

Notice Number 2024-153

Rule Number Mhp 500 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, IV - VII
3. Federal Authority: N/A
4. Type of Action:
Adoption _____
Repeal X
Readoption _____
Readoption w/amendment X

5. Short Title: **Ethical and Professional Standards 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 501.02, to require licensed independent clinical social workers to adhere to the National Association of Social Workers code of ethics, updated in 2021, from the January 1, 2018 edition. Additionally, licensed social workers and social work associates are also required to follow this code of ethics pursuant to 2021, 183:7, effective October 9, 2021.

(2) Repeal the existing rules in Mhp 503 through Mhp 505 regarding allegations of licensee misconduct, disciplinary proceedings, and disposition of disciplinary proceedings. The Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt organizational and procedural rules necessary to administer the boards, pursuant to 2023, 235:8, effective July 15, 2023. The Board has proposed adopting rules to integrate the Plc 200 regulations under the authority of RSA 541-A:16, I(b)-(d). This includes the receipt and investigation of misconduct complaints, as well as the conduct of both adjudicative and non-adjudicative proceedings. Refer to Notice Number 2024-147, published in the August 8, 2024 Rulemaking Register.

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 501.02(a)(1) | RSA 330-A:10, IV |
| Mhp 501.02(a)(2) | RSA 330-A:10, V |
| Mhp 501.02(a)(3) | RSA 330-A:10, VI |
| Mhp 501.02(a)(4) | RSA 330-A:10, VII |
| Mhp 503 (repeal) | 2023, 212:21, III |
| Mhp 504 (repeal) | 2023, 212:21, IV |
| Mhp 505 (repeal) | 2023, 212:21, II |

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 # 24:148 , dated August 8, 2024

- 1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in costs when comparing the proposed rules to the existing 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):**
 - A. To State general or State special funds:**
None.
 - B. To State citizens and political subdivisions:**
None.
 - C. To independently owned businesses:**
None.

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.