

Readopt with amendment Phy 401.01, effective 1/20/17 (Document #12088), to read as follows:

Phy 401.01 "Active in the profession" means having engaged in physical therapy:

(a) As:

- (1) A licensed physical therapist or physical therapist assistant providing physical therapy interventions in a clinical setting;
 - (2) A physical therapy educator;
 - (3) A physical therapy administrator;
 - (4) A physical therapy consultant;
 - (5) A student enrolled full time in an advanced physical therapy degree program; or
 - (6) A physical therapy researcher; and
- (b) At the rate of 200 hours during the 24 months immediately preceding the completed application.

Adopt Phy 401.02 through Phy 401.04, previously effective 12/23/2011 (Document #10061) and expired 12/23/2021, to read as follows:

Phy 401.02 "American Board of Physical Therapy Residency & Fellowship Education (ABPTRFE)" means the entity that sets the standards by which clinical residency and clinical fellowship programs are conducted.

Phy 401.03 "Clinical fellowship" means a planned program of post professional clinical and didactic education:

- (a) For physical therapists who demonstrate clinical expertise, prior to commencing the program, in a learning experience, in an area of clinical practice related to the practice focus of the fellowship; and
- (b) In which a fellowship program is designed to provide greater depth in a specialty or subspecialty area than that which is covered in a residency program.

Phy 401.04 "Clinical residency" means a planned program of post professional clinical and didactic education for physical therapists that:

- (a) Advances the physical therapist resident's preparation as a provider of patient care services in a defined area of clinical practice; and
- (b) Advances a resident's expertise in examination, evaluation, diagnosis, prognosis, intervention, and management of patients in a defined area of clinical practice, a specialty.

Repeal Phy 401.15, effective 1/20/17 (Document #12088), and renumber Phy 401.16 as Ph 401.15, as follows:

~~[Phy 401.15 "Practice review tool" means a set of computer-based tests sponsored by the Federation of State Boards of Physical Therapy for the purpose of assessment of clinical competence in physical therapy.]~~

Readopt with amendment Phy 401.17, effective 1/20/17 (Document #12088), and renumber as Phy 401.16, and renumber Phy 401.18 as Phy 401.17, so that Phy 401.16 reads as follows:

Phy 401.16 “Renewal year” means 2 years from the date the license was issued.

Repeal Phy 402.01, effective 8/23/13 (Document #10402), cited as follows:

PART Phy 402 PROCEDURES FOR RENEWING A LICENSE ~~[AND INDICATING A DECISION NOT TO RENEW]~~

~~[Phy 402.01 Procedure for Licensees Who Do Not Wish to Renew Their Licenses. Any licensee who does not wish to renew his or her license shall so indicate by:~~

~~—— (a) Submitting only the first page of the renewal form on or before December first of the renewal year; and~~

~~—— (b) Completing that page only to the following extent:~~

~~(1) Correcting or adding as necessary to the preprinted home mailing address; and~~

~~(2) Placing on the lines provided for a licensee not wishing to renew:~~

~~a. His or her signature; and~~

~~b. The date of signing.]~~

Readopt with amendment and renumber Phy 402.02, effective 11/22/14 (Document #10725), as Phy 402.02 to read as follows:

Phy 402.01 License Renewal Procedure.

(a) A licensee wishing to renew their current license shall:

(1) Submit the completed “Universal Application for License Renewal” described in Plc 308.06;

(2) Submit the completed “Addendum to the Universal Renewal Application Form described in Plc 308.06” requiring a list of continuing education obtained for current renewal purposes including:

a. Beginning and ending dates;

b. Course or professional activity title;

- c. Name of sponsor or provider;
- d. Number of clinical hours;
- e. Number of other hours;
- f. The rule number that allows for the continuing education being claimed; and
- g. The total number of hours obtained;

(3) Complete 24 contact hours of continuing competence requirements as described in Phy 406.01; and

(4) Take and pass the New Hampshire jurisprudence assessment module as described in Phy 402.03 in the year ending in “0” or “5”.

(b) Sign and date the application described in Phy 402.01(a)(1) as described in Plc 308.08.

(c) Renewal applicants shall follow the renewal procedures set forth in Plc 308.09 through Plc 308.12.

(d) Renewal applicants whose licenses have lapsed shall not practice physical therapy until their licenses have been reinstated by the office of professional licensure and certification (OPLC).

Readopt with amendment Phy 402.03, effective 1/20/17 (Document #12088) and renumber as Phy 402.02, to read as follows:

Phy 402.02 License Renewal Application Packet. Applicants for license renewal shall submit each of the following components of the application packet to the OPLC:

- (a) The completed renewal application forms described in Phy 402.01(a) (1) and (2);
- (b) The documents described in Phy 402.04; and
- (c) The fee specified by Plc 1002.39 for renewal.

Repeal Phy 402.04, effective 8/23/13 (Document #10402), as follows:

~~[Phy 402.04 Licensure Renewal Application Form.~~

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

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

~~(2) Contain 3 parts as follows:~~

~~a. Part one, which shall be available to the public, except for the information required by (c) and (d) below;~~

~~b. Part 2, which shall be held confidential by the board, except for the information required by (g)(5), (g)(6), and (g)(7) below; and~~

~~c. Part 3, which is available to the public.~~

~~— (b) The renewal applicant shall:~~

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

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

~~— (c) On part one of the renewal application form the renewal applicant shall correct as necessary the home mailing address.~~

~~— (d) Also on part one of the form the renewal applicant shall list the jurisdictions, other than New Hampshire, where the applicant is currently licensed to practice.~~

~~— (e) Also on part one of the form using the "yes" and "no" columns provided, indicate whether:~~

~~(1) During the past 27 months, or if not previously reported, the applicant has been found guilty of, or entered a plea of no contest to, any felony or misdemeanor;~~

~~(2) During the past 27 months, or if not previously reported, the applicant has been the subject of any disciplinary action by any professional licensing authority;~~

~~(3) During the past 27 months, or if not previously reported, the applicant has been denied a license or other authorization to practice in any state or jurisdiction; and~~

~~(4) During the past 27 months, or if not previously reported, the applicant has surrendered a license or other authorization to practice issued by any state or jurisdiction in order to avoid or settle disciplinary charges.~~

~~— (f) Also on part one of the form the renewal applicant shall place his or her signature and the date of signing below the following preprinted statement:~~

~~"I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted to support my application is complete and accurate to the best of my knowledge and belief. I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them."~~

~~— (g) On part 2 of the form a renewal applicant shall provide the applicant's:~~

~~(1) Full name;~~

~~(2) Home physical address;~~

- ~~(3) Home phone number or personal cell phone number;~~
- ~~(4) Home mailing address;~~
- ~~(5) Place of employment name, if any;~~
- ~~(6) Place of employment mailing address, if any;~~
- ~~(7) Place of employment phone number, if any; and~~
- ~~(8) E-mail address at which the applicant wishes to receive correspondence from the board.~~

~~— (h) The renewal applicant shall use the boxes provided to indicate which of the following addresses, if any, the board is permitted to make available to the public:~~

- ~~(1) Home mailing address;~~
- ~~(3) Place of employment mailing address; and~~
- ~~(4) None.~~

~~— (i) The renewal applicant shall designate by checking one of the appropriate boxes if the applicant wishes to receive notification from the board by e-mail or regular mail.~~

~~— (j) The renewal applicant shall verify his or her social security number and make any necessary corrections to the preprinted number by striking through the incorrect number and writing the corrected number under the following preprinted statement:~~

~~"The Governing Board of your profession will deny licensure if you refuse to submit your social security number (SSN). Your professional license will not display your SSN. Your SSN will not be made available to the public.~~

~~The Governing Board is required to obtain your social security number for the purpose of child support enforcement and in compliance with RSA 161-B:11. This collection of your social security number is mandatory."~~

~~— (k) Also on part 2 of the renewal application form the renewal applicant shall indicate using the "yes" and "no" columns provided, indicate whether:~~

- ~~(1) The applicant has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement or consent decree undertaken or issued by a professional licensing board or any state or jurisdiction;~~
- ~~(2) During the past 27 months, or if not previously reported, any malpractice claim has been made against the applicant;~~
- ~~(3) During the past 27 months, or if not previously reported, the applicant has for disciplinary reasons been put on administrative leave, been fired for cause other than staff reductions from a position at his or her place of employment, or had any privileges limited, suspended or revoked in any;~~

- ~~a. Hospital;~~
- ~~b. Health care institution;~~
- ~~c. Home health care agency;~~
- ~~d. Educational institution; or~~
- ~~e. Other professional setting;~~

~~(4) During the past 27 months, or if not previously reported, the applicant has been denied the privilege of taking an examination required for any professional licensure; and~~

~~(5) During the past 27 months, or if not previously reported, the applicant has any physical, mental or emotional condition, or any alcohol or substance abuse problem, which could negatively affect the applicant's ability to practice the profession for which licensure is sought.~~

~~—— (l) On part 3 of the form the renewal applicant shall:~~

- ~~(1) Place his or her full name and current New Hampshire license number; and~~
- ~~(2) Indicate, by using the check box provided, the allied health profession of licensure.~~

~~—— (m) Also on part three of the form the renewal applicant shall use the designated columns to report the following information about each continuing professional education course or professional activity constituting maintenance of continuing competence completed since the issuance of the initial license or the last licensure renewal:~~

- ~~(1) Its beginning and ending dates;~~
- ~~(2) Its title;~~
- ~~(3) The name of its sponsor or provider;~~
- ~~(4) The clinical hours attributable to it;~~
- ~~(5) The other hours attributable to it; and~~
- ~~(6) The total number of hours attributable to it.~~

~~—— (n) Also on part 3 of the form the renewal applicant shall:~~

- ~~(1) Show in the space provided the total hours of continuing professional education and professional activity completed;~~
- ~~(2) Use the designated columns to report the same information required by (h) above for each course or professional activity he or she anticipates will be completed between November 1 and December 31; and~~
- ~~(3) Show in the space provided the total hours of continuing professional education and professional activity anticipated to be completed between November 1 and December 31.]~~

Repeal Phy 402.05, effective 1/20/17 (Document #12088), as follows:

~~[Phy 402.05 Effect of the Renewal Applicant's Signature. The effect of the renewal applicant's signature on part one of the form shall be:~~

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

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

~~(1) The information provided on all of the parts of the license renewal application form and in the documents personally submitted to support the application is complete and accurate to the best of the applicant's knowledge and belief;~~

~~(2) The applicant has read the statutes and administrative rules of the board; and~~

~~(3) The applicant promises to abide by the statutes and administrative rules of the board.]~~

Readopt with amendment Phy 402.06 and Phy 402.07, effective 11/22/14 (Document #10725), and renumber as Phy 402.03 and Phy 402.04, to read as follows:

Phy 402.03 New Hampshire Jurisprudence Assessment Module. Each individual licensed as a physical therapist or physical therapist assistant shall take and pass a New Hampshire jurisprudence assessment module as described below:

(a) The New Hampshire jurisprudence assessment module shall be taken each April, May, or June of years ending in "0" and "5";

(b) Each individual licensed as a physical therapist shall be examined on the contents of RSA 328-A Physical Therapy Practice Act, Phy 100 through 500, and the American Physical Therapy Association (APTA) Code of Ethics for the Physical Therapist;

(c) Each individual licensed as a physical therapist assistant shall be examined on the contents of RSA 328-A Physical Therapy Practice Act, Phy 100 through 500, and the APTA Standards of Ethical Conduct for the Physical Therapist Assistant;

(d) The New Hampshire jurisprudence assessment module shall be developed and administered by the Federation of State Boards of Physical Therapy (FSBPT) and the results sent directly to the OPLC;

(e) The New Hampshire jurisprudence assessment module shall be open book and available on a secure web site;

(f) The New Hampshire jurisprudence assessment module shall be taken individually without consulting others; and

(g) An individual shall achieve a passing score of at least 80 percent.

Phy 402.04 Required Documents. Applicants for renewal of their licenses shall submit, or arrange for the OPLC to receive, the following materials:

(a) A detailed report of the relevant circumstances if any of the answers to questions from the application form specified in Plc 308.06(e) are in the affirmative;

(b) A completed “Physical Therapist and Physical Therapist Assistant Work History Form” requiring the following information for each company or organization worked at:

- (1) Applicant’s name;
- (2) Date of form completion;
- (3) Name of company or organization;
- (4) Company or organizations address;
- (5) Company or organizations phone number;
- (6) Supervisor’s name;
- (7) Employment beginning date;
- (8) Employment ending date;
- (9) Number of hours worked per week; and
- (10) Any comments the licensee deems relevant to the work history; and

(c) The passing scores on the most recently required New Hampshire jurisprudence assessment module as described in Phy 402.03.

