

*Adopt Plc 1400 to read as follows:*

## CHAPTER Plc 1400 RECREATIONAL THERAPISTS

Statutory Authority: RSA 326-J:1-a, II

### PART Plc 1401 PURPOSE AND APPLICABILITY; SENDING NOTICES AND LICENSES

Plc 1401.01 Purpose. The purpose of this chapter is to implement RSA 326-J relative to regulating the profession of recreational therapy, by establishing requirements for:

- (a) Obtaining and renewing a license to practice recreational therapy;
- (b) Obtaining the reinstatement of a license to practice recreational therapy that has lapsed, expired, or otherwise been rendered inactive or invalid;
- (c) Regulating the practices of licensed recreational therapists; and
- (d) Establishing the qualifications to be met by educational institutions so that students can engage in recreational therapy activities that are performed by licensed recreational therapists pursuant to RSA 326-J:3, I.

Plc 1401.02 Applicability. This chapter shall apply to:

- (a) Any individual who intends to practice or who does actually practice recreational therapy in New Hampshire; and
- (b) Any educational entity that wishes to allow students to practice recreational therapy prior to obtaining a license pursuant to RSA 326-J:3, I, as provided in Plc 1405.

Plc 1401.03 Notifications; Issuance of Licenses.

- (a) All notifications sent to applicants and licensees and all licenses issued pursuant to this chapter shall be sent to the applicant's or licensee's designated email address.
- (b) All notifications and licenses sent to a designated email address for which the OPLC does not received any indication that the email was not delivered shall be deemed to have been received by the person who designated the email address.

### PART Plc 1402 DEFINITIONS

Plc 1402.01 "Advisory board" means the recreational therapy advisory board established pursuant to RSA 326-J:1-a, I.

Plc 1402.02 "Certified therapeutic recreation specialist (CTRS)" means an individual who, having met the established standards of education, experience, and continued professional development, has been issued the professional certificate of the National Council for Therapeutic Recreation Certification.

Plc 1402.03 "Continuing competence activity" means courses and activities that are:

- (a) Beyond entry-level professional preparation; and
- (b) Designed to provide advanced or enhanced knowledge in the field of recreation therapy.

Plc 1402.04 "Cooperate" means to provide information requested by an investigator during an investigation and to answer any questions posed by the investigator in order to enable the executive director to determine compliance with RSA 326-J and Plc 1400.

Plc 1402.05 “Designated email address” means the email address provided by an applicant or licensee as the address for the OPLC to use when sending notifications and licenses.

Plc 1402.06 “Direct supervision” means supervision by a supervisor who is present and observing the activity of the individual being supervised.

Plc 1402.07 “Executive director” means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 1402.08 “IACET-approved provider” means an organization of any kind that has been approved by the International Accreditors for Continuing Education and Training (IACET) to provide continuing education for recreational therapists.

Plc 1402.09 “Investigator” means an individual authorized by the executive director to conduct an investigation into allegations of potential violations by a licensee of applicable provisions in RSA 326-J or Plc 1400, or both.

Plc 1402.10 “License” means “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” For purposes of providing information on professional activities in other jurisdictions, the term includes license, certificate, registration, or any other form of approval required to practice recreational therapy in that jurisdiction.

Plc 1402.11 “Licensing bureau” means the organizational unit within the OPLC’s division of licensing and board administration that is responsible for accepting and processing applications.

Plc 1402.12 “Live programming” means educational programming presented by an instructor or by a panel of instructors that is available to attendees at the time it is being originally presented. The term includes a program attended remotely using a computer or other audio-visual telecommunications equipment, provided the attendee has an opportunity during the program to ask questions about the material presented that are answered by the instructor(s).

Plc 1402.13 “National Council for Therapeutic Recreation Certification (NCTRC)” means the national credentialing organization for the profession of therapeutic recreation.

Plc 1402.14 “NCTRC knowledge domain” means any of the NCTRC professional knowledge domains listed in the NCTRC’s “Job Analysis Report / Report on the International Job Analysis of Certified Therapeutic Recreation Specialists”, available at [JobAnalysisReport.pdf \(nctrc.org\)](https://www.nctrc.org/JobAnalysisReport.pdf).

Plc 1402.15 “Personal contact information” means an individual’s home or other personal telephone number, home address, home mailing address if different, and designated email address.

Plc 1402.16 “Plan of correction” means a list of specific actions to be taken with a deadline for taking each action, to reflect how a licensee will correct a violation of, and come into compliance with, Plc 1400 and RSA 326-J.

Plc 1402.17 “Recreational therapy” means “recreational therapy” as defined in RSA 326-J:1, III, reprinted in Appendix C.

Plc 1402.18 “Self-directed education” means electronic participation in continuing professional education courses that are self-study courses or self-paced clinical courses, which require the participant to pass an examination to obtain confirmation of participation.

Plc 1402.19 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observation of holidays.

## PART Plc 1403 ADVISORY BOARD

Plc 1403.01 Advisory Board Members Appointment and Qualifications.

(a) As required by RSA 326-J:1-a, I, the executive director shall establish an advisory board of recreational therapists consisting of 3 members, who shall be licensed recreational therapists.

(b) As provided in RSA 326-J:1-a, I:

(1) Each member shall be appointed to a term of 3 years; and

(2) No member shall serve more than 2 consecutive full terms.

(c) Each of the recreational therapists appointed to the advisory board shall:

(1) Have been certified by the NCTRC for at least 3 years preceding the appointment;

(2) Be currently licensed in New Hampshire when appointed and for the duration of the term; and

(3) Have been actively engaged in the practice of recreational therapy in New Hampshire for at least one year immediately preceding appointment to the advisory board.

Plc 1403.02 Meetings and Records of Advisory Board.

(a) The advisory board shall meet at the call of the executive director.

(b) Meetings of the advisory board shall be held at the OPLC's offices in Concord, NH, or in such location as the executive director determines will be most convenient for the largest number of anticipated attendees.

(c) Notice of meetings shall be provided as required by RSA 91-A.

(d) Records of the advisory board shall be maintained by the executive director as required by RSA 91-A.

Plc 1403.03 Responsibilities of Advisory Board.

(a) As provided in RSA 326-J:1-a, I, the advisory board shall advise the executive director regarding the implementation of RSA 326-J, including in particular by reviewing and commenting on proposed rules and proposed revisions to rules intended to implement RSA 326-J.

(b) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, members of the advisory board shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.

(c) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, the advisory board shall assist with an investigation commenced pursuant to Plc 204 relative to complaints and investigations.

Plc 1403.04 Records of Predecessor Board. The records of the recreational therapy governing board that existed prior to July 19, 2022, the effective date of Laws of 2022 ch. 72, shall be:

(a) Retained by the executive director in accordance with the retention schedule established pursuant RSA 310-A:1-d, II(e); and

(b) Available for public review as provided in Plc 100.

