to best of the applicant's information and belief; and
- b. The applicant acknowledges that the provision of false information in the application shall result in denial of the application, or if discovered after the license has been granted, may serve as a basis for suspension or revocation of the license.

(c) Each application form shall be accompanied by the following supporting documentation:

(1) A "Summary of Supervised Clinical Experience" form, in which the applicant shall report:

- a. The start and end date of post graduate supervision;
- b. The name of the facility where clinical work was performed;
- c. The name of the supervisor;
- d. The total hours of face to face on-site supervision received;
- e. The total hours of clinical experience obtained;
- f. The total hours of supervised clinical experience;

- g. The applicant's name and address; and
 - h. The applicant's dated signature, indicating that the information on the form is correct to the best of his or her knowledge;
- (2) A "Graduate Program Course Sheet" in which the applicant shall report whether the graduate program is accredited by the APA or CPA, including:
- a. If it is so accredited, a one page verification from the applicant's program's materials, or a letter from the program which confirms this status, or a copy from the APA or CPA website page showing accreditation of the program while the applicant was in attendance; and
 - b. If not, the specific courses and credits taken to satisfy the requirements of Psyc 302.02;
- (3) An "Internship Confirmation Form", completed by the applicant and forwarded to the supervisor of the internship experience, in which the applicant shall authorize the internship program to release all information in their records regarding the applicant to the board, including:
- a. The name and address of the internship program;
 - b. Number of interns in training at the same time as the applicant;
 - c. Whether the program was an APA approved program, and if not, documentation to show the program meets the requirements of Psyc 302.04;
 - d. The dates the applicant was in the program;
 - e. The total hours of internship experience;
 - f. The hours of face to face supervision;
 - g. The name of the primary supervisor, together with the person's degree status, state licensing status and state license number;
 - h. Whether the internship was part time or full time;
 - i. Whether the internship was completed;
 - j. The type of approval held by the program, such as full or provisional; and
 - k. A signed and dated attestation that the information on the form is true;
- (4) A "Postdoctoral Experience Form" in which the applicant shall authorize the post- doctoral program to release all information in their records regarding the applicant to the board, including:
- a. The applicant's name, address, and dated signature;

- b. The name and address of the post-doctoral program;
 - c. Whether the program was an APA approved program, and if not, documentation to show the program meets the requirements of Psyc 302.05;
 - d. The dates the applicant was in the program;
 - e. The total hours of post-doctoral experience;
 - f. The hours of face to face supervision;
 - g. The name of the primary supervisor, together with the person's degree status, state licensing status and state license number;
 - h. Whether the applicant's experience was full time or part time, along with the number of hours per week the applicant worked;
 - i. Whether the applicant's internship was completed; and
 - j. A signed and dated attestation that the information on the form is true;
- (5) The "Supervisor's Confirmation of Clinical Experience Form" in which the applicant shall authorize each additional supervisor to release all information in their records regarding the applicant to the board, including:
- a. The name and address of the facility where services were performed;
 - b. The dates and hours of supervised clinical experience;
 - c. Hours of face to face supervision;
 - d. Attaching additional sheets as needed:
 - 1. A description of the supervisory methods used, and the types of issues dealt with during supervision;
 - 2. A description of the type of work performed by the applicant; and
 - 3. A description of the quality of work performed by the applicant;
 - g. The name of the primary supervisor, together with the person's degree status, state licensing status, state license number, and state license issue date;
 - h. The applicant's name, address, signature, and date of signature;
 - i. The applicant's title at the time of supervision;
 - j. Whether a Candidate Agreement or Employment relationship was on file with the board prior to commencement of the supervision;

- k. The supervisor's title and address at the time of supervision;
 - l. The supervisor's phone number; and
 - m. The supervisor's dated signature;
- (6) Three separate and distinct "Professional Reference Forms", at least one of which from a supervisor, that shall:
- a. Be signed by a person providing a reference;
 - b. Contain the applicant's printed name and address;
 - c. Be signed and dated by the applicant, providing a release to the reference to release all pertinent information concerning the applicant to the board;
 - d. Contain the name, address, phone number, title, degree, and signature of the reference;
 - e. Indicate the professional relationship to the applicant, including the licensed status and license number of the reference;
 - f. Indicate the length of time the reference has known the applicant;
 - g. Describe the reference's knowledge of the applicant's professional and ethical behavior;
 - h. Include the name of the organization and title of the applicant's position when the reference worked with the applicant;
 - i. Describe the applicant's duties and responsibilities;
 - j. Indicate any area where the applicant has a specialty;
 - k. Indicate whether the reference will attest and certify that the applicant is of good moral character, as defined in Psyc 303.01, and if not, the reasons supporting that conclusion;
 - l. Explain the circumstances, if applicable, surrounding any of the following of which the reference is aware:
 - 1. Whether the applicant has been or is the subject of any malpractice or civil suit involving the practice of their profession;
 - 2. Whether the applicant has been charged or convicted of a crime in any state or country, the disposition of which was other than acquittal or dismissal;
 - 3. Whether there have been or are any complaints or charges of violation of the ethical codes, professional misconduct, unprofessional conduct, incompetence or negligence made or pending against the applicant;
 - 4. Whether the applicant has ever been required to surrender their

license/certification; and

5. Whether the applicant has been found guilty of, or has entered into a consent decree regarding, a violation of ethics codes, professional misconduct, unprofessional conduct, incompetence or negligence in any state or country by any licensing board or professional ethics body; and

j. Whether the reference will:

1. Make no recommendation of licensure;
2. Recommend licensure “without reservation”, or
3. Recommend licensure “with reservation”, setting forth in writing the reasons behind that conclusion;

(8) Written answers to the “Essay Examination Questions” as required by Psyc 303.05; and

(9) The results of a criminal background check authorized and paid for by the applicant that has been conducted in all states in which the applicant has been a resident since reaching the age of majority. Such supporting information shall be treated as confidential by the board and only released as required by RSA 91-A, or the order of a court of competent jurisdiction.