Readopt with amendment Phy 402.08, effective 1/20/17 (Document #12088), and renumber as Phy 402.05, to read as follows:

Phy 402.05 The Renewal Application Processing Procedures.

(a) If the OPLC, after receiving and reviewing a completed license renewal application packet requires further information or documents to determine the renewal applicant's eligibility for a fully renewed license or a conditionally renewed license, the OPLC shall:

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

(b) An application for license renewal shall be considered to be completed when the OPLC has received:

- (1) The completed application packet; and

(2) Any additional information or documents which may have been requested pursuant to (a) above.

(c) Within 60 days of the date that the renewal application is completed, the OPLC shall issue written approval of, or intent to deny, the application.

(d) A renewal applicant wishing to challenge the OPLC intent to deny the application for license renewal shall:

(1) Make a written request for a hearing of the applicant's challenge; and

(2) Submit this request to the OPLC:

a. Within 60 days of the OPLC's notification of intent to deny; or

b. If the applicant is on active military duty outside the United States, within 60 days of the applicant's return to the United States or release from active duty, whichever occurs later.

Readopt with amendment Phy 402.09, effective 8/23/13 (Document #10402), and renumber as Phy 402.06 to read as follows:

Phy 402.06 Non-Completion of Maintenance of Continuing Competence Reported on the Renewal Form.

(a) Renewal applicants who reported on their renewal application form that they anticipated completing continuing professional education before their licenses lapses and did not complete the professional education shall:

(1) Report the cancellation to the OPLC no later than 15 days from the date of the cancellation;

(2) Give a detailed written explanation of why the renewal applicant could not complete the continuing education as reported on the renewal form;

(3) If the opportunity to complete continuing professional education was prevented by cancellation, provide proof of the cancellation; and

(4) Provide an explanation of how the licensee plans to meet the continuing education requirement.

Readopt with amendment Phy 402.10, effective 11/22/14 (Document #10725), and renumber as Phy 402.07 to read as follows:

Phy 402.07 Non-Completion of the Requirement to Take and Pass the New Hampshire Jurisprudence Assessment Module Described in Phy 402.03.

(a) The licensees who failed to take or did not pass the New Hampshire jurisprudence assessment module described in Phy 402.03 in the months of April, May, or June or in a year ending in "0" or "5" shall:

- (1) Notify the OPLC within 30 days; and
- (2) Submit a written request to the OPLC to take the exam in a future month, which shall:
 - a. Be dated and signed by the licensee;
 - b. Contain a detailed explanation of why the licensee failed to take or did not pass the assessment module as described in Phy 402.03; and
 - c. Give a detailed plan of how the licensee shall insure the taking and passing of the New Hampshire jurisprudence assessment module during the time period described in the Phy 402.03 in the future.
- (b) Upon receipt of the request, described in (a)(2) above, the OPLC shall within 60 days:
 - (1) Issue a letter granting the licensee's request;
 - (2) Grant the licensee's request and issue a letter explaining the board's concerns that the licensee did not comply with Phy 402.03; or
 - (3) Issue a notice of hearing based on Phy 405.01.
- (c) The licensee's failure to take or pass the New Hampshire jurisprudence assessment module described in Phy 402.03 before their license is due to expire and who failed to comply with (a)(1) above, shall result in the issuance of a notice of hearing.

Readopt with amendment Phy 402.11, effective 8/23/13 (Document #10402), and renumber as Phy 402.08 to read as follows:

Phy 402.08 Audit Procedure.

- (a) On a random basis 10% of the renewal applications submitted in each renewal year shall be selected for an audit of completion of the maintenance of continuing competence required by Phy 406.01.
- (b) If the board selects the licensee for an audit, the OPLC shall notify the licensee within 30 days of the date their license is renewed.
- (c) Audited renewal applicants who reported on the renewal application form that they completed maintenance of continuing competence before their license expired shall:
 - (1) Submit a completed "Continuing Education Audit Form" requiring the following information for each course or activity completed:
 - a. Type of license held by the licensee;
 - b. Name of licensee;
 - c. License number;

- d. Date form completed;
- e. Address of the licensee;
- f. Name of course or activity;
- g. Beginning and ending date of course or activity;
- h. Name of course or activity sponsor;
- i. Number of clinical contact hours;
- j. Number of non-clinical hours;
- k. Type of activity;
- l. Total number of clinical hours;
- m. Total number of non-clinical contact hours; and
- n. Total number of clinical and non-clinical contact hours;

(2) Submit, with the “Continuing Education Audit Form”, proof in the form of the documentation described in Phy 406; and

(3) Submit the materials in (1) and (2) above to OPLC within 30 days of the date on the letter provided on the letter notifying them they are being audited.

(d) Failure to submit proof of continuing education shall be as follows:

(1) If the licensee being audited fails to submit documentation of completion of continuing education the board shall apply the following:

a. If proof of continuing education is postmarked or hand delivered no more than 30 days after the deadline to submit the documents an administrative fine of \$50.00 shall be imposed;

b. If proof of continuing education is postmarked or hand delivered between 31 and 60 days after the deadline to submit the documents an administrative fine of \$100.00 shall be imposed; or

c. If proof of continuing education is not submitted as described in a. and b. above a notice of hearing shall be issued; and

(2) A licensee who has been assessed an administrative fine for failure to submit documentation of continuing education within the deadline described in Ph 402.08 (d)(1)a. and b. above and wishes to challenge the fine the licensee shall:

a. Make a written request for a hearing of the licensee’s challenge; and

b. Submit this request to the OPLC;

1. Within 30 days of the board’s assessment of the administrative fine; or
2. If the applicant is on active military duty outside the United States, within 60 days of the applicant’s return to the United States or release from active duty, whichever occurs later.

(e) The OPLC shall forward all the materials collected for the licensee to the board. The board shall review the materials to determine if the licensee completed the maintenance of continuing education.

(f) If the board determines that the documents submitted pursuant to (c)(2) above do not support the renewal applicant's claim of maintenance of continuing competence, the board shall review the possibility that the renewal applicant made an error on the renewal application form or in submitting documents.

(g) In making the review called for by (e) above the board, through the OPLC, shall seek further information from the renewal applicant if doing so will aid in the review.

(h) If, having completed the review required by (e) above, the board believes that the renewal applicant made an error in reporting or in submitting documents and did not intentionally falsely report maintenance of continuing competence, the board shall:

- (1) Require correction of the error; or
- (2) If the error cannot be corrected, shall be issued a notice of hearing.

(i) If, having completed the review required by (f) above, the board believes that the renewal applicant has intentionally falsely reported maintenance of continuing competence, the board shall commence a disciplinary adjudicative proceeding in the manner required by Plc 200.

Readopt with amendment Phy 402.12 and Phy 402.13, effective 1/20/17 (Document #12088), and renumber as Phy 402.09 and Phy 402.10 to read as follows:

Phy 402.09 Full Renewal of Licensure.

(a) A fully renewed licenses shall be issued by the OPLC to applicants who meet the basic application requirements in (b) below.

(b) The basic application requirements shall be:

- (1) Maintenance of continuing competence as further described in Phy 406;
- (2) Having not:
 - a. Violated RSA 328-A;
 - b. Violated RSA 328-F; or
 - c. Demonstrated poor moral character as evidenced by:

1. The answers to the questions in Plc 304.03(e); and

2. Any related documents submitted pursuant to Phy 402.04(a) or (b); and

(3) Having timely submitted the completed renewal application packet;

(4) Have taken and passed the New Hampshire jurisprudence assessment module described in Phy 402.03.

Phy 402.10 Conditional Renewal of Licensure for Those Not Active in the Profession.

(a) A conditionally renewed licenses shall be issued by the OPLC instead of fully renewed licenses to applicants who:

(1) Submit the documents described in Phy 402.04; and

(2) Apply for renewal less than 5 years after issuance of the original license without being active in the profession as defined in Phy 401.01.

(b) Conditionally renewed licenses shall:

(1) Remain valid for no more than 26 weeks unless their validity is extended pursuant to Phy 408.06 or Phy 408.07; and

(2) Limit the practice of a physical therapist or physical therapist assistant to the supervised practice described in Phy 408.03.

(c) In the case of applicants who have not been active in the profession for more than 6 years immediately preceding their renewal applications, the OPLC shall issue conditionally renewed licenses only if the applicants:

(1) Submit the documents described in Phy 402.04; and

(2) Have retaken and passed the National Physical Therapy Examination for either physical therapists or physical therapist assistants.

(d) Applicants who have retaken and passed the the National Physical Therapy Examination for either physical therapists or physical therapist assistants in accordance with (b)(2)a. above shall demonstrate that they have done so by arranging to have the examination scores sent directly to the OPLC by the FSBPT.

(e) Individuals holding conditionally renewed licenses shall comply with the rules set forth in Phy 408.

Adopt Phy 403.01, previously effective 12/23/11 (Document #10061), and expired 12/23/21 to read as follows:

Phy 403.01 Licenses Subject to Reinstatement.

(a) The following licenses shall be subject to reinstatement by the OPLC:

- (1) Licenses suspended for disciplinary reasons or as part of a settlement pursuant to Plc 200 or as part of an order of the board; and
 - (2) Licenses lapsed pursuant to Phy 402.01(d).
- (b) Reinstated licenses shall be:
- (1) Fully reinstated, under the circumstances set forth in Phy 403.02, Phy 403.03, Phy 403.04; or
 - (2) Conditionally reinstated, under the circumstances set forth in Phy 403.05.

Repeal Phy 403.02, effective 1/20/17 (Document #12088) as follows:

~~[Phy 403.02 Full Reinstatement of Licenses Suspended Pursuant to Phy 402.11(f):~~

- ~~— (a) The board shall fully reinstate a license suspended pursuant to Phy 402.11(f) if:~~
- ~~(1) The suspension occurred not more than 70 days before the reinstatement application is submitted to the board; and~~
 - ~~(2) The applicant for reinstatement submits:~~
 - ~~a. A completed, dated, and signed and notarized reinstatement application form as further described in Phy 403.07;~~
 - ~~b. Proof in accordance with Phy 407 of having completed any requirement for maintenance of continuing competence left uncompleted at the time the license was suspended;~~
 - ~~c. Payment of the reinstatement fee set forth in Ahp 301.02(a);~~
 - ~~d. A written statement that the reinstatement applicant has not engaged in physical therapy in New Hampshire on a volunteer or paid basis since the date that his or her license ceased to be valid;~~
 - ~~e. Submit transcripts as described in Phy 303.01(c)(1) or (c)(3) if not previously submitted.]~~

Readopt with amendment Phy 403.03 and Phy 403.04, effective 1/20/17 (Document #12088), and renumber as Phy 403.02 and Phy 403.03 to read as follows:

Phy 403.02 Full Reinstatement of Licenses Suspended Pursuant to Disciplinary Rules. For licenses suspended for violations of disciplinary rules, the OPLC shall fully reinstate a license suspended for disciplinary reasons:

- (a) In accordance with the terms of the settlement agreement or the disciplinary order of the board, as applicable;

- (b) After receiving payment of the reinstatement fee set forth in Plc 1002.39; and
- (c) Submit transcripts as described in Phy 304.02(c).

Phy 403.03 Full Reinstatement of Licenses Lapsed For No More Than 90 Days. A fully reinstate licenses lapsed for no more than 90 days, shall be issued, if the applicants for reinstatement submit to the OPLC:

- (a) A completed, dated, and signed “Universal Application for License Renewal” form described in Plc 308.06(b) and (d) through (g);
- (b) Proof in accordance with Phy 406 of having completed any requirement for maintenance of continuing competence left uncompleted at the time the license lapsed;
- (c) Payment of the reinstatement fee set forth in Plc 1002.39;
- (d) A completed “Physical Therapist and Physical Therapist Assistant Work History Form”, revised 10/2023, provided by the OPLC;
- (e) A written statement that the reinstatement applicant has not engaged in physical therapy in New Hampshire on a volunteer or paid basis since the date that their license ceased to be valid;
- (f) The New Hampshire jurisprudence assessment module described in Phy 303.04; and
- (g) Submit transcripts as described in Phy 304.02(c) if not previously submitted.