## PART Plc 1404 INITIAL LICENSURE

Plc 1404.01 Statutory Qualifications for Licensure. As required by RSA 326-J:5, I, to qualify for licensure under RSA 326-J and Plc 1400, an applicant shall:

- (a) Be at least 18 years of age;
- (b) Be of good moral character;
- (c) Successfully complete an academic program with a baccalaureate degree or higher from an accredited college or university with a major in therapeutic recreation or a major in recreation or leisure with an option in therapeutic recreation, provided that pursuant to RSA 326-J:5, III, the executive director may grant initial licenses to recreational therapists who were certified by the NCTRC prior to July 1, 2007 and who hold an active CTRS credential;
- (d) Successfully complete a period of field experience as defined by the NCTRC under the supervision of a CTRS approved by the educational institution where the applicant has met his or her academic requirements; and
- (e) Successfully complete the proctored examination administered by the NCTRC.

Plc 1404.02 Applying for Initial Licensure.

(a) Any individual who meets the statutory qualifications as reiterated in Plc 1404.01 and wishes to engage in the practice of recreational therapy who is not already licensed in New Hampshire shall file an application for an initial license in accordance with this section.

(b) The applicant shall submit the following to the licensing bureau:

- (1) A completed “Application for Initial License to Practice Recreational Therapy” dated November 2022, that contains the information specified in Plc 1404.03 and is signed and certified as specified in Plc 1404.05;
  - (2) The documentation specified in Plc 1404.04, as applicable; and
  - (3) An application processing fee of \$165.
- (c) Each applicant shall also complete the process established by the New Hampshire department of safety (NHDOS) for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC.

Plc 1404.03 Information Required for Initial License Application. Each applicant for an initial license to practice recreational therapy shall provide the following information:

- (a) The applicant’s full legal name, including any suffix such as “Jr.” or “III”, and any other name(s) under which the applicant holds or has held a professional license;
- (b) The applicant’s date of birth, by month, day, and year;
- (c) The applicant’s gender assigned at birth, to be used solely for purpose of workforce data analysis by New Hampshire employment security;
- (d) The applicant’s social security number as required by RSA 161-B:14, VI-a and 42 U.S.C. 666(a)(14);
- (e) The applicant’s home physical address by street name and number, municipality, county, state, and country if not the U.S., and home mailing address if different;

- (f) The applicant's home or other personal telephone number;
- (g) The applicant's designated email address;
- (h) Whether the applicant speaks English as his or her primary language and, if not, the applicant's primary language and any other secondary language(s);
- (i) Whether the applicant is on active military duty or is the spouse of an active member of the U.S. armed forces;
- (j) Information about the applicant's undergraduate education, as follows for each institution attended:
  - (1) The name and address of the educational institution;
  - (2) The degree earned, if any, and the year the degree was awarded; and
  - (3) The major of the applicant's course of study;
- (k) Information about the applicant's field experience, as follows:
  - (1) The name of each employer at which the applicant worked or volunteered;
  - (2) The name and credentials of each CTRS who supervised the applicant's field experience; and
  - (3) Confirmation that the applicant met the NCTRC requirements for field experience that were in effect at the time the applicant completed the field experience;
- (l) The name of each jurisdiction where the applicant has applied for, holds, or has held any professional license, whether called a license or a certificate, registration, or other form of approval required to practice recreational therapy, and for each, the following:
  - (1) The applicant's license number;
  - (2) The date the applicant was initially licensed; and
  - (3) The status of the license, including whether a license was denied or is active, suspended, revoked, denied renewal, or expired;
- (m) The name, location, telephone number, website URL if any, and email address if any of the business at which the applicant works or intends to work, if known;
- (n) A "yes" or "no" answer to the following questions relating to background and character:
  - (1) Whether the applicant is now or has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any state or jurisdiction;
  - (2) Whether any malpractice claim has been made against the applicant within the past 10 years;
  - (3) Whether the applicant has for disciplinary reasons been put on administrative leave, been fired for cause other than staff reduction from a position at the applicant's place of employment, or had any privileges limited, suspended, or revoked in any professional setting within the past 10 years;

(4) Whether the applicant has been denied the privilege of taking an examination required for any professional licensure within the past 10 years;

(5) Whether the applicant has committed any act(s) within the past 10 years that would violate the laws or rules that govern the practice of respiratory care;

(6) Whether the applicant has ever been found guilty of or entered a plea of no contest to any felony that is related to professional practice;

(7) Whether the applicant has been found guilty of or entered a plea of no contest, within the past 10 years, to any felony that is not related to professional practice, or to any misdemeanor;

(8) Whether the applicant is now or has been the subject of any disciplinary action by any professional licensing authority within the past 10 years;

(9) Whether the applicant has, within the past 10 years, been denied a license or other authorization to practice in any jurisdiction; and

(10) Whether the applicant has, within the past 10 years, surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges;

(o) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's personal contact information; and

(p) Whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c.

Plc 1404.04 Documentation Required for Initial License Application. The applicant shall provide the following with an application for initial licensure, as applicable:

(a) Proof of completion of the proctored examination administered by the NCTRC, which may be provided by submitting a copy of the applicant's NCTRC certification;

(b) If the applicant has been denied any professional license or if the applicant holds or held a professional license that was suspended or revoked, or for which any disciplinary action was taken by the applicable regulatory authority, a written explanation detailing the circumstances surrounding each such action that includes the profession, date of action, reason(s) for action, and any other information the applicant believes is relevant; and

(c) If the applicant answered "yes" to any question in Plc 1404.04(m) for which an explanation is not being provided pursuant to (b), above, a clear written explanation detailing the circumstances surrounding each answer that includes the date(s), reason(s), and any other information the applicant believes is relevant.

Plc 1404.05 Signature and Certification Required for Initial License Application.

(a) The applicant shall date and sign the application, provided that when the application becomes available on-line, the act of submitting the application shall constitute the applicant's signature and the date of submission shall be the date.

(b) The applicant's signature shall constitute the applicant's certification that:

(1) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;

(2) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and

(3) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3 relative to falsification in official matters.

Plc 1404.06 Initial Review of Applications for Initial Licensure; Abandonment.

(a) Within 30 days of receipt of an application for initial licensure submitted pursuant to Plc 1404.02, the licensing bureau shall review the application and:

(1) Accept the application as being complete;

(2) Accept the application as being complete except for confirmation of passing the required test; or

(3) Determine that the application is incomplete because it lacks something other than, or in addition to, test results, and notify the applicant in writing sent to the personal email address provided on the application that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) If the application is complete except for test results, the licensing bureau shall hold the application until the results are received, but no more than 180 days.

(c) A notice of incompleteness sent pursuant to (a)(3), above, shall inform the applicant that the application will be deemed to have been abandoned if the application is not completed within 60 days, provided that test results shall not be subject to the 60-day time limit.