(d) The application form and supporting documentation shall:

- (1) Be typewritten or legibly printed;
- (2) Have all sections complete or designated as not applicable to the applicant; and
- (3) Be signed by the applicant.

(e) Any application form shall be returned to the applicant as incomplete if:

- (1) Any portion of the form is illegible;
- (2) Any section of the form is incomplete; or
- (3) The form is not signed where required by the applicant or other person who has completed that section.

(f) An application shall be considered to be on file with the board as of the date the board has received:

- (1) A fully completed application form;
- (2) All required supporting documentation specified in Psyc 303.02 (c); and
- (3) Proof that the applicant’s check has been deposited and cleared, if applicable.

(g) Within 60 days of the date the application is on file with the board, the board shall request the applicant to provide additional information or documentation determined to be needed to clarify the

application or any materials related to the application.

- (h) The board shall approve or deny the application within a reasonable time, not to exceed 120 days from:
 - (1) The date the application is on file with the board; or
 - (2) The date of the response to a request pursuant to Psyc 303.02 (g).
- (i) The board shall deny an application if:
 - (1) The applicant has not passed the examinations as required by Psyc 303.05;
 - (2) The educational attainment of the applicant does not meet the standards set forth in Psyc 302.01 and Psyc 302.05;
 - (3) The prelicensure supervised practice of the applicant does not meet the requirements of Psyc 302.03, Psyc 302.04, and Psyc 302.05;
 - (4) The applicant does not meet the character qualifications of Psyc 303.01; or
 - (5) The applicant has not paid the fee required by RSA 310-A:1(e).
- (j) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Psyc 205 on the deficiency issues identified by the board.
- (k) Any such request for a hearing shall be submitted to the board within 30 days from the date of the board's notification of denial, failing which the denial shall be deemed final.

Psyc 303.03 Application Process for Those Licensed in Another State.

- (a) Persons who wish to apply for a license as a psychologist in New Hampshire, and are already licensed in another state shall:
 - (1) Submit the application form required by Psyc 303.02;
 - (2) The supporting documentation as required in Psyc 303.02 (c) including the answers to written essay questions; and
 - (3) The required fee as set forth in RSA 310-A:1-e.
- (b) Persons who wish to apply for a license as a psychologist in New Hampshire and hold a current certificate of professional qualification in psychology (CPQ) issued by the association of state and provincial psychology boards (ASPPB), or are certified by the american board of professional psychology (ABPP), or are currently credentialed by the NRHSP shall:
 - (1) Submit an application as required in Psyc 303.02, together with the required fee, as set forth in RSA 310-A:1-e, I (a).

- (2) Submit evidence of a current CPQ, ABPP, or NRHSP credential;
 - (3) Submit a current curriculum vitae; and
 - (4) Provide verification of licensure from another state or jurisdiction on a “Verification of Licensure/Certification from Another Jurisdiction Form” provided by the board including the following:
 - a. Completed by the applicant:
 1. Applicant's name;
 2. Applicant's address;
 3. Jurisdiction of issue;
 4. Phone number;
 5. Date of issue;
 6. License/certification number; and
 - b. Completed by the verifying board:
 1. The applicant’s name;
 2. The applicant’s license/certificate number;
 3. The original date of issue of the applicant’s license/certificate number;
 4. Whether the applicant is currently licensed/certified;
 5. Whether the has ever been any disciplinary action taken against the applicant and, if so, a description of such action;
 6. Whether there are any complaints pending against the applicant and, if so, a description of such complaints;
 7. Whether the applicant is considered to be in good standing in the verifying jurisdiction;
 8. The name of the verifying board or jurisdiction; and
 9. The dated signature and title of the person who completed the form; and
 - (5) Sign and date the form, which shall serve as a release to the other jurisdiction to provide all information in its files regarding the applicant.
- (c) The board shall also accept evidence of an applicant’s educational attainment, credentials, or licensure from the ASPPB through the Psychology Licensure Universal System, also known as the

PLUS system.

Psyc 303.04 Temporary Licensure Application Process for Those Licensed in Another State.

- (a) Time periods in this rule shall be computed as the period between the first and last day of practice, rather than by counting the number of days in a year in which there has been practice activity.
- (b) An individual who is licensed to practice psychology in another state or jurisdiction may practice psychology for 30 days or less in New Hampshire without applying for a license, if:
 - (1) The psychologist notifies the board of an intent to practice in the state for less than 30 days in any 365-day period, and supplies to the board the following:
 - a. A legible copy of his or her license in good standing from another jurisdiction;
 - b. Proof of current malpractice insurance;
 - c. Verification by the issuing board that the license is in good standing;
 - d. A statement specifying the scope of the work intended within the state within a specific 30-day period, including the site of work, and the types of clients(s) that are the focus of such work; and
 - e. Attestation that work beyond the 30 days is prohibited without the express approval of the board;
 - (2) The psychologist has no adverse actions on a license in another jurisdiction; and
 - (3) The psychologist is the holder of one of the following credentials:
 - a. The association of state and provincial psychology boards (ASPPB) certificate of professional qualification in psychology (CPQ);
 - b. The ASPPB interjurisdictional practice certificate (IPC);
 - c. The American Board of Professional Psychology (ABPP) certification;
 - d. The national register of health providers in psychology certification; or
 - e. An equivalent qualification as determined by the board.
- (c) An individual who is licensed to practice psychology in another state or jurisdiction may practice psychology for up to 90 days in New Hampshire by obtaining a temporary license, if:
 - (1) The psychologist applies to the board requesting a temporary license to practice in the state for less than 90 days in any 365-day period and supplies to the board the following:
 - a. An application for a temporary license to practice in NH, further described in (d) below;