Readopt with amendment Phy 403.05, effective 8/23/13 (Document #10402) and renumber as Phy 403.04, to read as follows:

Phy 403.04 Full Reinstatement of Certain Licenses Lapsed For More Than 90 Days. A fully reinstate licenses lapsed for more than 90 days shall be issued by the OPLC if:

- (a) The licenses:
 - (1) Have been lapsed for no more than 4 years; or
 - (2) Have been lapsed for over 4 years but the reinstatement applicants have been active in the profession as defined in Phy 401.01 for the just preceding 4 years;
- (b) The reinstatement applicants have not demonstrated poor moral character as evidenced by:
 - (1) The answers to the "yes-no" questions described in Plc 308.06(e);
 - (2) Any documents giving detailed reports of the relevant circumstances related to answers to such starred questions;
 - (3) Any criminal offender record reports received by the OPLC in compliance with Phy 403.06(d); and
 - (4) Any verifications received by the OPLC in compliance with Phy 403.06(e);

- (c) The reinstatement applicants have paid the reinstatement fee set forth in Plc 1002.39;
- (d) The reinstatement applicants have submitted:
 - (1) A completed dated, and signed “Universal Application Form” and “Addendum to the Universal Renewal Application Form” described in Plc 308.06” as described in Phy 402.01(a)(1) and (2);
 - (2) The supporting materials described in Phy 403.06; and
 - (3) Submit transcripts as described in Phy 304.02(c); and
- (e) The reinstatement applicant has taken and passed the New Hampshire jurisprudence assessment module as described in Phy 402.03.

Readopt with amendment Phy 403.06, effective 1/20/17 (Document #12088) and renumber as Phy 403.05, to read as follows:

Phy 403.05 Conditional Reinstatement of Lapsed Licenses When Not Active in the Profession.

- (a) The OPLC shall conditionally, rather than fully, reinstate licenses when they have not been active in the profession as defined in Phy 401.01 for the just preceding 4 years if the applicants:
 - (1) Have not demonstrated poor moral character as evidenced by:
 - a. The answers to the questions described in Plc 308.06(e);
 - b. Any documents giving detailed reports of the relevant circumstances related to answers to such starred questions;
 - c. Any criminal offender record reports received by the OPLC in compliance with Phy 403.06(d); and
 - d. Any verifications received by the OPLC in compliance with Phy 403.06(e);
 - (2) Have paid the reinstatement fee set forth in Plc 1002.39; and
 - (3) Have submitted:
 - a. A completed dated and signed reinstatement application form as further described in Phy 402.01(a)(1) and (2); and
 - b. The supporting materials described in Phy 403.06.
- (b) In the case of applicants who have not been active in the profession for as long as 6 or more years preceding their reinstatement applications, the OPLC shall issue conditionally reinstated licenses only if the applicants have retaken and passed the National Physical Therapy Examination for either physical therapists or for physical therapist assistants.

Repeal Phy 403.07, effective 1/20/17 (Document #12088), as follows:

~~[Phy 403.07 Application Form.~~

~~— (a) The “Application for Reinstatement of Licensure or Certification” form, effective 09/03/15, shall:~~

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

~~(2) Contain the following preprinted statement:~~

~~"I acknowledge that knowingly making a false statement on this application form is a misdemeanor under RSA 641:2, I. I certify that the information I have provided on all parts of the application form and in the documents that I have personally submitted to support my application is complete and accurate to the best of my knowledge and belief. I also certify that I have read the statute and the rules of the Board and promise that, if I am licensed, I will abide by them."~~

~~— (b) The effect of the reinstatement applicant’s notarized signature on the application form shall be:~~

~~(1) The applicant’s acknowledgement that knowingly making a false statement on the application form is a misdemeanor under RSA 641:2, I;~~

~~(2) The applicant’s certification that:~~

~~a. The information provided on all of the parts of the application form and in the documents personally submitted to support the application is complete and accurate to the best of the applicant’s knowledge and belief; and~~

~~b. The applicant has read the statutes and administrative rules of the board; and~~

~~(3) The applicant’s promise to abide by the statutes and administrative rules of the board.]~~

Readopt with amendment Phy 403.08, effective 1/20/17 (Document #10402), and renumber as Phy 403.06 to read as follows:

Phy 403.06 Supporting Materials. The materials supporting the reinstatement application shall be:

(a) A detailed report of the relevant circumstances if any of the answers to the "yes-no" questions described in Phy 308.06(e) are in the affirmative;

(b) A completed work history form, described in Phy 402.04(b), provided by the OPLC;

(c) An original, not a photocopy, of a criminal offender record report:

(1) Issued by each state where the applicant has resided or been licensed within the past 6 years, providing that such state will:

a. Send the report to the OPLC; or

b. To the applicant for forwarding to the OPLC;

(2) Covering the applicant under their name and any aliases; and

(3) Dated within the 6 months preceding the application for licensure;

(d) Unless the information sought is available only on a website, an official letter of verification sent directly to the OPLC from every state which has issued the applicant a license or other authorization to practice physical therapy since the lapse of the New Hampshire license, stating:

(1) Whether the license or other authorization is or was, during its period of validity, in good standing; and

(2) Whether any disciplinary action was taken against the license or other authorization to practice;

(e) A written statement that the reinstatement applicant has not engaged in physical therapy in New Hampshire on a volunteer or paid basis since the date that their license ceased to be valid;

(f) If applicable to the reinstatement applicant, proof in accordance with Phy 406 of having completed 24 contact hours of continuing education earned within the immediately preceding 2 years of submission of a completed application;

(g) If the reinstatement applicant re-took and passed the National Physical Therapy Examination for either physical therapists or for physical therapist assistants in order to meet the requirement in Phy 403.06(b), the applicant's examination scores sent directly to the OPLC by FSBPT;

(h) If the reinstatement applicant is eligible for conditional reinstatement, the applicant and the applicant's supervisor shall complete the "Supervision Form" requiring the following information:

(1) The following is to be completed by the person being supervised:

a. Name of person to be supervised;

b. State the purpose of the supervision;

c. Check the box if the supervision is of an assistant;

d. License number of applicant to be supervised;

e. Place of employment name;

f. Place of employment address, including street number or P.O. box number, city, state, and zip code; and

g. Place of employment phone number;

(2) The following to be completed by the supervisor:

a. Name of supervisor;

- b. Profession of supervisor;
- c. License number and state of licensure of the supervisor;
- d. Place of employment name;
- e. Place of employment address, including street number or P.O. box number, city, state, and zip code
- f. Place of employment phone number;
- g. The site of supervision which is the actual location where the supervision is to take place, including the stie name and location;
- h. Site of supervision phone number;
- i. Date the supervision is to start and date supervision ended; and
- j. The supervisors signature and date of signing under the following attestation:

“By signing this form, I state that I have read and understood the applicable rules of supervision or order of the Board for supervision, agree to undertake the duties of supervision set forth in the rules or order of the Board, agree to be responsible for the acts and omissions of any person to whom I delegate the duties of supervision, and acknowledge that my own or my delegate’s failure to comply with the rules or order of the Board might result in disciplinary sanctions.”

(i) The completed New Hampshire jurisprudence assessment module provided to the applicant by the FSBPT; and

(j) Transcripts as described in Phy 304.02(c) if not previously submitted.

Adopt Phy 404.02, previously effective 12/23/11 (Document #10061), and expired 12/23/21, to read as follows:

Phy 404.02 Issuance of Fully Reinstated Licenses to Conditionally Reinstated Licensees. A fully reinstated license shall be issued by the OPLC to physical therapists and physical therapist assistants holding conditionally reinstated licenses when they have:

(a) Completed the supervised practice described in Phy 404.04; and

(b) Established readiness to practice under fully reinstated licensure through the submission to the OPLC of the supervisory approval letter described in Phy 404.06.

Readopt with amendment Phy 404.03, effective 8/23/13 (Document #10402), to read as follows:

Phy 404.03 Supervisors.

(a) The practice of a licensee holding a conditionally reinstated license shall be supervised by at least one physical therapist authorized to practice in New Hampshire who:

- (1) Has been practicing clinically for a period of at least one year;
- (2) Is a non-probationary employee not under disciplinary investigation or pending disciplinary charges and has not had disciplinary action taken against them in any state within the past 5 years;
- (3) Is located in the facility where supervision is to take place; and
- (4) Is not related in any of the following ways to the conditionally reinstated licensee to be supervised:
 - a. Spouse, civil union partner, or significant other;
 - b. Parent, step-parent, parent-in-law, or step-parent-in-law;
 - c. Natural, foster or adopted child, or stepchild; or
 - d. Sibling, brother-in-law, or sister-in-law.

(b) A physical therapist supervising a conditionally reinstated licensee shall delegate supervisory duties only:

- (1) To a physical therapist assistant who meets the standards in (a) above;
- (2) To a physical therapist authorized to practice in New Hampshire or a physical therapist assistant authorized to practice in New Hampshire who meets the standards in (a)(1) through (a)(3) above; and
- (3) When the physical therapist believes based on knowledge about the delegate that the delegate is competent to carry out the duties being delegated.

(c) If, as a result of the sharing or the delegation of supervisory duties, there is more than one individual supervising a conditionally reinstated licensee at any one time:

- (1) A single physical therapist shall bear responsibility for compliance with Phy 404; and
- (2) Complete and sign the supervision form described in Phy 403.06(h).

(d) The physical therapist most recently supervising the conditionally reinstated licensee shall sign the supervisory approval letter described in Phy 404.06.

Readopt with amendment Phy 404.04, effective 1/20/17 (Document #12088), to read as follows:

Phy 404.04 Supervised Practice.

(a) Licensees holding conditionally reinstated licenses shall practice under supervision as described in Phy 404.04 for a total of 320 hours.

(b) The levels of supervision shall be:

(1) For those who have not been active in the profession for less than 4 years all 320 hours shall be:

- a. Direct personal supervision, as defined in Phy 401.08, for at least 30% of the hours worked each week;
- b. Direct supervision, as defined in Phy 401.09, for at least 30% of the hours worked each week; and
- c. General supervision, as defined in Phy 401.012, for no more than 40% of the hours worked each week; and

(2) For those who have not been active in the profession for 4 to 6 years:

a. The first 200 hours shall be:

1. Direct personal supervision, as defined in Phy 401.08, for at least 50% of the hours worked each week;
2. Direct supervision, as defined in Phy 401.09, for at least 40% of the hours worked each week; and
3. General supervision, as defined in Phy 401.12, for no more than 10% of the hours worked each week; and

b. The 120 hours immediately following the first 200 hours described in a. above shall be:

1. Direct personal supervision, as defined in Phy 401.08, for at least 30% of the hours worked each week;
2. Direct supervision, as defined in Phy 401.09, for at least 30% of the hours worked each week; and
3. General supervision, as defined in Phy 401.012, for no more than 40% of the hours worked each week; and

(3) For those who have not been active in the profession for more than 6 years:

a. The first 200 hours shall be:

1. Direct personal supervision, as defined in Phy 401.08, for at least 70% of the hours worked each week;
2. Direct supervision, as defined in Phy 401.09, for at least 20% of the hours worked each week; and

3. General supervision, as defined in Phy 401.012, for no more than 10% of the hours worked each week; and

b. The 120 hours immediately following the first 200 hours described in a. above shall be:

1. Direct personal supervision, as defined in Phy 401.08, for at least 30% of the hours worked each week;

2. Direct supervision, as defined in Phy 401.09, for at least 30% of the hours worked each week; and

3. General supervision, as defined in Phy 401.012, for no more than 40% of the hours worked each week.

Repeal Phy 404.05, effective 1/20/17 (Document #12088), as follows:

~~[Phy 404.05 Supervision Form.~~

~~— (a) The supervision form shall:~~

~~(1) Be the “Supervision Form” dated March 25, 2015;~~

~~(2) Be provided by the board and available on the boards web site, www.nh.gov/alliedhealth;~~

~~(3) Be completed legibly in ink or using a keyboard; and~~

~~(4) Be signed and dated below the following preprinted statement which asserts:~~

~~“By signing this form I state that I have read and understood the applicable rules of supervision or order of the Board for supervision, agree to undertake the duties of supervision set forth in the rules or order of the Board, agree to be responsible for the acts and omissions of any person to whom I delegate the duties of supervision, and acknowledge that my own or my delegate's failure to comply with the rules or order of the Board might result in disciplinary sanctions.”~~

~~— (b) The signature required by (a)(4) above shall constitute the signer's:~~

~~(1) Assertion that the signer has read and understood the rules or order of the board governing the supervision;~~

~~(2) Agreement to undertake the duties of supervision;~~

~~(3) Agreement to take responsibility for the acts and omissions of any individual to whom the signer delegates the duties of supervision; and~~

~~(4) Statement of understanding that the failure of the signer or the signer's delegate to follow the rules or order of the Board governing the supervision has the potential to subject the signer to disciplinary sanctions.]~~

Readopt with amendment Phy 404.06, effective 1/20/17 (Document #12088) and renumber as Phy 404.05, to read as follows:

Phy 404.05 Administrative and Ethical Obligations of Licensees Holding Conditionally Reinstated Licenses.