(d) An applicant who is unable to complete the application by the specified deadline due to circumstances beyond the control of the applicant may request additional time to complete the application in accordance with (e), below.

(e) A request for additional time to complete an application shall:

(1) Be submitted in writing to the licensing bureau no later than the deadline specified for completing the application;

(2) Clearly explain why the application cannot be completed by the deadline; and

(3) Identify the date by which the applicant will complete the application.

(f) The licensing bureau shall grant additional time to complete the application if the applicant is prevented by circumstances beyond the applicant's control from completing the application and requests additional time.

(g) An application shall be deemed abandoned, and no decision shall be made to approve or deny the application, if the applicant submits an incomplete application for initial licensure and either:

(1) Does not provide the required information and does not request additional time to complete the application by the specified deadline; or

(2) Requests and receives additional time to complete the application but does not submit the required information by the new deadline.

(h) If the application is abandoned, the application processing fee shall not be refunded.

Plc 1404.07 Withdrawal of Application for Initial Licensure.

- (a) An applicant may withdraw his or her application for licensure at any time prior to being notified of a decision under Plc 1404.08.
- (b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted, the profession for which the application was submitted, and the date the application was submitted.
- (c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.
- (d) If the application is withdrawn, the application processing fee shall not be refunded.

Plc 1404.08 Review of Complete Applications for Initial Licensure; Decisions.

- (a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for the license being applied for.
- (b) The licensing bureau shall approve an application for initial licensure and issue a license if the applicant:
- (1) Has complied with Plc 1404.02;
  - (2) Has demonstrated good moral character in the answers to the background and character questions in Plc 1404.03(m) and any explanations provided pursuant to Plc 1404.04; and
  - (3) Meets the other statutory requirements reiterated in Plc 1404.01.
- (c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.
- (d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain a license are met, then:

- (1) The licensing bureau shall conditionally deny the application; and
  - (2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall become final unless the applicant requests a hearing in writing within 30 days.
- (e) If the application is denied, the application processing fee shall not be refunded.

Plc 1404.09 Initial Licenses: Issuance and Duration.

- (a) Each initial license to practice recreational therapy issued by the OPLC shall specify:
- (1) The name of the licensee;
  - (2) The effective date of the license; and
  - (3) The license number.
- (b) Initial licenses shall:



- (1) Be valid for 2 years, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;
- (2) Expire on the last day of the month in which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked in accordance with Plc 1410; and
- (3) Be subject to renewal.

#### PART Plc 1405 RECREATIONAL THERAPY STUDENTS

##### Plc 1405.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 326-J:3, I, which authorizes the adoption of rules relative to allowing students enrolled in approved schools or courses for recreational therapy to perform recreational therapy incidental to their courses of study or supervised work.

(b) This part shall apply to:

- (1) Any educational institution that offers courses or programs that include internships to educate and train individuals who wish to become licensed recreational therapists; and
- (2) Any individual enrolled in a course or program to be educated and trained in recreational therapy.

Plc 1405.02 Student Internships Allowed. An individual may engage in activities normally undertaken by a licensed recreational therapist as an internship, without obtaining a license under RSA 326-J or Plc 1400, if the individual is enrolled in a course or program to be educated and trained in recreational therapy that is offered by an educational institution that meets the requirements of Plc 1405.03.

Plc 1405.03 Requirements for Educational Institutions. To qualify as an educational institution that is authorized to allow students to engage in activities normally undertaken by a licensed recreational therapist as an internship, the institution shall:

- (a) Be accredited to offer educational programs by the applicable accreditation authority in the jurisdiction in which the programs are offered or by a federal accrediting agency, or both; and
- (b) Offer courses or programs for recreational therapy that include internships and are accredited by the NCTRC.

#### PART Plc 1406 TEMPORARY LICENSES

##### Plc 1406.01 Availability of Temporary Licenses. A temporary license shall:

- (a) Be available pursuant to RSA 310-A:1-f to individuals currently licensed in good standing as a recreational therapist in a U.S. jurisdiction whose requirements for licensure are equivalent to or greater than those of New Hampshire; and
- (b) Remain valid for no more than 120 days.

Plc 1406.02 No More Than One Temporary License. An individual who previously received a temporary license to practice recreational therapy in New Hampshire shall be ineligible for any subsequent temporary license to practice recreational therapy in New Hampshire.

Plc 1406.03 Requirements for Temporary Licenses.

- (a) An applicant for temporary licensure as recreational therapist shall:
- (1) Submit, or have submitted, a completed application for initial licensure as provided in Plc 1404.02;
  - (2) Hold current, valid credentials from the NCTRC as a CTRS;
  - (3) Hold an active, unencumbered license from a U.S. jurisdiction whose requirements for licensure are equivalent to or greater than those of New Hampshire, as evidenced by the URL of an official government website that identifies the requirements for licensure and an official verification of licensure or a printout from an online license verification system submitted with the application;
  - (4) Have committed no acts or omissions that are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action;
  - (5) Complete and submit an “Application for Temporary Licensure” dated November 2022, as set forth in Plc 1406.04; and
  - (6) Pay the application processing fee specified in Plc 1001.
- (b) An applicant shall sign and date the application, provided that when the application is available on-line, the act of submitting the application shall be the signature and the date it is submitted shall be the date.
- (c) The applicant’s signature shall constitute the applicant’s certification that:
- (1) The applicant has read and agrees to abide by the applicable New Hampshire statutes and administrative rules;
  - (2) The information and documentation provided are true, complete, and not misleading to the best of the applicant’s knowledge and belief;
  - (3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
  - (4) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3, I relative to falsification in official matters.

Plc 1406.04 Information Required for Application for Temporary License. An applicant for a temporary license shall provide the following information:

- (a) The date the applicant submitted an application for initial licensure under Plc 1404.02 or, if the application has not yet been filed, the anticipated date of filing;
- (b) The applicant’s full legal name including any suffix such as “Jr.” or “III”, and any other name under which the applicant holds or has held a professional license;
- (c) The applicant’s date of birth, including the month, day, and year;
- (d) The applicant’s social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (e) The applicant’s home physical address by street name and number, municipality, county, state, and country if not the U.S., and home mailing address if different;

- (f) The applicant's home or other personal telephone number;
- (g) The applicant's designated email address;
- (h) Which NCTRC credential the applicant holds and the date of most recent certification;
- (i) Identification of each U.S. jurisdiction in which the applicant holds an active license and whether the license is in good standing;
- (j) An answer to the question "Have you committed any acts or omissions that are grounds for disciplinary action in another jurisdiction?"; and
- (k) If the answer to the question in (j), above, is in the affirmative, a detailed letter of explanation explaining the circumstances and any disciplinary or non-disciplinary action taken as a result.
- (l) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's personal contact information; and
- (m) Verification of licensure from a jurisdiction listed pursuant to (h), above, that has licensure requirements for respiratory care that are equivalent to or greater than those of New Hampshire, in the form of an official verification of licensure or a printout from an online license verification system.

