

Notice Number 2024-152

Rule Number Mhp 400 various

1. Agency Name & Address:

**Board of Mental Health Practice
c/o Office of Professional Licensure &
Certification
7 Eagle Square
Concord, NH 03301**

2. RSA Authority: RSA 330-A:10, XI

3. Federal Authority: N/A

4. Type of Action:

Adoption X

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **License Renewal, License Reinstatement, and Continuing Education Requirements for Mental Health Practitioners**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Board of Mental Health Practice (Board) proposes to:

(1) Readopt with amendment Mhp 401.01 through Mhp 401.04 on license renewal to incorporate Plc 1002.29 rule for fees and to require applicants seeking renewal of an occupational license regulated by RSA 330-A to comply with Plc 308 rules for license renewals. The Executive Director of the Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt procedural rules for applications for licensure, pursuant to 2023, 235:8, effective July 15, 2023.

(2) Readopt with amendment Mhp 401.05 rule on inactive status to incorporate Plc 307 rules for placing the license of reserve military members called to active duty on “inactive” status. The OPLC was granted authority in RSA 310:8, V to make inactive a reserve service member’s license, upon their request, when called to active duty, pursuant to 2023, 235:8, effective July 15, 2023.

(3) Readopt with amendment Mhp 402 on continuing education to clarify that continuing education requirements shall apply to pastoral psychotherapists, licensed independent clinical social workers, school social workers, clinical mental health counselors, and marriage and family therapists. Further amendment proposes to require that Board-approved supervisors complete 6 continuing education credits in clinical supervision, from Category A, as part of the 40 total credits required.

(4) Adopt Mhp 402.02 establishing continuing education requirements for licensed social workers pursuant to 2021, 183:7, effective October 9, 2021.

(5) Adopt Mhp 402.03 establishing the continuing education requirements for licensed social work associates pursuant to 2021, 183:7, effective October 9, 2021.

(6) Readopt with amendment and renumber Mhp 402.02 on approved continuing education as Mhp 402.04, to limit the number of home study continuing education credits for each license type. Further amendments propose to grant continuing education credits to licensed social workers, and social work associates who complete bachelor level course work. Additionally, continuing education credits can be earned through teaching baccalaureate or graduate level courses.

(7) Readopt with amendment and renumber Mhp 402.03 on failure to satisfy continuing education requirements, as Mhp 402.05, to clarify the waiver process for licensees who fail to meet the continuing education requirements.

(8) Readopt with amendment Mhp 403.01 on collaboration hours to provide better clarity.

(9) Readopt with amendment Mhp 404.01 and Mhp 404.02, on, respectively, reinstatement and denial of reinstatement, to incorporate Plc 312 rules for the process of obtaining a license after expiration, suspension, or revocation, pursuant to 2023, 235:8, effective July 15, 2023.

6. (b) Brief description of the groups affected:

The rule affects the general public, mental health practitioners, and individuals seeking licensure as a mental health practitioner in New Hampshire.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute Implemented
Mhp 401.01	RSA 310:8, II
Mhp 401.02	RSA 330-A:31, I and RSA 310:8, III
Mhp 401.03 and Mhp 401.04	RSA 310:8, III
Mhp 401.05	RSA 330-A:31, III
Mhp 402.01 through Mhp 402.05	RSA 330-A:10, XI
Mhp 403.01	RSA 330-A:10, XVI
Mhp 404.01 and Mhp 404.02	RSA 310:8, III

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Chantell B. Wheeler** Title: **Rules Administrator**
Mailing Address: **OPLC
7 Eagle Square
Concord, NH 03301** Phone #: **(603) 271-8311**
Fax#: **None** E-mail: **chantell.b.wheeler@oplcnh.gov**
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 30, 2024, at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, September 20, 2024, at 9:00 a.m.**

Physical Location: **OPLC offices at 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:149 , dated August 8, 2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules the proposed rules may increase costs to certain State citizens and independently owned businesses. Not applicable to Mhp 402.02 and Mhp 402.03 as these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules codify the continuing education hours for certain professions and apply new continuing education requirements for school social workers, social workers and social worker associates as these are new license types. These new requirements may increase costs to those State citizens who work in these professions when renewing their licenses or to independently owned businesses who choose to pay for their employees to complete their continuing education requirements.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

See # 3 above.

C. To independently owned businesses:

See # 3 above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no costs associated with the rules, and the rules do not apply to political subdivisions. The rules do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.