- b. Verification by the issuing board that the license is in good standing;
 - c. Proof of current malpractice insurance;
 - d. A statement specifying the scope of the work intended within the state within a specific 90-day period including the site of work, and the type of client(s) that are the focus of such work; and
 - e. Attestation that work beyond the 90 days is prohibited without the express approval of the board;
- (2) The psychologist is not the subject of pending disciplinary action in another jurisdiction; and
- (3) The psychologist is the holder of one of the following credentials:
- a. The Association of State and Provincial Psychology Boards (ASPPB) certificate of professional qualification in psychology (CPQ);
 - b. The ASPPB interjurisdictional practice certificate (IPC);
 - c. The American Board of Professional Psychology (ABPP) certification;
 - d. The National Register of Health Providers in Psychology certification; or
 - e. An equivalent qualification as determined by the board pursuant to RSA 329-B:20, I (c)(2).
- (d) Any person wishing to apply for a temporary license under this section shall submit:
- (1) A completed, board-provided "Application for Temporary License" form, with the following information:
 - a. Personal information:
 - 1. Name;
 - 2. Home address;
 - 3. Present place of practice;
 - 4. Address of present place of practice;
 - 5. Home and business phone numbers;
 - 6. Email address;
 - 7. Date and place of birth; and
 - 8. Social security number;

- b. Education and training:
 - 1. Graduate school attended, and year of graduation; and
 - 2. Post-graduate training institutions, and dates of training;
 - c. Licensure information:
 - 1. State in which the applicant is currently licensed;
 - 2. A statement of whether the applicant has ever been subject to disciplinary action by any licensing or certifying agency or by any hospital or health care facility and, if yes, the date of such action and a description of the circumstances surrounding such action; and
 - 3. A statement of whether the applicant has ever applied for or requested an application for licensure in New Hampshire and, if so, the date of such application;
 - d. New Hampshire facility information:
 - 1. The name, address, and telephone number of the primary facility;
 - 2. The name, address, and telephone number of the secondary facility, if applicable; and
 - 3. The dates during which the applicant will be practicing in New Hampshire;
 - (2) A verification letter of good standing from the state in which the applicant primarily practices, sent directly from the verifying state; and
 - (3) Certification letters from each New Hampshire facility at which the applicant intends to work, confirming the dates of service.
- (e) An individual who currently holds a valid and unrestricted license to practice psychology in another state may practice psychology in New Hampshire when deployed in an official action by:
- (1) The state of New Hampshire;
 - (2) The American Red Cross;
 - (3) The American Psychological Association's disaster response network;
 - (4) The Federal Emergency Management agency (FEMA); or
 - (5) Other entities the board may designate for this purpose.

(a) All applicants for licensure shall answer the following 6 “Written Essay Exam Questions”:

- (1) “Describe the professional practices in which you have competence and the academic and experiential methods by which you developed each of these competencies.”;
- (2) “Over the course of your professional life you will be expanding the scope of your professional practice. Please specify:
 - a. The specific techniques by which you will acquire new professional skills.
 - b. The means by which you will engage in continuing professional education.”;
- (3) “Discuss 5 ethical problems, which you may already have encountered or may, in the future, encounter in your professional practice. Your answers should:
 - a. Clearly state the ethical problem.
 - b. Cite all the specific professional ethical principles you are applying from your profession’s Code of Ethics.
 - c. Delineate the critical thinking by which you would work toward resolution of the problem. Discuss the pros and cons of each possible decision.
 - d. Provide a concise statement of your resolution of the problem.”;
- (4) “Discuss how issues of cultural diversity affect client assessment and treatment.”;
- (5) “Demonstrate knowledge of procedures and mechanisms for interdisciplinary collaboration among mental health professionals. Please include what you would need in order to ethically consult with another clinician.”; and
- (6) “Explain how your records will be managed in the event of your impairment or death in both an organizational and private practice setting. Be sure to address how long records should be kept according to the Board’s administrative rules.”.

(b) Each essay question shall be prepared on a separate page or pages, and shall be labeled with the question being addressed and the name of the applicant on each page.

(c) To be found satisfactory, an essay answer shall:

- (1) Be a specific, complete and direct response to the question;
- (2) Contain citations to the code of ethics applicable to psychologists pursuant to Psyc 501.02, and applicable professional reference materials;
- (3) Be a minimum of 300 words in length; and
- (4) Correctly describe the practices and procedures the applicant believes will result in both the ethical practice of psychology and a high standard of care for a patient.

(d) If the board determines that the essay answers are not satisfactory, the applicant shall be notified in writing, and provided an opportunity to resubmit written answers within a period of 30 days.

(e) If the board determines that the second set of essay answers is not satisfactory, the board shall require the applicant to appear before the board in person in an adjudicative proceeding to determine if any of the following actions shall be taken before the applicant can be licensed:

- (1) An oral explanation of the answers to the essay questions;
- (2) Additional academic coursework; or
- (3) Additional attendance at one or more continuing education seminars, workshops, or home study courses.