(a) The administrative obligations of licensees holding conditionally reinstated licenses shall be as follows:

(1) Before the beginning of supervision by the individual who will provide some or all of the hours of supervision, licensees holding conditionally reinstated licenses shall:

- a. Give to these individuals a copy of Phy 404 and the supervision form described in Phy 403.06(h);
- b. Discuss the required supervision with them; and
- c. Submit the completed supervision form described in Phy 403.06(h) to the OPLC; and

(2) When the supervisor is replaced by another individual, licensees holding conditionally reinstated licenses shall:

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

(b) The ethical standards to be met by licensees holding conditionally reinstated licenses shall be those set forth in Phy 500.

Readopt with amendment Phy 404.07, effective 8/23/13 (Document #10402) and renumber as Phy 404.06, to read as follows:

Phy 404.06 Supervisory Approval Letter.

(a) For a physical therapist holding a conditionally reinstated license, the letter indicating supervisory approval shall:

(1) Be dated and signed by the individual who is the physical therapist's most recent supervisor;

(2) Be based on the determinations by the supervisor required by Phy 404.10;

(3) Make a statement that the physical therapist is ready to practice under full licensure because the supervisor has determined that they have the following requisite skills detailed in Phy 404.10:

- a. Evaluation skills;
- b. Treatment skills;

- c. Management skills; and
- d. Professional interaction skills;

- (4) State the number of hours of direct personal supervision;
- (5) State the number of hours of direct supervision hours; and
- (6) State the number of general supervision hours.

(b) For a physical therapist assistant holding a conditionally reinstated license, the letter indicating supervisory approval shall:

- (1) Be dated and signed by the individual who is the physical therapist assistant's most recent supervisor;
- (2) Be based on the determinations by the supervisor required by Phy 404.11;
- (3) Make a statement that the physical therapist assistant is ready to practice under full licensure because the supervisor has determined that the physical therapist assistant has the following requisite skills detailed in Phy 404.11:
 - a. Assessment skills;
 - b. Treatment skills;
 - c. Management skills; and
 - d. Professional interaction skills;
- (4) State the number of hours of direct personal supervision;
- (5) State the number of hours of direct supervision hours; and
- (6) State the number of general supervision hours.

Readopt with amendment Phy 404.08 and Phy 404.09, effective 1/20/17 (Document #12088) and renumber Phy 404.08 through Phy 404.10 as Phy 404.07 through Phy 404.09, to read as follows:

Phy 404.07 Extension of Conditionally Reinstated License When Supervised Practice is Incomplete or Supervisory Approval Letter is Unavailable. The OPLC shall extend a conditionally reinstated license for an additional period of no more than 26 weeks when:

- (a) The conditionally reinstated license is still valid;
- (b) The licensee holding the conditionally reinstated license:
 - (1) Is unable to complete the required supervised practice because of loss of employment for any reason other than being terminated for cause or terminated during probationary employment because of incompetence; or

(2) Is unable to submit the required supervisory approval letter for a reason unrelated to the supervisor's belief that they are not ready to practice under full licensure; and

(c) The holder of the conditionally reinstated license submits to the OPLC a written request for the extension explaining the details of one of the reasons in (b) above.

Phy 404.08 Extension of a Conditionally Reinstated License in Accordance with Supervisor's Request. The OPLC shall extend the period of validity of a conditionally reinstated license for the period of time, not to exceed 6 weeks, specified by the supervisor:

(1) During the period of validity of the conditionally reinstated license; and

(2) When the holder of the conditionally reinstated license submits the supervisor's signed statement of opinion that they will become ready to practice under full licensure if the conditionally reinstated license is extended for a specified period of time, not to exceed 6 weeks.

Readopt with amendment, Phy 404.11 and Phy 404.12, effective 1/20/17 (Document #12088), and renumber as Phy 404.10 and Phy 404.11, to read as follows:

Phy 404.10 Skills To Be Determined for Physical Therapists Holding Conditionally Reinstated Licenses. The supervisor of a physical therapist holding a conditionally reinstated license shall, in the course of supervision, determine whether and to what extent the physical therapist has the following skills:

(a) Evaluation skills, including:

(1) Screening using procedures to determine the effectiveness of, and need for, physical therapy services, including:

- a. Identifying critical signs and symptoms that signal appropriateness for physical therapy examination;
- b. Selecting appropriate screening procedures;
- c. Conducting physical therapy screening in a technically competent manner;
- d. Interpreting screening findings; and
- e. Determining, based on the screening, the client's appropriateness for physical therapy or referral to other providers;

(2) Examination skills, including:

- a. Selection of reliable and valid physical therapy examination methods relevant to the client's complaint, the screening results, and the client's history;
- b. Obtaining accurate information by performing the selected examination methods;

c. Performing them while minimizing risk to the patient and to the conditional licensee; and

d. Performing them in a technically competent manner; and

(3) Skills in using the clinical findings to determine physical therapy diagnoses and outcomes of care, including:

a. Synthesizing the examination data to complete the physical therapy evaluation;

b. Interpreting clinical findings to establish a physical therapy diagnosis;

c. Explaining to the client the influence of pathological, abnormal physiological, and pharmacological processes on the patient's movement system;

d. Using clinical findings and a medical or a physical therapy diagnosis to establish a physical therapy prognosis;

e. Performing regular re-examinations of the client's status;

f. Performing regular evaluations of the effectiveness of the client's treatment; and

g. Evaluating changes in the client's status;

(b) Treatment skills, including:

(1) Practicing in a manner that minimizes risk to the patient, to the physical therapist, and to others including, but not limited to:

a. Observing universal precautions and any health and safety regulations of the worksite;

b. Maintaining a safe working environment;

c. Recognizing physiological and psychological changes in the client and adjusting treatment accordingly;

d. Being aware of contraindications and precautions of treatment;

e. Requesting assistance when necessary; and

f. Using techniques designed for safety in the handling of patients;

(2) Applying the principles of logic and the scientific method to the practice of physical therapy, including:

a. Presenting a cogent rationale for clinical decisions;

b. Making clinical decisions within the context of the ethical practice set forth in Phy 500;

- c. Making clinical decisions regarding therapy goals and the plan of care with the patient's informed consent and in accordance with RSA 328-A:15, III, IV, and V;
- d. Utilizing information from multiple data sources to make clinical decisions;
- e. Distinguishing practices based on traditional beliefs from practices that are scientifically based; and
- f. Using appropriate outcome measures in the delivery and assessment of ongoing patient care;

(3) Designing a physical therapy plan of care:

- a. In collaboration with the patient;
- b. Consistent with the patient's examination and evaluation;
- c. Integrating goals, treatment, functional outcomes, and a discharge plan;
- d. Specifying the expected time durations for the goals and functional outcomes;
- e. Adjusted in response to changes in the patient's status; and
- f. Establishing a plan for timely patient discharge; and

(4) Performing physical therapy interventions in a competent manner, including:

- a. Selecting interventions designed to achieve the desired outcomes;
- b. Performing effective, efficient, and coordinated movements in providing technically competent interventions;
- c. Performing interventions consistent with the plan of care;
- d. Providing interventions in a manner minimizing risk to the physical therapist and the patient; and
- e. Using intervention time efficiently and effectively;

(c) Management skills, including:

(1) Producing documentation to support the delivery of physical therapy services, including:

- a. Selecting relevant information to document the delivery of care;
- b. Documenting all aspects of physical therapy care, including screenings, examination, evaluation, plan of care, treatment(s), response to treatment(s), discharge planning, family conferences, and communications with others involved in the delivery of care;
- c. Producing documentation that follows the guidelines and format required by the practice setting;

- d. Documenting patient care consistent with the board's rules and the requirements of third party payers; and
 - e. Producing documentation that is accurate, concise, timely, and legible;
- (2) Participating in activities addressing quality of service delivery, including:
- a. Seeking information regarding the quality of care the conditional licensee renders;
 - b. Following the protocols established by the prescribing physician, the practice setting, and the employer; and
 - c. Participating in quality assurance activities, peer reviews, and review of utilization of services;
- (3) Addressing any needs of the patient for services other than physical therapy, including:
- a. Determining the needs of, and available resources for, the patient;
 - b. Recommending referral(s) based on the expertise and effectiveness of provider(s);
 - c. Advocating for appropriate patient services and resources; and
 - d. Assisting patients in accessing resources; and
- (4) Managing time, space, and equipment to achieve the goals of the practice site or practice setting, including:
- a. Incorporating, through accurate and timely billing and otherwise, an understanding of economic factors in the delivery of physical therapy services;
 - b. Using time effectively;
 - c. Adhering to reimbursement guidelines established by payers for physical therapy services; and
 - d. The scheduling of patients, equipment, and space; and
- (d) Professional interaction skills, including:
- (1) Presenting oneself in a professional manner, including:
- a. Accepting responsibility for one's own actions;
 - b. Being punctual and dependable;
 - c. Completing scheduled assignments in a timely manner;
 - d. Wearing attire consistent with the expectations of the practice site or setting;

- e. Abiding by policies and procedures of the practice site or setting; and
 - f. Adapting to changes in schedule, patient population, treatment location, and other changes similarly not within the control of the holder of the conditionally renewed license;
- (2) Behaving professionally in interactions with others, including:
- a. Maintaining productive working relationships with patients, the families of patients, and others;
 - b. Contributing to a positive work environment by treating others with positive regard, dignity, respect, and compassion;
 - c. Accepting criticism without defensiveness;
 - d. Managing conflict in positive ways; and
 - e. Maintaining patients' privacy and modesty;
- (3) Adhering to ethical practice, including:
- a. Complying with Phy 500;
 - b. Identifying situations in which ethical questions are present; and
 - c. Reporting to the employer and the OPLC violations of ethical practice;
- (4) Adhering to legal practice standards, including:
- a. Abiding by applicable state and federal law, including RSA 328-A, RSA 328-F, and the rules of the board; and
 - b. Identifying situations in which legal questions are present;
- (5) Communicating in ways that are congruent with situational needs, including:
- a. Communicating verbally and nonverbally in a professional and timely manner;
 - b. Initiating communication in difficult situations;
 - c. Selecting the most appropriate person(s) with whom to communicate;
 - d. Listening actively and attentively to understand what is being communicated by others;
 - e. Using professionally and technically correct language;
 - f. Communicating using nonverbal methods that are consistent with the intended message;

- g. Interpreting and responding to the nonverbal communication of others; and
 - h. Evaluating the effectiveness of their own communication and modifying communication accordingly;
- (6) Adapting delivery of physical therapy care to reflect respect for, and sensitivity to, individual differences, including exhibiting sensitivity to differences in race, creed, color, gender, age, national or ethnic origin, sexual orientation, and disability or health status when:
- a. Communicating with others;
 - b. Developing plans of care; and
 - c. Implementing plans of care; and
- (7) Educating patients, the families of patients, other caregivers, other staff at the care site or in the care setting, students, and other health care providers, using relevant and effective teaching methods, including:
- a. Identifying and establishing priorities for educational needs;
 - b. Designing education activities to address identified needs;
 - c. Conducting educational activities using a variety of instructional strategies; and
 - d. Evaluating one's own educational activities for effectiveness and modifying them accordingly.