Plc 1406.05 Issuance and Expiration of Temporary Licenses; Obligations of Temporary Licensees.

- (a) The licensing bureau shall issue a temporary license to each applicant who files a complete application that demonstrates the applicant meets the eligibility requirements stated in Plc 1406.03.
- (b) As provided in RSA 310-A:1-f, II, a temporary license shall expire on the earlier of 120 days after issuance or the date final action is taken on the temporary licensee's application for full licensure, if sooner.
- (c) The holder of a temporary license shall comply with:
  - (1) All ethical and professional standards that apply to full licensees; and
  - (2) Plc 1407.01 relative to required notifications.

PART Plc 1407 LICENSEE OBLIGATIONS; CONTINUING COMPETENCE

Plc 1407.01 Licensee Obligations for Notifications.

- (a) Each licensee shall:
  - (1) Notify the licensing bureau within 10 working days when a change of name occurs; and
  - (2) Update the OPLC's records within 10 working days when a change of personal contact information occurs.
- (b) Each licensee shall know, and have available in his or her office or other place of business, information regarding how complaints can be filed with the OPLC.
- (c) Each licensee shall inform the licensing bureau within 10 working days of any disciplinary action taken against the licensee by any jurisdiction in which the licensee is authorized to practice in any profession.
- (d) Each licensee shall inform the licensing bureau within 10 working days of:

- (1) The commencement of any civil action or insurance claim filed against the licensee that alleges malpractice; and
- (2) Any decision(s) made in such civil actions or insurance claims.

Plc 1407.02 Licensee Responsibilities for Renewal. Each licensee shall:

- (a) Know when his or her license is due to expire; and
- (b) File an application for renewal prior to the expiration of the current license in accordance with Plc 1408 if he or she wishes to continue to practice in New Hampshire.

Plc 1407.03 Maintenance of NCTRC Certification Required.

- (a) Each licensee shall comply with the requirements for maintaining certification established by the NCTRC.
- (b) Each licensee shall maintain continuous NCTRC certification during a licensure period.
- (c) If a licensee's NCTRC certification is revoked or suspended by the NCTRC, or if the certification expires, the licensee shall:
  - (1) Notify the licensing bureau within 10 working days; and
  - (2) Not engage in recreational therapy for compensation in New Hampshire unless and until reobtaining NCTRC certification and a license under RSA 326-J and Plc 1400.

Plc 1407.04 Continuing Competence Required.

- (a) As required by RSA 326-J:6, I(b), to be eligible for license renewal a licensee shall complete a minimum of 30 hours of continuing education in formal courses and other activities that meet applicable requirements.
- (b) As provided in RSA 326-J:6, II, any continuing education program that meets the recertification standards of the NCTRC shall be deemed approved by the executive director.
- (c) Continuing education courses taken to satisfy NCTRC requirements for recertification shall count towards the required 30 hours at the same number of hours assigned by the NCTRC.
- (d) All of the required hours shall be in topics related to the profession of recreational therapy, and at least 20 hours of the required hours shall be taken in professional courses or professional activities having as their subject one or more of the NCTRC job analysis knowledge domains.
- (e) Continuing competence shall be maintained through the following continuing professional education and professional activities:
  - (1) Successful completion of academic course work, as further described in Plc 1407.06;
  - (2) Successful completion of live programming given by IACET-approved providers, as further described in Plc 1407.07;
  - (3) Participation in facility-based in-service training including grand rounds, as further described in Plc 1407.08;
  - (4) Publication of an article in a professional journal, as further described in Plc 1407.09;
  - (5) Self-directed education, as further described in Plc 1407.10;

- (6) Participation as a member in the work of professional boards and committees, as further described in Plc 1407.11;
- (7) Direct supervision of recreation therapy interns, as further described in Plc 1407.12;
- (8) Attainment of special certifications, as further described in Plc 1407.13; and
- (9) Professional presentations, as further described in Plc 1407.14.

Plc 1407.05 Documentation Requirements; Audits.

(a) Upon being notified by the OPLC that a third-party organization is under contract to manage continuing competence compliance through an on-line system, each licensee shall use the on-line system to track and report the completion of continuing competence activities.

(b) Until an on-line system becomes available, each licensee shall retain documentation of his or her participation in and successful completion of continuing professional education and professional activities as described for the specific course or activity for not less than 3 years.

(c) Until an on-line system becomes available, the executive director shall audit licensee participation in continuing professional education and professional activities by:

- (1) Randomly selecting 10% of licensees each renewal cycle to be audited; and
- (2) Notifying each selected licensee of the audit by email sent to the licensee's designated email address.

(d) The notice sent pursuant to (b)(2), above, shall direct the licensee to submit his or her documentation for the previous 3 years to the executive director by a specified date, which shall be no sooner than 30 days from the date of the notice.

(e) A licensee selected for audit shall submit the original documentation for each course or activity to the executive director no later than the date specified in the notice.

(f) Failure to submit documentation when directed to do so shall constitute a violation of these rules for which disciplinary action can be taken.

Plc 1407.06 Academic Coursework in Recreation Therapy.

(a) A licensee may claim credit towards the continuing competence requirement for successful completion of academic course work in recreation therapy if the course work is:

- (1) Presented as live programming;
- (2) Sponsored and assigned credit by a college or university that is accredited by the Council for Higher Education Accreditation or any other accrediting body recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education or training offered by the institutions of higher education or higher education programs they accredit, as listed on <https://www2.ed.gov/admins/finaid/accred/index.html>; and
- (3) Related to one or more of the NCTRC knowledge domains.

(b) The licensee may claim 5 hours for each credit hour of academic course work described in (a), above, to a maximum of 15 hours per renewal cycle.

(c) Documentation of a licensee's successful completion of academic course work in recreation therapy shall be:

- (1) An official transcript showing successful completion of the course, the date of the course, and the credits assigned by the college or university; and
- (2) One of the following descriptions of the course:
  - a. The description of the course copied from the college or university catalogue; or
  - b. The course syllabus or outline that includes a description of the course and the course competencies.

Plc 1407.07 Non-Academic Education Programs in Recreation Therapy Given by IACET-Approved Providers.

(a) A licensee may claim credit towards the continuing competence requirement for successful completion of live programming given by a provider approved by IACET, provided that the program is related to one or more of the NCTRC knowledge domains.

(b) The licensee may claim the same number of hours attributed to the program by its provider.

(c) Documentation of a licensee's successful completion of a non-academic education program in recreation therapy given by a IACET-approved provider shall be:

- (1) A certificate showing:
  - a. The title of the program or, if the title does not characterize the program, a description of the program's content;
  - b. Evidence of IACET approval of the provider, which may comprise information, including advertising or registration materials, that state the provider is IACET-approved;
  - c. The hours of continuing education credited by the provider;
  - d. The name of the licensee;
  - e. The name of each instructor; and
  - f. The date(s) of the licensee's program attendance; or
- (2) A written statement that:
  - a. Provides the information required by (1), above; and
  - b. Is signed and dated by the instructor of the program.