(f) All applicants for licensure shall take the “examination for the professional practice of psychology” (EPPP), which is developed, owned and administered by the association of state and provincial psychology boards (ASPPB), located at 215 Market Road, Tyrone, GA 30290, using the following procedure:

- (1) The applicant shall file an application in accordance with Psyc 303.02;
- (2) If the board finds the application to be complete, it shall notify the applicant and the ASPPB that the candidate has been approved to sit for the examination; and
- (3) Once the board has entered the pre-approval into the online registration system operated by the ASPPB, the candidate shall be responsible to follow all applicable testing procedures and pay all of the testing fees as set forth at www.asppb.org.

(g) The receipt of a scaled score of 500 or greater from the ASPPB shall be a passing score on the EPPP.

(h) The board shall notify each applicant of the scaled score received, and whether such score has resulted in success or failure on the EPPP.

(i) If an applicant receives a failing grade, she/he may apply for reexamination by notifying the board in writing.

(j) Following an initial failing score, the board shall advise the ASPPB that the applicant is approved to sit for the examination a second time.

(k) Once approved to sit for the examination, the candidate shall be responsible to follow all applicable testing procedures and pay all of the testing fees as set forth at www.asppb.org.

(l) If an applicant fails the EPPP examination a second time, readmission shall be permitted only after the applicant completes coursework taken through:

- (1) A graduate department of psychology in a regionally accredited institution of higher learning;
or

- (2) A professional school of psychology accredited by the APA; or
 - (3) An institution for continuing studies in psychology, which is approved by a regionally accredited institution of higher learning or by the APA.
- (m) An applicant may request special accommodations and arrangements to take the exam by making such a request to the board, including:
- (1) A doctor's verification of a disability; and
 - (2) A specific statement of all accommodations, arrangements, or assistance needed.

CHAPTER Psyc 400 CONTINUED STATUS

PART Psyc 401 RENEWAL OF LICENSE; INACTIVE STATUS; REINSTATEMENT

Psyc 401.01 Expiration of License.

- (a) A license to practice psychology shall automatically expire on the last day of the month which is 2 years from the date issued by the board.
- (b) An expired license shall not be renewed, but upon application, may be reinstated in accordance with Psyc 401.05.
- (c) If a license has expired pursuant to Psyc 401.01 (a), the licensee shall not engage in the practice of psychology until such time as a new or reinstated license has been granted by the board.

Psyc 401.02 License Renewal.

- (a) A license to practice psychology shall be renewed for 2 years upon approval by the board of a complete application submitted prior to the date of license expiration.
- (b) Any licensee wishing to renew an existing license shall submit a “Renewal Application Form” provided by the board with the following:
 - (1) Name and license number;
 - (2) Residence address and telephone number(s);
 - (3) Business address and telephone number(s);
 - (4) The name of an employer, if any;
 - (5) An e-mail address, if any;
 - (6) A statement indicating whether the applicant is actively engaged in the practice of psychology in New Hampshire;
 - (7) Disclosure, and explanation where applicable, of the following information regarding the previous 2-year period:
 - a. Whether any malpractice claim has been made against the applicant, regardless of whether a lawsuit was filed in relation to the claim;
 - b. If the applicant has any complaints pending against a license or certificate in any state or jurisdiction, excluding NH;
 - c. If the applicant has been found civilly liable for professional misconduct or committing an ethical violation, or has entered into a settlement agreement to resolve a misconduct or ethical complaint with any state or provincial regulatory authority or board outside of NH since the last renewal of the NH license;

- d. If the applicant has voluntarily surrendered a license to practice psychology in lieu of disciplinary action;
 - e. If the applicant has been convicted of a felony or misdemeanor;
 - f. If the applicant knows of any reason why he or she might be unable to practice psychology in a competent and ethical manner;
 - g. If the applicant has a plan in place to manage his or her clinical records in the event of death or incapacity; and
 - h. Whether the applicant is actively practicing a mental health discipline regulated by the board;
- (8) On the board provided “Attestation to CEU’s and Collaboration” form, the applicant’s notarized dated signature, license number, and printed name, which shall verify that the applicant is in compliance with the continuing education requirements of Psyc 402.01 and the interdisciplinary collaboration activities required pursuant to Psyc 403;
- (9) The applicant’ signature which acknowledges:
- a. That the provision of false information in the application is a basis for disciplinary action by the board; and
 - b. That the information and documentation provided in the application is true, accurate, complete, and unaltered; and
- (10) The date the applicant signed the application.
- (c) The filing fee shall be as established by RSA 310-A:1-e, I (a).

Psyc 401.03 Denial of Renewal.

- (a) License renewal shall be denied if:
- (1) The applicant has not complied with the continuing education requirement of Psyc 402.01, and/ or the collaboration requirement of Psyc 403.01;
 - (2) The applicant has failed to furnish complete or accurate information on the renewal license application;
 - (3) The applicant no longer meets the character requirements of RSA 329-B and Psyc 303.01; or
 - (4) The applicant has not paid the fee established by RSA 310-A:1-e, I(a).

Psyc 401.04 Inactive Status.