Phy 404.11 Skills To Be Determined for Physical Therapist Assistants Holding Conditionally Reinstated Licenses. The supervisor of a physical therapist assistant holding a conditionally reinstated license shall, in the course of supervision, determine whether and to what extent the physical therapist assistant has the following skills:

- (a) Collaboration and communication with the supervisor;
- (b) Assessment skills, including:
 - (1) Performing regular re-assessments of the client's status;
 - (2) Performing regular assessments of the effectiveness of the client's treatment; and
 - (3) Assessing changes in the client's status;
- (c) Treatment skills, including:
 - (1) Practicing in a manner that minimizes risk to the patient, to the physical therapist assistant, and to others including, but not limited to:
 - a. Observing universal precautions and any health and safety regulations of the worksite;
 - b. Maintaining a safe working environment;

- c. Recognizing physiological and psychological changes in the client and adjusting treatment accordingly;
 - d. Being aware of contraindications and precautions of treatment;
 - e. Requesting assistance when necessary; and
 - f. Using techniques designed for safety in the handling of patients;
- (2) Applying the principles of logic and the scientific method to the practice of physical therapy, including:
- a. Presenting a cogent rationale for clinical decisions;
 - b. Making clinical decisions within the context of the ethical practice set forth in Phy 500;
 - c. Making clinical decisions in accordance with RSA 328-A:15, III, IV, and V;
 - d. Utilizing information from multiple data sources to make clinical decisions;
 - e. Distinguishing practices based on traditional beliefs from practices that are scientifically based; and
 - f. Using appropriate outcome measures in the delivery and assessment of ongoing patient care; and
- (3) Performing physical therapy interventions in a competent manner, including:
- a. Performing effective, efficient, and coordinated movements in providing technically competent interventions;
 - b. Performing interventions consistent with the plan of care;
 - c. Providing interventions in a manner minimizing risk to the physical therapist assistant and the patient; and
 - d. Using intervention time efficiently and effectively;
- (d) Management skills, including:
- (1) Producing documentation to support the delivery of physical therapy services, including:
- a. Selecting relevant information to document the delivery of care;
 - b. Documenting all aspects of physical therapy care, including treatment(s), response to treatment(s), discharge planning, family conferences, and communications with others involved in the delivery of care;

- c. Producing documentation that follows the guidelines and format required by the practice setting;
 - d. Documenting patient care consistent with the board's rules and the requirements of third party payers; and
 - e. Producing documentation that is accurate, concise, timely, and legible;
- (2) Participating in activities addressing quality of service delivery, including:
- a. Seeking information regarding the quality of care the conditional licensee renders;
 - b. Following:
 - 1. The plan of care established by the physical therapist; and
 - 2. The protocols established by the prescribing physician, the practice setting, and the employer; and
 - c. Participating in quality assurance activities, peer reviews, and review of utilization of services;
- (3) Addressing any needs of the patient for services other than physical therapy, including:
- a. Assisting the physical therapist in determining the needs of, and available resources for, the patient;
 - b. Assisting the physical therapist in recommending referral(s) based on the expertise and effectiveness of provider(s);
 - c. Advocating for appropriate patient services and resources; and
 - d. Assisting patients in accessing resources; and
- (4) Managing time, space, and equipment to achieve the goals of the practice site or practice setting, including:
- a. Incorporating, through accurate and timely billing and otherwise, an understanding of economic factors in the delivery of physical therapy services;
 - b. Using time effectively;
 - c. Adhering to reimbursement guidelines established by payers for physical therapy services; and
 - d. The scheduling of patients, equipment, and space; and
- (e) Professional interaction skills, including:
- (1) Presenting oneself in a professional manner, including:

- a. Accepting responsibility for one's own actions;
 - b. Being punctual and dependable;
 - c. Completing scheduled assignments in a timely manner;
 - d. Wearing attire consistent with the expectations of the practice site or setting;
 - e. Abiding by policies and procedures of the practice site or setting; and
 - f. Adapting to changes in schedule, patient population, treatment location, and other changes similarly not within the control of the physical therapist assistant;
- (2) Behaving professionally in interactions with others, including:
- a. Maintaining productive working relationships with patients, the families of patients, and others;
 - b. Contributing to a positive work environment by treating others with positive regard, dignity, respect, and compassion;
 - c. Accepting criticism without defensiveness;
 - d. Managing conflict in positive ways; and
 - e. Maintaining patients' privacy and modesty;
- (3) Adhering to ethical practice, including:
- a. Complying with Phy 500;
 - b. Identifying situations in which ethical questions are present; and
 - c. Reporting to the employer and the OPLC violations of ethical practice;
- (4) Adhering to legal practice standards, including:
- a. Abiding by applicable state and federal law, including RSA 328-A, RSA 328-F, and the rules of the board; and
 - b. Identifying situations in which legal questions are present;
- (5) Communicating in ways that are congruent with situational needs, including:
- a. Communicating verbally and nonverbally in a professional and timely manner;
 - b. Initiating communication in difficult situations;
 - c. Selecting the most appropriate person(s) with whom to communicate;

- d. Listening actively and attentively to understand what is being communicated by others;
 - e. Using professionally and technically correct language;
 - f. Communicating using nonverbal methods that are consistent with the intended message;
 - g. Interpreting and responding to the nonverbal communication of others; and
 - h. Evaluating the effectiveness of their own communication and modifying communication accordingly;
- (6) Adapting delivery of physical therapy care to reflect respect for, and sensitivity to, individual differences, including exhibiting sensitivity to differences in race, creed, color, gender, age, national or ethnic origin, sexual orientation, and disability or health status when:
- a. Communicating with others; and
 - b. Implementing plans of care; and
- (7) Educating patients, the families of patients, other caregivers, other staff at the care site or in the care setting, students, and other health care providers, using relevant and effective teaching methods, including:
- a. Identifying and establishing priorities for educational needs;
 - b. Designing education activities to address identified needs;
 - c. Conducting educational activities using a variety of instructional strategies; and
 - d. Evaluating one's own educational activities for effectiveness and modifying them accordingly.

Readopt with amendment Phy 405.01 and Phy 405.02, effective 1/20/17 (Document #12088), to read as follows:

Phy 405.01 Misconduct. Misconduct shall be:

- (a) Knowingly or negligently providing inaccurate material information to the board or the OPLC or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, or license reinstatement;
- (b) Conviction of any criminal offense other than a traffic violation;
- (c) Failure to report to the board a conviction described in (b) above within 30 days;
- (d) Violation of Phy 500;
- (e) Engaging in sexual misconduct;

- (f) Failure to provide care with reasonable skill, safety, and regard for client rights, whether or not the client has suffered injury;
- (g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;
- (h) Failure to report within 30 days any act by an individual authorized by the board to practice in New Hampshire that appears to constitute misconduct;
- (i) Failure to exercise appropriate supervision over persons who are authorized to practice only under supervision;
- (j) Practice without a currently valid license; and
- (k) Violation of:
 - (1) Any provision of RSA 328-F;
 - (2) Any provision of RSA 328-A;
 - (3) Any rule adopted by the board; or
 - (4) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

Phy 405.02 Sanctions.

- (a) Pursuant to RSA 328-F:11, I (g), disciplinary measures available to the board to sanction misconduct shall be:
 - (1) License revocation;
 - (2) License suspension for a specified period of time;
 - (3) License suspension conditioned on the achievement of specified continuing competence requirements or continuing education, clinical experience or training;
 - (4) License suspension conditioned on successful participation in specified mental or physical health treatment, a rehabilitative program, counseling, a professional assistance program or in any other program designed to overcome the deficiency or condition in the licensee which appears to have caused the misconduct;
 - (5) A requirement that the licensee's practice be supervised for a specified period of time by a physical therapist authorized to practice in New Hampshire; and
 - (6) The imposition of an administrative fine not to exceed \$1,000 for:
 - a. Misconduct as described in Phy 405.01; or

b. The practice of physical therapy by a person who was once authorized to practice in New Hampshire but does not currently hold a valid authorization, or who is practicing in violation of the conditions upon which they are authorized.

(b) Pursuant to RSA 328-F:11, I (g), a measure available to the board to sanction continuing misconduct of the kinds described in (a)(6) above shall be the imposition of an administrative fine of \$100 for each day the misconduct continues after notice from the board that the misconduct shall cease.

(c) Pursuant to RSA 328-F:11, I (g) an additional measure available to the board to sanction misconduct shall be denial of license renewal or reinstatement.

Adopt Phy 406.01, previously effective 10/19/12 (Document #10203), and expired 10/20/22, cited and to read as follows:

PART Phy 406 MAINTENANCE AND DOCUMENTATION OF CONTINUING COMPETENCE

Phy 406.01 Maintenance of Continuing Competence and Documentation Requirements.

(a) Individuals licensed as physical therapists or physical therapist assistants wishing to renew their licenses either fully or conditionally shall maintain continuing competence by completing 24 contact hours of continuing professional education in each 2-year renewal cycle.

(b) Individuals who have been licensed within the past 2 years as a physical therapist or physical therapist assistant in another state and wish to renew an initial New Hampshire license that expires in less than the usual 2 years may use continuing education earned outside of the New Hampshire license period of validity but not outside the 2 year renewal cycle towards the requirement in (a) above.

(c) A licensee shall retain documentation of maintenance of continuing competence as described in Phy 410.03(d).

(d) The renewal applicant shall furnish the copies of documentation of continuing competence activities set forth in Phy 406.02 through Phy 406.14 only when requested to do so by the OPLC in connection with an audit.

(e) At least one half of the contact hours required by (a) and (b) above shall relate directly and primarily to the clinical application of physical therapy.

(f) The balance of the contact hours required by (a) and (b) above shall relate to general physical therapy practice, including, but not limited to, supervision and consultation skills, curriculum development, and trans-disciplinary issues or skills.

(g) Continuing competence shall be maintained through the following continuing professional education courses and professional activities, provided that they meet the definition of continuing professional education in Phy 406.01(a) and (b):

- (1) Receipt of academic instruction in physical therapy, as further described in Phy 406.02;

- (2) Non-academic courses, seminars, conferences, and workshops, as further described in Phy 406.03;
- (3) Facility-based physical therapy in-service training, as further described in Phy 406.04;
- (4) Formal mentored independent study, as further described in Phy 406.05;
- (5) Direct supervision of physical therapist or physical therapist assistant students during their clinical education, as further described in Phy 406.06;
- (6) Supervision of licensees holding conditional initial licenses, conditionally renewed licenses or conditionally reinstated licenses, as further described in Phy 406.07;
- (7) Publication of writing related to physical therapy, as further described in Phy 406.08;
- (8) Professional presentations relating to physical therapy made to other professionals or the public, as further described in Phy 406.09;
- (9) Participation in a physical therapy research project, as further described in Phy 406.10;
- (10) Participation in the work of professional boards, committees, and agencies, as further described in Phy 406.11;
- (11) Teaching physical therapy, as further described in Phy 406.12;
- (12) Receipt of infection control education, basic life support courses, facility onboarding, orientation, HIPPA training, and annual training, as further described in Phy 406.13;
- (13) Journal study, as further described in Phy 406.14;
- (14) New Hampshire jurisprudence assessment module described in Phy 406.15;
- (15) Specialty certification examination described in Phy 406.16;
- (16) Clinical residency program or fellowship program described in Phy 406.17;
- (17) Clinical mentoring of a physical therapist in an accredited residency or fellowship program, as further described in Phy 406.18.

Readopt with amendment Phy 406.02 through Phy 406.05, effective 1/20/17 (Document #12088), to read as follows:

Phy 406.02 Receipt of Academic Instruction in Physical Therapy.

(a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of academic course work in physical therapy, provided that:

- (1) The course work is not that required for initial licensure; and
 - (2) The course work is sponsored and assigned credit by a college or university.
- (b) The board shall credit the licensee with 5 contact hours for each credit hour of academic course work described in (a) above.
- (c) Documentation of successful completion of academic course work shall be:
- (1) A photocopy of an official transcript showing successful completion of the course, the date of the course, and the credits earned; 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. A photocopy of the course syllabus or outline that includes a description of the course and the course competencies.

Phy 406.03 Non-Academic Courses, Seminars, Conferences, and Workshops.

- (a) The board shall recognize as maintenance of continuing competence the successful completion of non-academic courses, seminars, conferences, and workshops meeting the requirements set forth in Phy 406.01 (e) and (f).
- (b) For each clock hour of attendance at such courses, seminars, conferences, and workshops, the board shall credit the licensee with one contact hour.
- (c) Documentation of successful completion of non-academic courses, seminars, conferences, and workshops shall be a photocopy of an official certificate showing:
- (1) The licensee's name;
 - (2) The name and location of the course, seminar, conference, or workshop;
 - (3) The name of the provider or sponsoring entity;
 - (4) The beginning and ending date(s) of the program, course, seminar, conference, or workshop;
 - (5) The number of contact hours credited by the provider or sponsoring entity or the brochure showing the scheduled hours; and
 - (6) The signature or stamp of the speaker, the instructor, or a representative of the provider or sponsoring entity.

Phy 406.04 Facility-Based Physical Therapy In-Service Training.

(a) The board shall recognize as maintenance of continuing competence a licensee's participation in, or attendance at, a facility-based physical therapy training consisting of continuing education lasting less than 2 hours.

(b) The board shall credit the licensee with one contact hour for each clock hour of participation or attendance, to a maximum of 8 contact hours per renewal cycle.

(c) Documentation of successful completion of the facility-based in-service training shall be:

(1) A photocopy of a memo from the physical therapy supervisor of the facility stating:

- a. The licensee's name;
- b. The name of the facility and the topic of the in-service training;
- c. The date of the in-service training; and
- d. The licensee's hours of attendance; or

(2) A photocopy of the sign-in-sheet bearing the information outlined in (1) above bearing the signature of both the licensee's supervisor and the licensee.

Phy 406.05 Formal Mentored Independent Study.

(a) The board shall recognize formal mentored independent study in physical therapy as maintenance of continuing competence so long as the study is performed under a written and signed mentorship agreement setting forth:

(1) The name of the mentor; and

(2) The goals and objectives to be met by the mentored licensee during the course of their study.