Plc 1407.08 Participation in Facility-Based Recreation Therapy In-Service Training, Including Grand Rounds.

(a) A licensee may claim credit towards the continuing competence requirement for participation as a speaker or attendee at a facility-based recreational therapy in-service training, including grand rounds, if the in-service training:

- (1) Includes a scheduled speaker; and
- (2) Is on a specific topic related to one or more of the NCTRC knowledge domains.

(b) The licensee may claim one hour for each clock hour of such participation, to a maximum of 10 hours per renewal cycle.

(c) Documentation of a licensee's participation in facility-based recreation therapy in-service training, including grand rounds, shall be a written statement on the letterhead of the facility that shows:

- (1) The name of the licensee;
- (2) The title of the in-service training or grand round;
- (3) The date and the total number of hours of the in-service training or grand round; and
- (4) The printed name and signature of the licensee's supervisor at the facility or of the instructor of the in-service training or grand round.

Plc 1407.09 Publication of an Article in a Professional Journal.

(a) A licensee may claim credit towards the continuing competence requirement for publication of an article in a professional journal.

(b) The licensee may claim no more than 10 contact hours per renewal cycle in accordance with the following:

- (1) For a peer-reviewed article:
  - a. If the licensee was the sole or primary author, 6 contact hours; and
  - b. If the licensee was a co-author or secondary author, 3 contact hours; and
- (2) For a non-peer reviewed article:
  - a. If the licensee was the sole or primary author, 4 contact hours; and
  - b. If the licensee was a co-author or secondary author, 2 contact hours.

(c) Documentation of a licensee's publication of an article in a professional journal shall be:

- (1) A copy of:
  - a. The publication or its title page showing the licensee's authorship;
  - b. The table of contents of the journal; and
  - c. The publication date of the journal; or
- (2) If publication of the article is still in progress, the journal publisher's letter of acceptance of the article with a copy of the article.

Plc 1407.10 Self-Directed Education.

(a) A licensee may claim credit towards the continuing competence requirement for successful completion of courses that meet the definition of "self-directed education" in Plc 1402, provided that the courses are related to one or more of the NCTRC knowledge domains.

(b) The licensee may claim the same number of hours attributed by the sponsor or provider of the course to a maximum of 10 hours per renewal cycle.

(c) Documentation of a licensee's successful completion of courses taken through distance learning shall be a certificate of completion that shows:

- (1) The name of the licensee;

- (2) The course title and description;
- (3) The name and address of the sponsor or provider of the course;
- (4) The name and professional credentials of the course instructor;
- (5) The number of hours attributed by the sponsor or provider to completion of the course; and
- (6) The date the licensee completed the course.

Plc 1407.11 Participation in the Work of Professional Boards and Committees.

(a) A licensee may claim credit towards the continuing competence requirement for participating as a member in the work of a board or committee of a professional recreation therapy organization or government agency.

(b) The licensee may claim 5 hours for each board or committee served, to a maximum of 10 hours per renewal cycle.

(c) Documentation of a licensee's participation as a member in the work of a board or committee of a professional recreation therapy organization or government agency shall be a dated letter on the organization's letterhead confirming the licensee's membership and the approximate total hours of the licensee's service, signed by:

- (1) The president, head, or chair of the board or committee; or
- (2) If the licensee is the president, head, or chair, 2 or more members of the board or committee.

Plc 1407.12 Direct Supervision of Recreation Therapy Interns.

(a) A licensee may claim credit towards the continuing competence requirement for the direct supervision of one or more recreation therapy interns when the licensee acts as the primary internship supervisor.

(b) The licensee may claim 5 hours per student for such internship supervision, to a maximum of 10 hours per renewal cycle.

(c) Documentation of a licensee's direct supervision of one or more recreation therapy interns shall be a letter on professional letterhead that:

- (1) Is dated and signed by the internship supervisor of the educational institution the student attends;
- (2) Identifies the licensee and each intern supervised by the licensee; and
- (3) Identifies, by beginning and ending dates, the period(s) during which the licensee performed the direct supervision of each intern.

Plc 1407.13 Special Certifications.

(a) A licensee may claim credit towards the continuing competence requirement for receipt during the renewal cycle of a special certification, including:

- (1) Certification or re-certification in adult, infant, and child cardio-pulmonary resuscitation issued by the American Heart Association, the American Red Cross, the American Safety and Health Institute, Medic First Aid, or any other nationally-recognized organization providing training in infant, child, and adult cardiopulmonary resuscitation; and



- (2) Any other special certification related to recreation therapy issued by a professional organization, accredited college or university, or professional certifying body.
- (b) The licensee may claim 5 hours per certification to a maximum of 10 hours per renewal cycle.
  - (c) Documentation of a licensee's certification or re-certification in adult, infant and child cardiopulmonary resuscitation shall be a photocopy of:
    - (1) The front and back of a current cardiopulmonary resuscitation certificate, known as basic life skills for healthcare providers, issued by the American Heart Association;
    - (2) The front and back of a current certificate in adult cardiopulmonary resuscitation issued by the American Red Cross together with a current certificate in infant and child cardiopulmonary resuscitation issued by the American Red Cross; or
    - (3) The front and back of a current certificate in adult, child and infant cardiopulmonary resuscitation issued by Medic First Aid, by the American Safety and Health Institute or by any other nationally recognized organization providing training in infant, child and adult cardiopulmonary resuscitation.
  - (d) Documentation of any other special certification shall be a copy of the front and back of the certificate showing:
    - (1) The licensee's name;
    - (2) The date of issuance;
    - (3) The name of the certifying body; and
    - (4) The printed name and signature of:
      - a. The instructor of the course leading to the certification; or
      - b. A representative of the certifying body.

Plc 1407.14 Professional Presentations.

- (a) A licensee may claim credit towards the continuing competence requirement for a professional presentation at a professional symposium, conference, or workshop, provided that:
  - (1) The licensee is the primary presenter; and
  - (2) The content of the presentation relates directly to one or more of the NCTRC knowledge domains.
- (b) The licensee may claim one hour for each clock hour of the presentation to a maximum of 10 hours per renewal cycle.
- (c) The licensee shall not claim credit for multiple or repeat presentations of the same material, provided that the licensee may claim credit for a presentation of the same topic in a subsequent renewal cycle if the licensee has substantially revised the presentation materials.
- (c) Documentation of a licensee's professional presentation at a professional symposium, conference, or workshop shall be:
  - (1) The printed program of the symposium, conference, or workshop showing:
    - a. A description of the subject(s) of the presentation;

- b. The date of the presentation;
  - c. The number of hours of the presentation; and
  - d. If the licensee previously claimed credit for a presentation on the same topic, a written explanation of the revisions made by the licensee to the materials presented; and
- (2) A copy of:
- a. An evaluation of the presentation;
  - b. A summary of the evaluations of the presentation;
  - c. A letter of thanks specifically identifying the presentation and addressed to the licensee; or
  - d. Any other document confirming that the presentation was completed.