- (a) Inactive status shall be granted by the board for the remainder of the current license term to a license holder who:
- (1) Holds a current NH license with the board;
 - (2) Has no disciplinary action or pending disciplinary action;
 - (3) No longer actively engages in the practice of psychology in New Hampshire; and
 - (4) Notifies the board in writing that he or she wishes to put their license on inactive status by submitting a “Request for Inactive Status” form as described in (b) below.
- (b) Licensees wishing to be placed on inactive status shall provide the following on a “Request for Inactive Status” form:
- (1) His or her name, address, business and home phone numbers, and license number;
 - (2) Whether the licensee is currently practicing as a psychologist in the state of New Hampshire;
 - (3) Whether the licensee has been found civilly liable for professional misconduct, guilty of any criminal offense, or found to have committed an ethical violation by a state or national professional association or any other state’s regulatory board, or entered into a settlement agreement with any state outside of New Hampshire;
 - (4) Whether the licensee has any complaints pending in another jurisdiction and, if so, an explanation of such complaints;
 - (5) Attaching additional sheets if necessary, a written explanation of why the licensee wishes to go on inactive status;
 - (6) The date the licensee wishes inactive status to begin;
 - (7) Whether the licensee, if currently employed, has informed his or her employer that his or her license will be inactive as of the date requested in (6) above; and
 - (8) A dated signature indicating that the licensee acknowledges the provision of false information is a basis for disciplinary action by the board.
- (c) Licensees who have been granted inactive status may:
- (1) Allow the license to expire at the end of the license term; or
 - (2) File an application for renewal of the license in accordance with this part prior to the expiration of the license, and request a continuation of inactive status.
- (d) Pursuant to RSA 329-B:25, III and RSA 332-G:7, upon the request of a person licensed by the board who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the board shall place such person's license on inactive status.

Psyc 401.05 Reactivation of a License.

- (a) A licensee in inactive status may at any time apply for reactivation on a “Reactivation of Inactive License” form supplied by the board, by providing the following:
- (1) Name;
 - (2) Residence and business addresses and telephone numbers;
 - (3) A statement indicating whether the applicant is actively practicing psychology in another state;
 - (4) Disclosure, and explanation where applicable, of the following information regarding the inactive period:
 - a. If any malpractice claim has been made against the applicant, regardless of whether a lawsuit was filed in relation to the claim;
 - b. If the applicant has been denied a psychology license, certificate, or registration anywhere for any reason;
 - c. If the applicant has any formal disciplinary charges pending or if any disciplinary action has been taken against the applicant by any psychology licensing board, any health care facility, or any professional association;
 - d. If the applicant voluntarily surrendered a license to practice psychology in lieu of disciplinary action;
 - e. If the applicant has been convicted of a felony or misdemeanor; or
 - f. If the applicant had or currently has a mental illness or other disorder which impaired her or his ability to practice psychology, and if so, the treatment received and the outcome of such treatment; and
 - (5) The signature of the applicant.
- (b) A request for reactivation shall be denied unless:
- (1) The applicant documents 40 hours of CEU's taken within 2 years prior to the date of the reactivation application; or
 - (2) The applicant shows that the period the license has been in inactive status is of such duration that the duty to obtain continuing education units has not yet accrued for this licensee.
- (c) The request for reactivation shall be accompanied by the fee established by RSA 310-A:1(e).
- (d) A licensee in inactive status due to military service shall be reactivated, after notification to the board, within one year of the person's release from active military status by payment of the renewal fee RSA 310-A:1(e) and with proof of completion of the most current continuing education requirement unless still within the renewal period.

PART Psyc 402 CONTINUING EDUCATION

Psyc 402.01 Approved Continuing Education Units (CEU's).

- (a) The board of psychology shall assume no role in the review, pre-approval, post program approval, evaluation, accreditation or certification of any continuing education seminar, workshop, home study course or academic course.
- (b) The board shall recognize the following for continuing education credit:
 - (1) A seminar, workshop, home study course or academic course that is designed to continue the education of the licensee in current developments, skills, procedures, or treatment in the licensee's field of practice; and
 - (2) Which has been certified by a national, state, or county psychological or medical society or offered by or through a department of psychology or other department in the behavioral sciences, psychiatry, or psychiatric nursing at a regionally accredited school, college or university.
- (c) Category A credit shall consist of 60 minute hours spent by licensees in the following:
 - (1) Participation in seminars or workshops;
 - (2) Participation in home study courses, up to a maximum of 20 hours;
 - (3) Preparation of a seminar or workshop, up to a maximum of 10 hours;
 - (4) Graduate academic coursework; or
 - (5) Service to the board as a professional conduct investigation committee member, up to 20 hours.
- (d) Category A seminars, workshops and home study shall consist of sessions and/or study materials that are offered through or approved by one of the following groups:
 - (1) American Association of Group Psychotherapists;
 - (2) American Association for Marriage and Family Therapy;
 - (3) American Association of Pastoral Counselors or their accredited training programs;
 - (4) American Association of Sex Educators, Counselors & Therapists;
 - (5) American Counseling Association;
 - (6) American Medical Association;
 - (7) American Medical Seminars;

- (8) American Mental Health Counselor Association;
 - (9) American Nurses Association;
 - (10) American Nurses Credentialing Center;
 - (11) American Psychological Association;
 - (12) American Board of Professional Psychologists;
 - (13) American Psychiatric Association;
 - (14) Association of State and Provincial Psychology Boards;
 - (15) National Association of Social Workers;
 - (16) National Board for Certified Counselors;
 - (17) National Register of Health Service Providers in Psychology;
 - (18) National Association of School Psychologists; or
 - (19) New Hampshire Psychological Association.
- (e) Category A graduate academic coursework shall consist of participation as a registered student in courses offered by or through a department of psychology or other department in the behavioral sciences, psychiatry, or psychiatric nursing at a regionally accredited school, college or university or theological school, provided that:
- (1) Each semester hour of course credit shall count as equivalent to 6 continuing education credits, and
 - (2) Each quarter hour of course credit shall count as 4 continuing education credits.
- (f) Category A credit for licensees teaching a graduate academic course as described in (c) shall be counted as follows:
- (1) Preparation of a syllabus and teaching of a new semester length course shall count as 10 credits; and
 - (2) Thorough updating of a previously offered semester length course, including preparation of a new syllabus, review of the literature, preparation of reading lists and course assignments shall count as 5 credits.
- (g) Category B credit shall consist of:
- (1) Participation in mental health seminars or workshops not meeting the requirements of Category A;

- (2) Hours spent in research, editing, writing, and publication of articles relating to the practice of psychology in professional journals or books, up to a maximum of 10 credits in the licensing period; or
- (3) Providing mental health workshops or seminars to the public or professionals, or the teaching of graduate or non-graduate courses, not to exceed 5 hours per year.