(b) The board shall credit the licensee with one contact hour for every 2 clock hours of formal mentored independent study, to a maximum of 8 contact hours per renewal cycle.

(c) Documentation of formal mentored independent study in physical therapy shall be:

(1) A photocopy of the signed mentorship agreement; and

(2) The licensee's signed written statement describing the independent study showing:

- a. The dates of the study;
- b. The hours spent on the study; and

- c. The focus and outcome of the study.

Adopt Phy 406.06, previously effective 10/19/12 (Document #10203), and expired 10/19/22, to read as follows:

Phy 406.06 Direct Supervision of Physical Therapist or Physical Therapist Assistant Students During Their Clinical Education.

(a) The board shall recognize as maintenance of continuing competence a licensee's direct supervision of physical therapist or physical therapist assistant students during their clinical education when the licensee acts as the primary clinical instructor.

(b) The board shall credit the licensee with 2 contact hours per student for clinical education supervision. The clinical education supervision must exceed 48 hours in duration. A maximum of 8 contact hours per renewal cycle will be credited.

(c) Documentation of direct supervision of a physical therapist or physical therapist assistant student during their clinical education shall be:

(1) A photocopy of a memo stating:

- a. The name of the licensee;
- b. The fact that the licensee was the student's primary clinical instructor;
- c. The clinical education student's school; and
- d. The beginning and ending dates of the licensee's supervision of the student's clinical education including the total number of hours of supervision; and

(2) The memo shall be signed by:

- a. The supervisor of the facility where the clinical education was supervised;
- b. The clinical coordinator of clinical education; or
- c. The academic coordinator of clinical education.

Readopt with amendment Phy 406.07 through Phy 406.11, effective 1/20/17 (Document #12088), to read as follows:

Phy 406.07 Supervision of Licensees Holding Conditional Initial Licenses, Conditionally Renewed Licenses, or Conditionally Reinstated Licenses.

(a) The board shall recognize as maintenance of continuing competence a licensee's supervision of a licensee holding a conditional initial license, a conditionally renewed license, or a conditionally reinstated license.

(b) The board shall credit the licensee with 2 contact hours per licensee supervised, to a maximum of 8 contact hours per renewal cycle.

(c) Documentation of supervision of a conditional licensee shall be a copy of the completed "Supervision Form" described in Phy 403.06(h) provided to the OPLC before the supervision began.

Phy 406.08 Publication of Writing Related to Physical Therapy.

(a) The board shall recognize as maintenance of continuing competence the publication of a licensee's writing related to physical therapy, including the publication of:

- (1) A book;
- (2) A peer-reviewed or non-peer-reviewed chapter of a book; or
- (3) A peer-reviewed or non-peer-reviewed article.

(b) The board shall credit the licensee as follows for no more than 2 published writings:

- (1) For a book, 12 contact hours per renewal cycle;
- (2) For a peer-reviewed chapter of a book or a peer-reviewed article, 6 contact hours per renewal cycle; and
- (3) For a non-peer reviewed chapter or article, 4 contact hours per renewal cycle.

(c) Documentation of the publication of a licensee's writing related to physical therapy shall be:

- (1) Any item showing:
 - a. The title of the writing;
 - b. The date of publication; and
 - c. The licensee's part or full authorship of the published writing; and
- (2) A photocopy of:
 - a. The cover or the dust jacket of the licensee's published book; or
 - b. The licensee's published chapter or article.

Phy 406.09 Professional Presentations Relating to Physical Therapy Made to Other Professionals or the Public.

(a) The board shall recognize professional presentations relating to physical therapy, including workshops, lectures, and in-service trainings made to other professionals or to the public, as maintenance of continuing competence.

(b) The board shall credit the licensee with 2 contact hours for each clock hour of a presentation, to a maximum of 8 contact hours per renewal cycle, provided that, if the licensee gives substantially the same public presentation more than once, the board shall credit the licensee for only a single presentation.

(c) Documentation of a professional presentation relating to physical therapy made to other professionals or to the public shall be:

(1) A photocopy of the official program of the presentation;

(2) A photocopy of a written statement signed by a representative of the program's sponsor including:

a. The title of the presentation;

b. The name of the licensee as presenter;

c. The date of the presentation;

d. The hours during which the presentation took place; and

e. The type of audience attending the presentation; or

(3) A photocopy of the program brochure showing the information described in (b) above.

Phy 406.10 Participation in a Physical Therapy Research Project.

(a) The board shall recognize participation in a physical therapy research project as maintenance of continuing competence.

(b) The board shall credit the licensee with one contact hour for every 4 clock hours spent on a research project, to a maximum of 8 contact hours per renewal cycle.

(c) Documentation of participation in a physical therapy research project shall be a photocopy of a statement signed by either the principal investigator or a representative of the grant sponsor showing:

(1) The name of the research project;

(2) The beginning and ending dates of the licensee's participation; and

(3) The licensee's role in the research project.

Phy 406.11 Participation in the Work of Professional Boards, Committees, and Agencies.

(a) The board shall recognize as maintenance of continuing competence the participation by a licensee in the work of a board or committee of a professional physical therapy organization or government agency related to the practice of physical therapy.

(b) The board shall credit the licensee with 2 contact hours for each board, committee, or agency served, to a maximum of 4 contact hours per renewal cycle.

(c) Documentation of participation in the work of a professional board, committee, or agency shall be:

(1) A photocopy of a letter issued by:

a. The authority appointing the licensee to the board, committee, or agency; or

b. The board, committee, or agency served by the licensee; and

(2) The letter shall state:

a. The appointment of the licensee to the board, committee, or agency; or

b. The fact of the licensee's participation and the beginning and ending dates of the licensee's service.

Repeal Phy 406.12, effective 1/20/17 (Document #12088), as follows:

~~[Phy 406.12 Completion of Distance Learning Courses.~~

~~— (a) The board shall recognize as maintenance of continuing competence a licensee's completion of courses taken through distance learning, including self study courses and self paced clinical courses, provided that the course sponsor or provider issues the documentation described in Phy 407.12.~~

~~— (b) The board shall credit the licensee with the hours attributed by the course sponsor or provider.]~~

Readopt with amendment Phy 406.13 and 406.14, effective 1/20/17 (Document #12088), and renumber as Phy 406.12 and Phy 406.13, to read as follows:

Phy 406.12 Teaching Physical Therapy.

(a) The board shall recognize as maintenance of continuing competence a licensee's teaching a college or university course in physical therapy.

(b) The board shall credit the licensee with 2 contact hours for each clock hour of teaching, to a maximum of 8 contact hours per renewal cycle, provided that:

- (1) If the licensee gives substantially the same course more than once during the renewal cycle, the board shall credit the licensee for only a single presentation of the course; and
 - (2) If the licensee gives a course that includes a lab component, the board shall credit the licensee for only a single presentation of the course.
- (c) Documentation of physical therapy teaching shall be:

- (1) A list of courses taught; and
- (2) A photocopy of a letter of confirmation signed by an official of the institution sponsoring the courses.

Phy 406.13 Receipt of Infection Control Education, Basic Life Support Courses, Facility Onboarding, Orientation, HIPAA Training, or Annual Training.

(a) The board shall recognize as maintenance of continuing competence a licensee's receipt of infection control education, basic life support courses, facility onboarding, orientation, HIPPA training, or facility annual training.

(b) The board shall credit the licensee with one contact hour for each clock hour spent in receipt of infection control education, basic life support courses, facility onboarding, orientation, HIPPA training, or facility annual training, to a maximum of 2 contact hours per renewal cycle.

(c) Documentation of a licensee's receipt of infection control education, basic life support courses, facility onboarding, orientation, HIPPA training, or facility annual training shall be a photocopy of:

- (1) A photocopy of a certificate showing:
 - a. The title or subject matter of the education; and
 - b. The date of the receipt of the education by the licensee; or
- (2) A statement signed by the supervisor of the facility where the course took place providing the information described in (a) above.

Repeal Phy 406.15, effective 1/20/17 (Document #12088), as follows:

~~[Phy 406.15 Successful Completion of a Practice Review Tool.~~

~~—(a) The board shall recognize as maintenance of continuing competence the successful completion by a licensee of a practice review tool.~~

~~— (b) The board shall credit the licensee with a maximum of 3 hours per renewal cycle for successful completion of a single practice review tool.]~~

Readopt with amendment Phy 406.16, effective 1/20/17 (Document #12088) and renumber as Phy 406.14, to read as follows:

Phy 406.14 Journal Study.

(a) The board shall recognize as maintenance of continuing competence a licensee's study of a journal article dated within the preceding 5 years, including answering the questions provided with and related to the article, so long as the article is related to:

- (1) Physical therapy theory or practice or both;
- (2) The running of a physical therapy business; or
- (3) Any conditions for which the services of a physical therapist are often or usually recommended.

(b) The board shall credit the licensee with a maximum of 4 contact hours per renewal cycle for studying such a journal article and successful completion of the related questions.

(c) Documentation of journal study shall be a photocopy of a certificate of completion showing:

- (1) The name of the licensee;
- (2) The title and date of the journal article;
- (3) The name of the publisher or provider of the journal article and the related questions; and
- (4) The date of the licensee's completion of the journal study, including answering the questions related to the article.

Repeal Phy 406.17, effective 1/20/17 (Document #12088), as follows:

~~[Phy 406.17 Basic Life Support Course.~~

~~— (a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of a basic life support course provided by the American Red Cross or another nationally recognized provider.~~

~~— (b) The board shall credit the licensee with a maximum of 1 hour per renewal cycle.]~~

Readopt with amendment Phy 406.18, effective 1/20/17 (Document #12088) and renumber as Phy 406.15, to read as follows:

Phy 406.15 New Hampshire Jurisprudence Assessment Module.

(a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of the New Hampshire jurisprudence assessment module administered by the FSBPT.

(b) The board shall credit the licensee with a maximum of 2 contact hours per renewal cycle.

(c) Documentation of passing the New Hampshire jurisprudence assessment module shall be a copy of the score report sent electronically from the FSBPT directly to the OPLC.

Adopt Phy 406.16, previously effective 12/23/11 as Phy 406.19 (Document #12088), and expired 12/24/21, to read as follows:

Phy 406.16 Specialty Certification Examination.

(a) The board shall recognize as maintenance of continuing competence the successful completion of a specialty certification examination sponsored by the APTA or another nationally recognized association related to physical therapy.

(b) The board shall credit the licensee with 24 hours per renewal cycle for successful completion during the 2 year renewal cycle of each different specialty certification examination.

(c) Documentation of a licensee's successful completion of a specialty examination shall be a photocopy of the specialty certification or letter from the certifying agency stating successful completion of the specialty certification examination.

Adopt Phy 406.16, previously effective 12/23/11 as Phy 406.20 and Phy 406.21 (Document #12088), and expired 12/24/21, to read as follows:

Phy 406.17 Clinical Residency Program or Fellowship Program.

(a) The board shall recognize as maintenance of continuing competence for physical therapists the successful participation in a clinical residency program or fellowship program credentialed through the ABPTRFE.

(b) The board shall credit the licensee with one contact hour for each clock hour of participation or attendance which took place during the 2 year renewal cycle, to a maximum of 24 contact hours per renewal cycle.

(c) Documentation of a licensee's participation in a clinical residency program or fellowship program shall be:

- (1) A letter from the host institution stating successful completion of the clinical residency, specifying the beginning and end dates and the number of hours completed during the applicable renewal cycle; or
- (2) A letter from the host institution stating the number of hours completed to date in the clinical residency program during the applicable renewal cycle.

Adopt Phy 406.18, previously effective 10/19/12 as Phy 406.22 (Document #10203), and expired 10/19/2022, to read as follows:

Phy 406.18 Clinical Mentor of a Physical Therapist in an Accredited Residency or Fellowship Program.

(a) The board shall recognize as maintenance of continuing competence, a licensee's clinical mentorship of a physical therapist during that physical therapist's participation in a clinical fellowship or residency program, credentialed through the ABPTRFE, when the licensee acts as the primary clinical mentor.

(b) The board shall credit the licensee with 4 contact hours per resident or fellow for the clinical mentorship. The mentorship must exceed 100 hours in duration. A maximum of 12 contact hours per renewal cycle shall be credited.

(c) Documentation of clinical mentorship of a physical therapist during their residency or fellowship program shall be:

(1) A photocopy of documentation containing information as follows:

- a. The name of the mentor;
- b. The fact that the licensee was the resident or fellow's primary mentor;
- c. The name of the accredited residency or fellowship program;
- d. The physical address of the accredited residency or fellowship program;
- e. The beginning and ending dates of the licensee's mentorship of the resident or fellow;
and
- f. The total number of hours the licensee mentored the resident or fellow; and

(2) Signed by:

- a. The supervisor of the facility where the residency or fellowship was supervised; or
- b. The clinical coordinator of clinical education.