#### PART Plc 1408 LICENSE RENEWAL AND REINSTATEMENT

Plc 1408.01 Eligibility for License Renewal. To be eligible for renewal of a license to practice recreational therapy, an individual shall:

- (a) As required by RSA 326-J:6, I:
  - (1) Have not violated RSA 326-J or rules adopted to implement RSA 326-J or demonstrated poor moral character; and
  - (2) Meet the continuing competency requirements specified in Plc 1407; and
- (b) As required by Plc 1407.03, maintain his or her NCTRC certification.

Plc 1408.02 Notification of Pending License Expiration.

(a) At least 60 days prior to the expiration of a license issued pursuant to RSA 326-J and Plc 1400 or rules of the predecessor board, the licensing bureau shall:

- (1) Notify, in writing to the email address on file, each practitioner whose license is expiring that:
  - a. The license is due to expire; and
  - b. Failure to file a complete and timely application for renewal shall result in the license expiring; and
- (2) Include with the written notice an “Application to Renew Recreational Therapy License” dated November 2022 or, when the application is available on-line, a registration code for the practitioner to use to renew on-line.

(b) A practitioner who wishes to renew his or her license who does not receive an application or registration code shall contact OPLC customer support at [CustomerSupport@oplcnh.gov](mailto:CustomerSupport@oplcnh.gov) to obtain an application or registration code, as applicable.

(c) As provided in RSA 310-A:1-h and RSA 541-A:30, I, if a timely and complete renewal application has been filed then the license shall continue as valid until final action is taken on the application for renewal.

(d) A practitioner whose license has expired shall not practice recreation therapy in New Hampshire unless and until his or her license has been reinstated as provided in Plc 1408.13.

Plc 1408.03 Application for License Renewal. A practitioner who wishes to renew his or her license shall submit the following to the licensing bureau:

(a) A completed “Application to Renew Recreational Therapy License” dated November 2022 that provides the information required by Plc 1408.04 and is signed and certified as required by Plc 1408.07;

(b) The documentation required by Plc 1408.05, as applicable;

(c) The information and certification relative to meeting continuing competence requirements, as specified in Plc 1408.06; and

(d) An application processing fee of \$165.

Plc 1408.04 Information Required for Renewal Application. An applicant for renewal of a recreational therapist license shall provide the following information:

(a) The applicant’s license number and expiration date;

(b) The applicant’s full legal name, including any suffix such as “Jr.” or “III”, and any other name(s) under which the applicant holds or has held a professional license;

(c) The applicant’s date of birth, including month, day, and year;

(d) The applicant’s social security number, as required by RSA 161-B:14, VI-a and 42 U.S.C. 666(a)(14);

(e) The applicant’s home physical address by street name and number, municipality, state, and zip code, and home mailing address if different;

(f) The applicant’s home or other personal telephone number;

(g) The applicant’s designated email address;

(h) Relative to the business where the applicant works, the name and location of the business, its telephone number, the URL of the business’s website, if any, and the business email address, if any;

(i) If the information the applicant has previously provided relative to professional licensing in other jurisdictions has changed, an update of that information;

(j) A “yes” or “no” answer to the following questions regarding the applicant’s background and character:

(1) During the past 27 months or not previously reported, have you been found guilty or entered a plea of no contest to any felony or misdemeanor?;

(2) During the past 27 months or not previously reported, have you been the subject of any disciplinary action by any professional licensing authority?;

(3) During the past 27 months or not previously reported, have you been denied a license or other authorization to practice in any state or jurisdiction?;

(4) During the past 27 months or not previously reported, have you surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges?;

- (5) Are you now or do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction?;
- (6) During the past 27 months or not previously reported, has any malpractice claim been made against you?;
- (7) During the past 27 months or not previously reported, have you, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant's place of employment, or had any privileges limited, suspended or revoked in any hospital, health care setting, home health care agency, educational institution, or other professional setting?;
- (8) During the past 27 months or not previously reported, have you been denied the privilege of taking an examination required for any professional licensure?; and
- (9) During the past 27 months or if not previously reported, have you committed any act(s) that would violate the laws and/or rules that govern the practice of respiratory care?;
- (k) Whether the applicant consents to the disclosure to third parties of any of the applicant's personal contact information; and
- (l) Whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c.

Plc 1408.05 Documentation Required for Renewal Application. The applicant shall submit the following additional documentation with a renewal application:

- (a) Documentation of current NCTRC certification;
- (b) If the applicant has provided updated information about professional licensing in other states that has been denied or for which other disciplinary action, including but not limited to suspension or revocation, has been taken or is pending, a written explanation detailing the circumstances surrounding each such action that includes the date of the action, reason(s) for action, and any other information the applicant believes is relevant; and
- (c) If the applicant answers "yes" to any of the background/character questions, a written explanation of the circumstances of each that includes the facts supporting the answer, the date and jurisdiction of the occurrence, and any other information the applicant believes is relevant, to the extent the information is not being provided pursuant to (b), above.

Plc 1408.06 Information and Certification Relative to Continuing Competence.

- (a) An applicant for renewal of a recreational therapist license shall provide the following information relative to continuing competence:
- (1) The total number of hours achieved by the applicant in continuing professional education courses or professional activities since the beginning of the current license term; and
- (2) The following information for each continuing professional education course and professional activity for which credit is claimed:
- a. The name of the course or activity;
  - b. The beginning and ending date(s) of the course or activity;

- c. The name of the sponsor or provider of the course or activity;
- d. The number of clinical hours attributable to the course or activity;
- e. The number of non-clinical hours attributable to the course or activity; and
- f. The total number of hours attributable to the course or activity.

(b) Submission of the information shall constitute the applicant's certification that the applicant has met all continuing competence requirements.

Plc 1408.07 Signature and Certification Required for Renewal Application.

(a) The applicant shall sign and date the application, provided that when the application is available via an on-line portal, the submission of the application shall constitute the signature and the date of submission shall be the date.

(b) The applicant's signature shall constitute the applicant's certification that:

- (1) The applicant is in full compliance with RSA 326-J and all corresponding New Hampshire rules;
- (2) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (4) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3, I relative to falsification in official matters.

Plc 1408.08 Initial Review of Renewal Applications: Abandonment.

(a) Within 30 days of receipt of an application for license renewal submitted pursuant to Plc 1408.03, the licensing bureau shall review the application and:

- (1) Accept the application as being complete; or
- (2) Determine that the application is incomplete and notify the applicant in writing sent to the applicant's designated email address that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) A notice of incompleteness sent pursuant to (a)(2), above, shall clearly inform the applicant that if the application is not completed by the last day of the renewal month, then:

- (1) The applicant's NH license will expire and the applicant will not be able to work legally in New Hampshire unless and until the license is reinstated;
- (2) The application for reinstatement will require a new application fee; and
- (3) The application processing fee paid with the renewal application shall not be refunded.