Psyc 402.02 Continuing Education Requirements.

- (a) Each licensee shall complete and document completion of 40 approved hours of continuing education during the license term as a condition of license renewal.
- (b) At least 30 of the 40 hours shall be completed from Category A.
- (c) At least 6 of the 40 hours shall be completed in ethics and shall be from Category A.
- (d) No more than 10 hours shall be from Category B.
- (e) The licensee shall document attendance at or participation in any continuing education hours submitted for license renewal.
- (f) Licensed members of the board shall acquire 3 ethics continuing education credits per year.
- (g) Each year, a randomized group of licensed psychologists shall be selected by the board for audit of existing CEU documentation, provided that:
 - (1) Each licensee so selected shall be notified of the audit at least 30 days prior to the date the audit is conducted; and
 - (2) Selected licensees shall provide copies of CEU documentation, along with the audit request form, within 30 days of receiving the license renewal notice.

PART Psyc 403 COLLABORATION REQUIREMENT

Psyc 403.01 Collaboration.

- (a) Each licensee, except those on inactive status, shall complete 40 hours of collaboration during the licensing period.
- (b) The licensee shall document collaboration hours submitted for the purpose of license renewal.

Psyc 403.02 Collaboration Content.

- (a) Collaboration shall consist of participation in one or more of the following activities with one or more qualifying person:
 - (1) Small group meetings;

- (2) Being in supervision, or consultation with another licensed psychologist;
 - (3) Participation in a study group whose participants research and discuss topical issues or conduct case conferences for a minimum of 10 hours per group per year;
 - (4) Conferences with recognized experts, whether in person or via an electronic medium in specific psychological disorders or fields;
 - (5) Clinical research collaboration; or
 - (6) Attendance at hospital meetings at a facility where the licensee has a professional affiliation, and where the meeting addresses clinical issues regarding patient care issues; or
 - (7) Service on the board of psychologists or on the professional conduct investigation committee.
- (b) The following persons shall be recognized as in collaboration with a licensee when participating in a qualifying activity:
- (1) A person licensed in any of the following professions in New Hampshire, or in any other state of province:
 - a. Psychology;
 - b. Clinical mental health counseling;
 - c. Social work;
 - d. Pastoral counseling;
 - e. Marriage and family counseling;
 - f. Alcohol and drug abuse counseling;
 - g. Medicine;
 - h. Pharmacy; or
 - i. Nursing; and
 - (2) A graduate student, intern, or post-doctoral student in any of the above professions.

PART Psyc 404 REINSTATEMENT

Psyc 404.01 Reinstatement Requirements.

- (a) If a license is not renewed, it shall be reinstated upon approval by the board of a complete application seeking such reinstatement submitted not later than 6 months after the date of license expiration.

(b) Licensees wishing to reinstate a license that has expired shall submit a “Reinstatement Application Form”, supplied by the board, containing the following:

- (1) Name;
- (2) Office name;
- (3) Residence and business addresses and telephone numbers;
- (4) Email address;
- (5) Date and place of birth;
- (6) Social security number, as required by NH RSA 161-B:11;
- (7) A list of all states where the applicant holds or ever held a license to practice psychology;
- (4) Disclosure, and explanation where applicable, of the following information:
 - a. If any malpractice claim has been made against the applicant, regardless of whether a lawsuit was filed in relation to the claim, or whether a malpractice claim has been settled on the applicant’s behalf in the last ten years. If the answer to this question is yes, applicants shall complete the “Report of Malpractice Claims or Suits Filed” form, described in (d) below;
 - b. If the applicant has ever applied for licensure or to sit for an examination, or taken an examination, under a different name;
 - c. If the applicant has ever been denied the privilege of taking or finishing an examination, or been accused of cheating or improper conduct during an examination, since the applicant graduated from high school;
 - d. If the applicant has ever failed any national licensure examination, or any part of that examination or state board examination, even if the applicant later passed that examination;
 - e. If the applicant has been denied a psychology license, certificate, or registration anywhere for any reason;
 - f. If the applicant has ever had staff privileges, employment or appointment in a hospital or other healthcare institution denied, limited, suspended or revoked, or if the applicant has ever resigned from a medical staff in lieu of disciplinary action;
 - g. If the applicant has any formal disciplinary charges pending or if any disciplinary action has been taken against the applicant by any psychology licensing board, any health care facility, or any psychological professional association;
 - h. If the applicant voluntarily surrendered a license to engage in the practice of psychology in lieu of disciplinary action;