Repeal Phy 407.01 through Phy 407.05, effective 1/20/17 (Document #12088), cited as follows:

~~[PART Phy 407 DOCUMENTATION OF MAINTENANCE OF CONTINUING COMPETENCE~~

~~— Phy 407.01 Documentation Requirements.~~

~~— (a) A licensee shall retain documentation of maintenance of continuing competence as described in Phy 410.03(d).~~

~~— (b) The renewal applicant shall furnish the copies of documentation of continuing competence activities set forth in Phy 406.02 through Phy 406.17 only when requested to do so by the board in connection with an audit.~~

~~— Phy 407.02 Receipt of Academic Instruction in Physical Therapy.~~

~~— (a) Documentation of successful completion of academic course work shall be:~~

~~(1) A photocopy of an official transcript showing successful completion of the course, the date of the course, and the credits earned; 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. A photocopy of the course syllabus or outline that includes a description of the course and the course competencies.~~

~~— Phy 407.03 Non Academic Courses, Seminars, Conferences, and Workshops. Documentation of successful completion of non academic courses, seminars, conferences, and workshops shall be a photocopy of an official certificate showing:~~

~~— (a) The licensee's name;~~

~~— (b) The name and location of the course, seminar, conference, or workshop;~~

~~— (c) The name of the provider or sponsoring entity;~~

~~— (d) The beginning and ending date(s) of the program, course, seminar, conference, or workshop;~~

~~— (e) The number of hours credited by the provider or sponsoring entity or the brochure showing the scheduled hours; and~~

~~— (f) The signature or stamp of the speaker, the instructor or a representative of the provider or sponsoring entity.~~

~~Phy 407.04 Facility Based Physical Therapy In Service Training.~~ Documentation of participation in, or attendance at, a facility-based physical therapy in-service training shall be a photocopy of a memo from the physical therapy supervisor of the facility stating:

- ~~(a) The licensee's name;~~
- ~~(b) The name of the facility and the topic of the in-service training;~~
- ~~(c) The date of the in-service training; and~~
- ~~(d) The licensee's hours of attendance.~~

~~Phy 407.05 Formal Mentored Independent Study.~~ Documentation of formal mentored independent study in physical therapy shall be:

- ~~(a) A photocopy of the signed mentorship agreement; and~~
- ~~(b) The licensee's signed written statement describing the independent study showing:
 - ~~(1) The dates of the study;~~
 - ~~(2) The hours spent on the study; and~~
 - ~~(3) The focus and outcome of the study.~~~~

Repeal Phy 407.07 through Phy 407.18, effective 1/20/17 (Document #12088), as follows:

~~Phy 407.07 Supervision of Licensees Holding Conditional Initial Licenses, Conditionally Renewed Licenses or Conditionally Reinstated Licenses.~~ Documentation of supervision of a conditional licensee shall be the completed supervision form furnished by the board from its own files.

~~Phy 407.08 Publication of Writing Related to Physical Therapy.~~ Documentation of the publication of a licensee's writing related to physical therapy shall be:

- ~~(a) Any item showing:
 - ~~(1) The title of the writing;~~
 - ~~(2) The date of publication; and~~
 - ~~(3) The licensee's part or full authorship of the published writing; and~~~~
- ~~(b) A photocopy of:
 - ~~(1) The cover or the dust jacket of the licensee's published book; or~~~~

~~(2) The licensee's published chapter or article.~~

~~Phy 407.09 Professional Presentations Relating to Physical Therapy Made to Other Professionals or the Public. Documentation of a professional presentation relating to physical therapy made to other professionals or to the public shall be:~~

~~(a) A photocopy of the official program of the presentation;~~

~~(b) A photocopy of a written statement signed by a representative of the program's sponsor including:~~

~~(1) The title of the presentation;~~

~~(2) The name of the licensee as presenter;~~

~~(3) The date of the presentation;~~

~~(4) The hours during which the presentation took place; and~~

~~(5) The type of audience attending the presentation; or~~

~~(c) A photocopy of the program brochure showing the information described in (b) above.~~

~~Phy 407.10 Participation in a Physical Therapy Research Project. Documentation of participation in a physical therapy research project shall be a photocopy of a statement signed by either the principal investigator or a representative of the grant sponsor showing:~~

~~(a) The name of the research project;~~

~~(b) The beginning and ending dates of the licensee's participation; and~~

~~(c) The licensee's role in the research project.~~

~~Phy 407.11 Participation in the Work of Professional Boards, Committees and Agencies.~~

~~(a) Documentation of participation in the work of a professional board, committee, or agency shall be a photocopy of a letter conforming to (b) below and issued by:~~

~~(1) The authority appointing the licensee to the board, committee, or agency; or~~

~~(2) The board, committee, or agency served by the licensee.~~

~~(b) The letter shall state:~~

~~(1) The appointment of the licensee to the board, committee, or agency; or~~

~~(2) The fact of the licensee's participation and the beginning and ending dates of the licensee's service.~~

~~Phy 407.12 Completion of Distance Learning Courses. Documentation of completion of a course through distance learning shall be:~~

~~(a) A photocopy of an official transcript showing successful completion of the course, the date of the course and the credits earned; or~~

~~(b) A photocopy of the official certificate of completion issued to the licensee by the course sponsor or provider showing:~~

~~(1) The licensee's name;~~

~~(2) The name of the course;~~

~~(3) The name of the provider or sponsor;~~

~~(4) The beginning and ending date(s) of the course, if applicable;~~

~~(5) The number of contact hours credited by the provider or sponsor; and~~

~~(6) The signature or stamp of the instructor or a representative of the provider or sponsor.~~

~~Phy 407.13 Teaching Physical Therapy. Documentation of physical therapy teaching shall be:~~

~~(a) A list of courses taught; and~~

~~(b) A photocopy of a letter of confirmation signed by an official of the institution sponsoring the courses.~~

~~Phy 407.14 Receipt of Infection Control Education. Documentation of a licensee's receipt of infection control education shall be a photocopy of:~~

~~(a) A photocopy of a certificate showing:~~

~~(1) The title or subject matter of the education; and~~

~~(2) The receipt of the education by the licensee; or~~

~~(b) A statement signed by the supervisor of the facility where the course took place providing the information described in (a) above.~~

~~Phy 407.15 Successful Completion of a Practice Review Tool. Documentation of a licensee's successful completion of a practice review tool shall be a photocopy of a feedback report of "sufficiently qualified" on the practice review tool.~~

~~Phy 407.16 Journal Study. Documentation of journal study shall be a photocopy of a certificate of completion showing:~~

- ~~—— (a) The name of the licensee;~~
- ~~—— (b) The title and date of the journal article;~~
- ~~—— (c) The name of the publisher or provider of the journal article and the related questions; and~~
- ~~—— (d) The date of the licensee's completion of the journal study, including answering the questions related to the article.~~

~~—— Phy 407.17 Basic Life Support Course. Documentation of successful completion of a basic life support course shall be a copy of:~~

- ~~—— (a) The certification card showing that the licensee has taken and passed the course; or~~
- ~~—— (b) A certificate of course completion signed and dated by the course provider.~~

~~—— Phy 407.18 New Hampshire Jurisprudence Assessment Module. Documentation of passing the Jurisprudence Assessment Module shall be a copy of the score report sent electronically from the Federation of State Boards of Physical Therapy directly to the board.~~

Repeal Phy 408.01, previously effective 1/20/17 (Document #12088), cited as follows:

PART Phy 408 TRANSITION FROM CONDITIONAL LICENSE TO FULL LICENSE

[Phy 408.01 The Nature of Conditionally Renewed Licenses. Conditionally renewed licenses shall:

- ~~—— (a) Remain valid for no more than 26 weeks unless their validity is extended pursuant to Phy 408.08 or Phy 408.09; and~~
- ~~—— (b) Limit the practice of a physical therapist or physical therapist assistant to the supervised practice described in Phy 408.04.]~~

Readopt with amendment Phy 408.02, effective 1/20/17 (Document #12088) and renumber as Phy 408.01, to read as follows:

Phy 408.01 Issuance of Fully Renewed Licenses to Conditionally Renewed Licensees. A fully renewed licenses shall be issued by the OPLC to physical therapists and physical therapist assistants holding conditionally renewed licenses when they have:

- (a) Completed the supervised practice described in Phy 408.03;
- (b) Established readiness to practice under fully renewed licensure through the submission to the OPLC of the supervisory approval letter described in Phy 408.05; and
- (c) At the completion of the 26 week the conditional licensee shall have met all the requirements set forth in Phy 402.09.

Readopt with amendment Phy 408.03, effective 8/23/13 (Document #10402) and renumber as Phy 408.02, to read as follows:

Phy 408.02 Supervisors.

(a) The practice of a licensee holding a conditionally reinstated license shall be supervised by at least one physical therapist authorized to practice in New Hampshire who:

- (1) Has been practicing clinically for a period of at least one year;
- (2) Is a non-probationary employee not under disciplinary investigation or pending disciplinary charges and has not had disciplinary action taken against them in any state within the past 5 years;
- (3) Is located in the facility where supervision is to take place; and
- (4) Is not related in any of the following ways to the conditionally reinstated licensee to be supervised:
 - a. Spouse, civil union partner, or significant other;
 - b. Parent, step-parent, parent-in-law, or step-parent-in-law;
 - c. Natural, foster or adopted child, or stepchild; or
 - d. Sibling, brother-in-law, or sister-in-law.

(b) A physical therapist supervising a conditionally reinstated licensee shall share supervisory duties only with a physical therapist meeting the standards in (a) above.

(c) A physical therapist supervising a conditionally reinstated licensee shall delegate supervisory duties only:

- (1) To a physical therapist authorized to practice in New Hampshire or a physical therapist assistant authorized to practice in New Hampshire who meets the standards in (a)(1) through (a)(3) above;
- (2) When the physical therapist believes based on knowledge about the delegate that the delegate is competent to carry out the duties being delegated; and
- (3) When the proposed delegate voluntarily accepts the duties.

(d) If, as a result of the sharing or the delegation of supervisory duties, there is more than one individual supervising a conditionally reinstated licensee at any one time:

- (1) A single physical therapist shall bear responsibility for compliance with Phy 408; and
- (2) Complete and sign the supervision form described in Phy 403.06(h).

(e) If, as a result of the sharing or the delegation of supervisory duties, there was more than one individual supervising a conditionally reinstated licensee during the licensee's period of supervision, the physical therapist most recently supervising the conditionally reinstated licensee shall sign the supervisory approval letter described in Phy 408.05.

Readopt with amendment Phy 408.04, effective 5/23/15 (Document #10836) and renumber as Phy 408.03, to read as follows:

Phy 408.03 Supervised Practice.

(a) Licensees holding conditionally renewed licenses shall practice under the levels of supervision as follows:

- (1) Direct personal supervision, as defined in Phy 401.08, for at least 30% of the hours worked each week;
- (2) Direct supervision, as defined in Phy 401.09, for at least 30% of the hours worked each week; and
- (3) General supervision, as defined in Phy 401.012, for no more than 40% of the hours worked each week.

(b) If a physical therapist delegates to a physical therapist assistant the direct supervision called for by (a) above, there shall be direct contact between a physical therapist and a client of the conditionally reinstated licensee once during each 24-hour period in which the client is served by the conditionally reinstated licensee.

(c) The conditional licensee shall be supervised as described in (a) above for at least 200 hours.

Repeal Phy 408.05, effective 1/20/17 (Document #12088), as follows:

~~[Phy 408.05 Supervision Form.~~

~~—(a) The supervision form shall:~~

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

~~“By signing this form I state that I have read and understood the applicable rules of supervision or order of the Board for supervision, agree to undertake the duties of supervision set forth in the rules or order of the Board, agree to be responsible for the acts and omissions of any person to whom I delegate the duties of supervision, and acknowledge that my own or my delegate's failure to comply with the rules or order of the Board might result in disciplinary sanctions.”~~

~~(b) The signature required by (a)(4) above shall constitute the signer's:~~

~~(1) Assertion that the signer has read and understood the rules or order of the board governing the supervision;~~

~~(2) Agreement to undertake the duties of supervision;~~

~~(3) Agreement to take responsibility for the acts and omissions of any individual to whom the signer delegates the duties of supervision; and~~

~~(4) Statement of understanding that the failure of the signer or the signer's delegate to follow the rules or order of the Board governing the supervision has the potential to subject the signer to disciplinary sanctions.]~~

Readopt with amendment Phy 408.06 through Phy 408.12, effective 1/20/17 (Document #12088) and renumber as Phy 408.04 through Phy 408.10, to read as follows:

Phy 408.04 Administrative and Ethical Obligations of Licensees Holding Conditionally Renewed Licenses.