Plc 1408.09 Withdrawal of Renewal Application.

(a) An applicant may withdraw his or her application for license renewal at any time prior to being notified of a decision under Plc 1408.10.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted, the profession for which the application was submitted, and the date the application was submitted.

(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.

(d) If the application is withdrawn, the application processing fee shall not be refunded.

Plc 1408.10 Review of Complete Renewal Applications; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for the license renewal being applied for.

(b) The licensing bureau shall issue a renewal license if the applicant:

- (1) Has submitted a renewal application in accordance with Plc 1408.03; and
- (2) Demonstrates that he or she meets the requirements for renewal stated in Plc 1408.01.

(c) The licensing bureau shall notify the applicant of the decision on the renewal application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to renew a license are met, then:

- (1) The licensing bureau shall conditionally deny the application; and
- (2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall become final in 30 days unless the applicant requests a hearing in writing within 30 days.

(d) If the application is denied, the license renewal application processing fee shall not be refunded.

Plc 1408.11 Renewal Licenses: Issuance and Duration.

(a) Each renewal license to practice recreational therapy issued by the OPLC shall specify:

- (1) The name of the licensee;
- (2) The effective dates of the license; and
- (3) The license number.

(b) Licenses shall:

- (1) Be valid for 2 years, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;
- (2) Expire on the last day of the month in which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked pursuant to Plc 1410; and
- (3) Be subject to renewal biennially.

Plc 1408.12 Reinstatement of a License After Expiration.

(a) An individual whose license has expired shall not practice in New Hampshire unless and until he or she has obtained a license in accordance with RSA 326-J and Plc 1400.

(b) An individual whose license has expired who wishes to obtain a license in New Hampshire shall apply for a renewal license in accordance with Plc 1408, including demonstrating that the applicant has met the requirements for continuing competence specified in Plc 1407.

Plc 1408.13 Reinstatement of a License Previously Revoked.

(a) An individual whose license was revoked pursuant to Plc 1410, or whose license was revoked by the New Hampshire recreational therapy governing board prior to July 19, 2022, who wishes to have his or her license reinstated shall:

(1) Submit an application for renewal licensure in accordance with Plc 1408.03, including demonstrating that the applicant has met the requirements for continuing competence; and

(2) Demonstrate that all conditions imposed in the revocation order have been met.

(b) If the licensing bureau makes a preliminary determination that the applicant does not qualify for a license or does not qualify for an unrestricted license, the licensing bureau shall refer the application to the executive director, who shall initiate an adjudicative proceeding pursuant to Plc 200 to determine whether to deny the application or to reinstate the license with conditions, as provided in RSA 326-J:5, II.

(c) A license shall not be granted to an individual who previously held a license whose license was revoked unless and until the individual has:

(1) Complied with all requirements of the revocation order;

(2) Paid the costs associated with the revocation, if imposed pursuant to RSA 310-A:1-m, VI or other applicable law; and

(3) Demonstrated that he or she meets all other requirements for a renewal license.

PART Plc 1409 ETHICAL AND PROFESSIONAL STANDARDS

Plc 1409.01 Applicability.

(a) The standards in this part shall apply to each individual who applies to be licensed under RSA 326-J or who is licensed under RSA 326-J.

(b) Violations of these standards shall constitute unprofessional conduct that subjects the violator to disciplinary proceedings pursuant to Plc 1410.

Plc 1409.02 ATRA Code of Ethics for Recreational Therapists. All recreational therapists shall comply with the Code of Ethics of the American Therapeutic Recreation Association (ATRA) dated July 2009, reprinted in Appendix B.

Plc 1409.03 Professional Obligations. Each person subject to this chapter shall:

(a) Comply with RSA 326-J and Plc 1400;

(b) Obey in good faith, and within any time periods specified, any disciplinary or remedial orders issued by the executive director;

(c) Interact with colleagues and patients with honesty and integrity;

- (d) Not misrepresent professional qualifications or credentials;
- (e) Cooperate with inspections and with lawful investigations by the executive director;
- (f) Treat all individuals with whom the person interacts in a professional capacity with respect and civility;
- (g) Maintain sexual boundaries by:
  - (1) Refraining from any behavior that exploits the practitioner-patient relationship in a sexual way; and
  - (2) Avoiding any behavior that is sexual or sexually demeaning, or that could be reasonably interpreted as such, even when initiated by or consented to by the patient or a colleague;
- (h) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity; and
- (i) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin.

#### PART Plc 1410 PROCEDURES; DISCIPLINARY PROCEEDINGS

Plc 1410.01 Rules of Practice and Procedure. The rules in Plc 200 shall govern:

- (a) The receipt of misconduct complaints and the investigation thereof;
- (b) The conduct of disciplinary hearings;
- (c) Waivers of rules;
- (d) Voluntary surrender of licenses; and
- (e) Any other procedures not included in this chapter.

Plc 1410.02 Procedures for License Suspension or Revocation.

- (a) If the executive director, after investigation conducted pursuant to Plc 200, determines that credible evidence exists that a licensee has violated a requirement of RSA 326-J or Plc 1400, or both, the executive director shall initiate a disciplinary proceeding pursuant to Plc 200.
- (b) After notice and an opportunity for a hearing, the executive director shall:
  - (1) Require the licensee to participate in a program of continuing education in the area or areas in which the licensee was found to be deficient, if each violation was committed unknowingly, the licensee has no prior history of violations, and no harm was threatened or caused by the violation;
  - (2) Issue a reprimand and require the licensee to submit a plan of correction, if each violation was committed negligently, the licensee has no prior history of violations, and no harm was threatened or caused by the violation;
  - (3) Suspend the license, if any violation was committed negligently, no serious harm was threatened or caused by the violation, and the licensee has been found to have committed one or more additional violations within the preceding 2 years; or
  - (4) Revoke the license, if:



- a. Any violation was committed recklessly or knowingly;
- b. Serious harm was caused by the violation; or
- c. The licensee fails to comply with the conditions for the removal of a suspension within the time period specified in the suspension order.

Plc 1410.03 Conditions of License Suspension or Revocation.