- i. If the applicant has ever been a defendant in a criminal proceeding including driving while under the influence or driving while suspended, which has not been annulled by a court, but not including traffic offenses not classified as misdemeanors or felonies;
 - j. If the applicant has ever had or currently has a mental illness or other disorder which impaired his or her ability to practice psychology, and if so, the treatment received and the outcome of such treatment;
 - k. If the applicant is now, or has been during the last five years, dependent upon alcohol or habituating drugs or undergone treatment for such;
 - l. An indication of the applicant's anticipated practice location(s), if known;
 - g. Attestation that the licensee has complied with the continuing education requirements of Psyc 402;
 - h. Attestation that the licensee has not been found to be abusive towards any child or elderly person by an administrative agency;
 - i. A criminal background check processed through the New Hampshire State Police;
 - j. A representation that the licensee acknowledges that the provision of false information in the application is a basis for disciplinary action by the board; and
 - k. The fee established by RSA 310-A:1-e;
- (5) Documentation of compliance with the continuing education requirements of Psyc 402.01;
- (6) A description of collaboration activities pursuant to Psyc 403;
- (7) The applicant's dated signature which acknowledges that he or she releases from liability the State of NH, the board and its agents and representatives, and any person furnishing information, records, or documents;
- (8) A signed, notarized affidavit stating that the applicant is the person referred to in the application, that he or she has studied the treatment of human ailments for not less than 4 school years, that he or she has received a doctoral degree in psychology, that all the statements in the application are true, and that there are no disciplinary actions pending or brought against the applicant except as disclosed in the application; and
- (9) A passport sized photograph of the applicant.
- (c) The filing fee established by RSA 310-A:1-e.
- (d) Applicants for reinstatement who answer "yes" to (b)(4)a. above shall submit a "Report of Malpractice Claims or Suits Filed" form, supplied by the board, for each such claim filed against the applicant, containing the following:
- (1) The name of the claimant;

- (2) The name of the defendant;
 - (3) Whether it is a new claim or suit;
 - (4) The date the claim or suit was filed or opened;
 - (5) The court name;
 - (6) The name of the insurance company;
 - (7) The docket number;
 - (8) The claim number;
 - (9) The date of the incident or alleged incident;
 - (10) The current legal status of the claim;
 - (11) The general nature of the claim; and
 - (12) The applicant's dated signature.
- (e) An applicant for reinstatement under this section shall obtain verification from all states where he or she currently holds or has ever held a license to practice psychology, by providing a "Licensure Verification Form", supplied by the board, directly to the licensing entity, containing the following information:
- (1) To be supplied by the applicant:
 - a. The applicant's name;
 - b. The applicant's mailing address;
 - c. The applicant's date of birth;
 - d. The applicant's license number; and
 - e. The applicant's signature; and
 - (2) To be supplied by the licensing entity:
 - a. The name of the licensing entity;
 - b. The full name of the licensee;
 - c. The license number;
 - d. An indication of whether the license is current or expired;

- e. The license expiration date;
- f. An indication of whether the license is restricted and, if so, an explanation of such restrictions on a separate piece of paper;
- g. An indication of whether there has ever been disciplinary action taken against the licensee and, if so, an explanation of such action on a separate piece of paper;
- h. Whether there are any currently pending investigations against the licensee and, if so, an explanation of such investigations on a separate piece of paper;
- i. The official seal of the licensing entity; and
- j. The signature and title of the person completing the form.

Psyc 404.02 Denial of Reinstatement. Reinstatement of a license shall be denied if the board finds:

- (a) Noncompliance with the continuing education requirement of Psyc 402 or collaboration requirement of Psyc 403;
- (b) Failure to furnish complete or accurate information on the reinstatement license application;
- (c) That the requirements of RSA 329-B and Psyc 303.01 as to character have not been met;
- (d) Failure to pay the fee established by RSA 310-A:1-e; or
- (e) More than 6 months has elapsed since the date of license expiration.

CHAPTER Psyc 500 ETHICAL STANDARDS, RESPONSIBILITIES OF PSYCHOLOGISTS, AND PROFESSIONAL MISCONDUCT

PART Psyc 501 ETHICAL AND PROFESSIONAL STANDARDS

Psyc 501.01 Obligation to Obey. All psychologists shall be bound to the ethical standards set forth in this part. Disciplinary sanctions may be imposed for violation of any such standards.

Psyc 501.02 Code of Ethics.

- (a) A psychologist shall adhere to all ethical standards of the “Ethical Principles of Psychologists and Code of Conduct (Ethics Code)” of the APA, effective June 1, 2003, as amended, effective June 1, 2010, as specified in Appendix B.
- (b) A psychologist shall adhere to the following standards:
 - (1) A psychologist shall provide honest and accurate information in reports;
 - (2) A psychologist shall refrain from any behavior a reasonable person would interpret as exploiting the practitioner-patient relationship in a sexual way; and
 - (3) A psychologist shall not terminate a therapeutic relationship for the purpose of circumventing any provision of the code of ethics imposed by this subsection.

Psyc 501.03 Standards for the Selection of Disciplinary Sanctions.

- (a) The purpose of disciplinary sanction shall be to:
 - (1) Protect public health and safety, both as to the complainant and the public; and
 - (2) Prevent future misconduct by the licensed psychologist through correction of educational or other deficiencies which led to the finding of misconduct;
- (b) In addition to the conduct described in RSA 329-B: 21, II, the board shall consider the following conduct as aggravating factors:
 - (1) The misconduct caused, or had the potential to cause, physical or mental harm to the client or another person;
 - (2) The misconduct repeated earlier misconduct by the psychologist, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same type of misconduct by the psychologist; or
 - c. An admission by the psychologist; or

- (3) The misconduct was intentional, rather than the result of negligence or inadvertence.
- (c) In considering which sanction or combination of sanctions to impose, the board shall consider the following conduct as mitigating factors:
- (1) The misconduct did not cause, or have the potential to cause, physical or mental harm to the client or another person;
 - (2) The misconduct is the first misconduct of this type by the licensee reported to board;
 - (3) The misconduct was the result of mistake, lack of due care, or inadvertence;
 - (4) The licensee either self-reported the misconduct, or cooperated fully in the investigation of a complaint made by another person; or
 - (5) The licensee has proposed a corrective action plan which will fully meet the purposes of disciplinary sanction noted above.
- (d) The board shall take disciplinary action by imposing one or more of the sanctions permitted by RSA 329-B: 21, III, and shall make written finding supporting its decision, including:
- (1) The presence or absence of aggravating or mitigating factors as set forth above; and
 - (2) Any other factor which the board determines to be relevant to reach a decision it determines to be appropriate and consistent with the purposes of sanction set forth in this section.

PART Psyc 502 RESPONSIBILITIES OF PSYCHOLOGISTS

Psyc 502.01 Responsibilities of Psychologists.

- (a) A psychologist shall:
- (1) Comply with all applicable rules adopted by the board of psychologists;
 - (2) Submit truthful and correct information, to the best of the psychologist's knowledge and belief, in any application or other document filed with or statement made to the board of psychologists; and
 - (3) Cooperate with investigations and requests for information from the board of psychologists.
- (b) A psychologist shall have an ongoing duty to inform the board of psychologists of:
- (1) A principal business address to which all official board of psychologists communications should be directed;
 - (2) Any change or abandonment of a business or practice address within 30 days of the change;
 - (3) Any disciplinary action taken against the psychologist by a state, regional or national agency or associated health care facility within 30 days of the action; and

- (4) Pursuant to RSA 329-B:21, II, an arrest for a felony level crime, within 7 days of the arrest.
- (c) Psychologists shall promote accuracy, honesty, and truthfulness in the practice of psychology by:
- (1) Making the current license publicly available;
 - (2) Making available in his or her office information regarding how patients may contact the board of psychologists regarding complaints about their treatment or billing;
 - (3) Not advertising any service as free if the patient is charged for any aspect of the treatment provided on the office visit when the free service was provided;
 - (4) Not engaging in any false or misleading advertising; and
 - (5) Not engaging in any fraudulent or dishonest billing practices.
- (d) A psychologist shall create, and to the extent the records are under their control, maintain, disseminate, store, retain and dispose of records and data relating to their professional and scientific work in accordance with these standards:
- (1) Complete and accurate clinical and business records pertaining to each patient seen shall be maintained for a minimum of 7 years following the last activity on the account and for minors for a period of 7 years past the age of majority;
 - (2) Clinical records shall include, at a minimum, legible date of service, type of service, outcome of service and signature of the service provider; and
 - (3) Accurate and complete copies of patient records shall be provided within 30 days of a request by patient/guardian or the board of psychologists, regardless of whether payment has been provided for such services.
- (e) A psychologist may file a motion with the board seeking relief from any of the requirements in (d) above, which shall stay the duty to comply pending adjudication of such request.

PART Psyc 503 PROFESSIONAL MISCONDUCT

Psyc 503.01 Communications of Alleged Misconduct Regarding a Psychologist.

- (a) Communications of alleged misconduct shall be filed at the board of psychologist offices in Concord, New Hampshire.
- (b) A communication of alleged misconduct shall be treated as a request for inquiry into the acts or omissions of a psychologist.
- (c) A communication of alleged misconduct shall contain the following:
 - (1) The name, address and phone number of the petitioner;

- (2) The name and business address of the psychologist against whom the alleged misconduct is directed;
 - (3) The specific facts and circumstances which are believed to constitute professional misconduct; and
 - (4) A signature, date and statement to the truth of the facts alleged as required by Psyc 204.02 (a).
- (d) The board of psychologists shall make available for public use, a form entitled "Communication of Alleged Misconduct." The form shall contain the information enumerated in Psyc 503.01 (c) above, but the use of the form shall not be required.
 - (e) The withdrawal of a communication of alleged misconduct shall not preclude the board of psychologists from independently pursuing some or all of the allegations of misconduct alleged by the complainant.
 - (f) Except as otherwise provided by law, the board of psychologists shall provide notice to the psychologist of the alleged misconduct.
 - (g) The existence of an allegation or complaint of misconduct shall not equate to a finding of misconduct.

APPENDIX A

Rule Number	Statute Implemented
Psyc 101	RSA 329-B:1 and RSA 541-A:16, I(a)
Psyc 102	RSA 329-B:3 and :6; and RSA 541-A:16, I(a)
Psyc 103	RSA 329-B:3, RSA 329-B:4; RSA 91-A; and RSA 541-A:16, I(a)
Psyc 201-205	RSA 329-B:10; RSA 541-A:16
Psyc 206	RSA 541-A:16, I(c)
Psyc 207	RSA 91-A; RSA 541-A:16, I(b)(3)
Psyc 208	RSA 541-A:1, (d)
Psyc 209	RSA 541-A:11, VII
Psyc 301	RSA 329-B:15
Psyc 302.01-302.05	RSA 329-B:15, I (a)-(e) as amended by Laws 2015, ch.
Psyc 303.01-303.02	RSA 329-B:15, I(d)
Psyc 303.03- 303.04	RSA 329-B:20
Psyc 303.05	RSA 329-B:15, I(a)
Psyc 401.01-401.05	RSA 329-B:25 as amended by Laws 2015, Ch. 229;
Psyc 402.01 403.02	RSA 329-B:10, X
Psyc 401.01-404.02	RSA 329-B:25, II
Psyc 501	RSA 329-B:10, VII
Psyc 502	RSA 329-B:10 XIV
Psyc 503	RSA 329-B:10, XII

**Appendix B
Incorporation by Reference Information**

RULE	TITLE	OBTAIN AT
Psyc 501.02	Ethical Principles of Psychologists and Code of Conduct of the APA, effective June 1, 2003 as amended, effective June 1, 2010.	American Psychological Association 750 First Street, NE Washington, DC 20002-4242 (800) 374-2721 or (202) 336-5500. The document is available for download at no cost at: http://www.apa.org/ethics/code/index.aspx