- (a) If a license is suspended, the licensee shall prepare and submit a plan of correction to address each violation that provided a basis for the disciplinary proceeding.
- (b) The executive director shall review the submitted plan of correction and:
  - (1) Approve the plan, if it:
    - a. Addresses each violation that provided a basis for the disciplinary proceeding; and
    - b. Identifies one or more specific actions that the licensee will take to correct each violation and specifies a reasonable deadline for taking the action(s); or
  - (2) Return the plan to the licensee for revision and resubmission if the plan does not meet the requirements for approval specified in (1), above.
- (c) A licensee whose license was suspended may request the license to be reactivated after the conditions specified in the suspension order have been met, by submitting a written request to the executive director that demonstrates compliance with the plan of correction as approved by the executive director.
- (d) Upon reactivation of a suspended license, the licensee shall not be required to pay an additional fee, and the expiration date of the license shall remain the same.
- (e) If a license is revoked, any subsequent application for licensure shall include a plan of correction that addresses each violation that provided a basis for the disciplinary proceeding that resulted in the revocation.
- (f) An individual whose license has been revoked and who wishes to reapply for a license shall apply as for reinstatement of the license in accordance with Plc 1408.10.

Plc 1410.04 Reciprocal Discipline.

- (a) When the executive director receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, the executive director shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.
- (b) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction, the licensee shall be subject to any disciplinary sanction authorized by applicable law.

Plc 1410.05 Rehearings and Appeals.

- (a) Subject to (c) below, any person who has been refused a license or certification under this chapter or has been disciplined under this chapter shall have the right to petition for a rehearing within 30 days after the original final decision as provided in RSA 310-A:1-n.
- (b) Subject to (c) below, the prosecutor or an intervenor may request a rehearing and appeal as provided in Plc 200 and RSA 541.

(c) As provided in RSA 310-A:1-n, III, no sanction shall be stayed by the applicable board during an appeal.

#### APPENDIX A: STATE STATUTES IMPLEMENTED

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

#### APPENDIX B: ATRA CODE OF ETHICS

The American Therapeutic Recreation Association's Code of Ethics is to be used as a guide for promoting and maintaining the highest standards of ethical behavior. The Code applies to all Recreational Therapy personnel. The term Recreational Therapy personnel includes Certified Therapeutic Recreation Specialists (CTRS), recreational therapy assistants and recreational therapy students. Acceptance of membership in the American Therapeutic Recreation Association commits a member to adherence to these principles.

##### **Principle 1: Beneficence**

Recreational Therapy personnel shall treat persons served in an ethical manner by actively making efforts to provide for their well-being by maximizing possible benefits and relieving, lessening, or minimizing possible harm.

##### **Principle 2: Non-Maleficence**

Recreational Therapy personnel have an obligation to use their knowledge, skills, abilities, and judgment to help persons while respecting their decisions and protecting them from harm.

##### **Principle 3: Autonomy**

Recreational Therapy personnel have a duty to preserve and protect the right of each individual to make his/her own choices. Each individual is to be given the opportunity to determine his/her own course of action in accordance with a plan freely chosen. In the case of individuals who are unable to exercise autonomy with regard to their care, recreational therapy personnel have the duty to respect the decisions of their qualified legal representative.

##### **Principle 4: Justice**

Recreational Therapy personnel are responsible for ensuring that individuals are served fairly and that there is equity in the distribution of services. Individuals should receive services without regard to race, color, creed, gender, sexual orientation, age, disease/disability, social and financial status.

##### **Principle 5: Fidelity**

Recreational Therapy personnel have an obligation, first and foremost, to be loyal, faithful, and meet commitments made to persons receiving services. In addition, Recreational Therapy personnel have a secondary obligation to colleagues, agencies, and the profession.

**Principle 6: Veracity**

Recreational Therapy personnel shall be truthful and honest. Deception, by being dishonest or omitting what is true, should always be avoided.

**Principle 7: Informed Consent**

Recreational Therapy personnel should provide services characterized by mutual respect and shared decision making. These personnel are responsible for providing each individual receiving service with information regarding the services, benefits, outcomes, length of treatment, expected activities, risk and limitations, including the professional's training and credentials. Informed consent is obtained when information needed to make a reasoned decision is provided by the professional to competent persons seeking services who then decide whether or not to accept the treatment.

**Principle 8: Confidentiality & Privacy**

Recreational Therapy personnel have a duty to disclose all relevant information to persons seeking services: they also have a corresponding duty not to disclose private information to third parties. If a situation arises that requires disclosure of confidential information about an individual (ie: to protect the individual's welfare or the interest of others) the professional has the responsibility to inform the individual served of the circumstances.

**Principle 9: Competence**

Recreational Therapy personnel have the responsibility to maintain and improve their knowledge related to the profession and demonstrate current, competent practice to persons served. In addition, personnel have an obligation to maintain their credential.

**Principle 10: Compliance with Laws and Regulations**

Recreational Therapy personnel are responsible for complying with local, state and federal laws, regulations and ATRA policies governing the profession of Recreational Therapy.

Revised by the ATRA Board of Directors | July 2009

**APPENDIX C: STATUTORY DEFINITION****RSA 326-J:1**

III. "Recreational therapy" means a treatment service designed to restore, remediate, and rehabilitate a person's level of functioning and independence in life activities, to promote health and wellness as well as reduce or eliminate the activity limitations and restrictions to participation in life situations caused by an illness or disabling condition.

(a) For purposes of accomplishing therapeutic recreation goals, recreational therapy may include:

(1) Remediating or restoring an individual's participation levels that are limited due to impairment in physical, cognitive, social, or emotional abilities.

(2) Analyzing and evaluating recreational and psychosocial activities to determine the physical, social, and programmatic elements necessary for involvement and modifying those elements to promote full participation and maximization of functional independence.

(3) Using recreational modalities in designed intervention strategies to maximize physical, cognitive, social, or emotional abilities.

(4) Incorporating the individual's interests and the individual's family and community to maximize relevance to the individual's goals.

(5) Promoting the concept of healthy living into treatment strategies to decrease the potential for secondary conditions.

(6) Developing community support and encouraging attitudinal changes to reflect dignity, self respect, and involvement within one's community.

- (7) Fostering peer and intergenerational relationships.
- (b) Recreational therapy services include, but are not limited to:
  - (1) Conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan.
  - (2) Planning and developing the individualized treatment plan that identifies an individual's goals, objectives, and treatment intervention strategies.
  - (3) Implementing the individualized treatment plan that is consistent with the overall treatment program.
  - (4) Systematically evaluating and comparing the individual's response to the individualized treatment plan and suggesting modifications as appropriate.
  - (5) Developing a discharge plan in collaboration with the individual, the individual's family, and other treatment team members.
  - (6) Identifying, designing, fabricating, applying, or training in the use of, adaptive recreational equipment.
  - (7) Identifying, applying, and evaluating the use of non-invasive and non-pharmacological approaches to reduce or alleviate pain or manage pain to minimize its impact upon participation.
  - (8) Identifying, providing, and educating individuals to use resources that support a healthy, active, and engaged life.
  - (9) Minimizing the impact of environmental constraints as a barrier to participation.
  - (10) Collaborating with and educating the individual, family, caregiver, and others to foster an environment that is responsive to the needs of the individual.
  - (11) Consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility.

**Source.** 2006, 220:1, eff. July 1, 2007.