(a) The administrative obligations of licensees holding conditionally renewed licenses shall be as follows:

(1) Before the beginning of supervision by the individual who will provide some or all of the weeks of supervision, licensees holding conditionally renewed licenses shall:

a. Give to these individuals a copy of Phy 408 and the supervision form described in Phy 403.06(h);

b. Discuss the required supervision with them; and

c. Submit the completed supervision form described in Phy 403.06(h) to the OPLC; and

(2) When the supervisor is replaced by another individual, licensees holding conditionally renewed licenses shall:

a. Notify the OPLC of that fact; and

b. Take the actions required by (1) above.

(b) The ethical standards to be met by licensees holding conditionally renewed licenses shall be those set forth in Phy 500.

Phy 408.05 Supervisory Approval Letter.

(a) For a physical therapist holding a conditionally renewed license, the letter indicating supervisory approval shall:

(1) Be dated and signed by the individual who is the physical therapist's most recent supervisor;

- (2) Be based on the determinations by the supervisor required by Phy 408.9; and
- (3) State the opinion of the supervisor that the physical therapist is ready to practice under full licensure because the supervisor has determined that the conditional licensee has the following requisite skills detailed in Phy 408.9:

- a. Evaluation skills;
- b. Treatment skills;
- c. Management skills; and
- d. Professional interaction skills.

(b) For a physical therapist assistant holding a conditionally renewed license, the letter indicating supervisory approval shall:

- (1) Be dated and signed by the individual who is the physical therapist assistant's most recent supervisor;
- (2) Be based on the determinations by the supervisor required by Phy 408.10; and
- (3) State the opinion of the supervisor that the physical therapist assistant is ready to practice under full licensure because the supervisor has determined that the physical therapist assistant has the following requisite skills detailed in Phy 408.10:

- a. Assessment skills;
- b. Treatment skills;
- c. Management skills; and
- d. Professional interaction skills.

Phy 408.06 Extension of Conditionally Renewed License When Supervised Practice is Incomplete or Supervisory Approval Letter is Unavailable. The OPLC shall extend a conditionally renewed license for an additional period of no more than 26 weeks when:

- (a) The conditionally renewed license is still valid;
- (b) The licensee holding the conditionally renewed license:
 - (1) Is unable to complete the required supervised practice because of loss of employment for any reason other than being terminated for cause or terminated during probationary employment because of incompetence; or
 - (2) Is unable to submit the required supervisory approval letter for a reason unrelated to the supervisor's belief that the conditional licensee is not ready to practice under full licensure and state the deficiencies that require improvement; and

(c) The holder of the conditionally renewed license submits to the OPLC a written request for the extension explaining the details of one of the reasons in (b) above.

Phy 408.07 Extension of a Conditionally Renewed License in Accordance with Supervisor's Request.

(a) The OPLC shall extend the period of validity of a conditionally renewed license for the period of time, not to exceed 6 weeks, specified by the supervisor:

- (1) If the request is made during the period of validity of the conditionally renewed license;
- (2) When the holder of the conditionally renewed license submits the supervisor's signed statement of opinion that the conditional licensee will become ready to practice under full licensure if the conditionally renewed license is extended for a specified period of time, not to exceed 6 weeks; and
- (3) The supervisor agrees to remain the supervisor during the 6 week extension.

(b) If during the extended 6 weeks the supervisor is unable to continue as supervisor the conditional licensee shall request a new supervisor that meets the requirements set forth in Phy 408.02 and provide the [board] with the reason the supervisor is unable to continue.

Phy 408.08 Expiration, Denial, and Suspension of Conditionally Renewed Licenses.

(a) A conditionally renewed license shall expire upon the first of the following events:

- (1) The date of its expiration; or
- (2) The OPLC's approval or denial of full renewal licensure.

(b) The physical therapist or physical therapist assistant holding the conditionally renewed license shall have the right to challenge the OPLC's denial of full renewal licensure through an adjudicative hearing.

(c) The board shall suspend a conditionally renewed license under the following circumstances:

- (1) Practice by the physical therapist or physical therapist assistant holding the conditionally renewed license without the required supervision;
- (2) Termination from employment for cause; or
- (3) Termination from employment for incompetence during a probationary period.

(d) The board shall suspend a conditionally renewed license pursuant to (c) above only after:

- (1) Giving the holder of the conditionally renewed license notice containing:
 - a. A statement of the board's intention to suspend the conditionally renewed license;
 - b. The grounds for the intended suspension;

- c. The date of the intended suspension; and
- d. A statement that the holder of the conditionally renewed license has the right to request an adjudicative hearing to challenge the intended suspension; and

(2) Providing the holder of the conditionally renewed license the opportunity to challenge the intended suspension at an adjudicative hearing.

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

Phy 408.09 Skills To Be Determined for Physical Therapists Holding Conditionally Renewed Licenses. The supervisor of a physical therapist holding a conditionally renewed license shall, in the course of supervision, determine whether and to what extent the physical therapist has the following skills:

(a) Evaluation skills, including:

(1) Screening using procedures to determine the effectiveness of, and need for, physical therapy services, including:

- a. Identifying critical signs and symptoms that signal appropriateness for physical therapy examination;
- b. Selecting appropriate screening procedures;
- c. Conducting physical therapy screening in a technically competent manner;
- d. Interpreting screening findings; and
- e. Determining, based on the screening, the client's appropriateness for physical therapy or referral to other providers;

(2) Examination skills, including:

- a. Selection of reliable and valid physical therapy examination methods relevant to the client's complaint, the screening results and the client's history;
- b. Obtaining accurate information by performing the selected examination methods;
- c. Performing them while minimizing risk to the patient and to the conditional licensee; and
- d. Performing them in a technically competent manner; and

(3) Skills in using the clinical findings to determine physical therapy diagnoses and outcomes of care, including:

- a. Synthesizing the examination data to complete the physical therapy evaluation;
- b. Interpreting clinical findings to establish a physical therapy diagnosis;

- c. Explaining to the client the influence of pathological, abnormal physiological, and pharmacological processes on the patient's movement system;
- d. Using clinical findings and a medical or a physical therapy diagnosis to establish a physical therapy prognosis;
- e. Performing regular re-examinations of the client's status;
- f. Performing regular evaluations of the effectiveness of the client's treatment; and
- g. Evaluating changes in the client's status;

(b) Treatment skills, including:

(1) Practicing in a manner that minimizes risk to the patient, to the physical therapist, and to others including, but not limited to:

- a. Observing universal precautions and any health and safety regulations of the worksite;
- b. Maintaining a safe working environment;
- c. Recognizing physiological and psychological changes in the client and adjusting treatment accordingly;
- d. Being aware of contraindications and precautions of treatment;
- e. Requesting assistance when necessary; and
- f. Using techniques designed for safety in the handling of patients;

(2) Applying the principles of logic and the scientific method to the practice of physical therapy, including:

- a. Presenting a cogent rationale for clinical decisions;
- b. Making clinical decisions within the context of the ethical practice set forth in Phy 500;
- c. Making clinical decisions regarding therapy goals and the plan of care with the patient's informed consent and in accordance with RSA 328-A:15, III, IV, and V;
- d. Utilizing information from multiple data sources to make clinical decisions;
- e. Distinguishing practices based on traditional beliefs from practices that are scientifically based; and
- f. Using appropriate outcome measures in the delivery and assessment of ongoing patient care;

(3) Designing a physical therapy plan of care:

- a. In collaboration with the patient;
- b. Consistent with the patient's examination and evaluation;
- c. Integrating goals, treatment, functional outcomes, and a discharge plan;
- d. Specifying the expected time durations for the goals and functional outcomes;
- e. Adjusted in response to changes in the patient's status; and
- f. Establishing a plan for timely patient discharge; and

(4) Performing physical therapy interventions in a competent manner, including:

- a. Selecting interventions designed to achieve the desired outcomes;
- b. Performing effective, efficient, and coordinated movements in providing technically competent interventions;
- c. Performing interventions consistent with the plan of care;
- d. Providing interventions in a manner minimizing risk to the physical therapist and the patient; and
- e. Using intervention time efficiently and effectively;

(c) Management skills, including:

(1) Producing documentation to support the delivery of physical therapy services, including:

- a. Selecting relevant information to document the delivery of care;
- b. Documenting all aspects of physical therapy care, including screenings, examination, evaluation, plan of care, treatment(s), response to treatment(s), discharge planning, family conferences, and communications with others involved in the delivery of care;
- c. Producing documentation that follows the guidelines and format required by the practice setting;
- d. Documenting patient care consistent with the board's rules and the requirements of third party payers; and
- e. Producing documentation that is accurate, concise, timely, and legible;

(2) Participating in activities addressing quality of service delivery, including:

- a. Seeking information regarding the quality of care the conditional licensee renders;
- b. Following the policies and procedures established by the practice setting and the employer; and

- c. Participating in quality assurance activities, peer reviews, and review of utilization of services;
- (3) Addressing any needs of the patient for services other than physical therapy, including:
- a. Determining the needs of, and available resources for, the patient;
 - b. Recommending referral(s) based on the expertise and effectiveness of provider(s);
 - c. Advocating for appropriate patient services and resources; and
 - d. Assisting patients in accessing resources; and
- (4) Managing time, space, and equipment to achieve the goals of the practice site or practice setting, including:
- a. Incorporating, through accurate and timely billing and otherwise, an understanding of economic factors in the delivery of physical therapy services;
 - b. Using time effectively;
 - c. Adhering to reimbursement guidelines established by payers for physical therapy services; and
 - d. The scheduling of patients, equipment, and space; and
- (d) Professional interaction skills, including:
- (1) Presenting oneself in a professional manner, including:
- a. Accepting responsibility for one's own actions;
 - b. Being punctual and dependable;
 - c. Completing scheduled assignments in a timely manner;
 - d. Wearing attire consistent with the expectations of the practice site or setting;
 - e. Abiding by policies and procedures of the practice site or setting; and
 - f. Adapting to changes in schedule, patient population, treatment location, and other changes similarly not within the control of the holder of the conditionally renewed license;
- (2) Behaving professionally in interactions with others, including:
- a. Maintaining productive working relationships with patients, the families of patients, and others;
 - b. Contributing to a positive work environment by treating others with positive regard, dignity, respect, and compassion;

- c. Accepting criticism without defensiveness;
 - d. Managing conflict in positive ways; and
 - e. Maintaining patients' privacy and modesty;
- (3) Adhering to ethical practice, including:
- a. Complying with Phy 500;
 - b. Identifying situations in which ethical questions are present; and
 - c. Reporting to the employer and the OPLC violations of ethical practice;
- (4) Adhering to legal practice standards, including:
- a. Abiding by applicable state and federal law, including RSA 328-A, RSA 328-F, and the rules of the board; and
 - b. Identifying situations in which legal questions are present;
- (5) Communicating in ways that are congruent with situational needs, including:
- a. Communicating verbally and nonverbally in a professional and timely manner;
 - b. Initiating communication in difficult situations;
 - c. Selecting the most appropriate person(s) with whom to communicate;
 - d. Listening actively and attentively to understand what is being communicated by others;
 - e. Using professionally and technically correct language;
 - f. Communicating using nonverbal methods that are consistent with the intended message;
 - g. Interpreting and responding to the nonverbal communication of others; and
 - h. Evaluating the effectiveness of their own communication and modifying communication accordingly;
- (6) Adapting delivery of physical therapy care to reflect respect for, and sensitivity to, individual differences, including exhibiting sensitivity to differences in race, creed, color, gender, age, national or ethnic origin, sexual orientation, and disability or health status when:
- a. Communicating with others;
 - b. Developing plans of care; and
 - c. Implementing plans of care; and

(7) Educating patients, the families of patients, other caregivers, other staff at the care site or in the care setting, students, and other health care providers, using relevant and effective teaching methods, including:

- a. Identifying and establishing priorities for educational needs;
- b. Designing education activities to address identified needs;
- c. Conducting educational activities using a variety of instructional strategies; and
- d. Evaluating one's own educational activities for effectiveness and modifying them accordingly.

Phy 408.10 Skills To Be Determined for Physical Therapist Assistants Holding Conditionally Renewed Licenses. The supervisor of a physical therapist assistant holding a conditionally renewed license shall, in the course of supervision, determine whether and to what extent the physical therapist assistant has the following skills:

- (a) Collaboration and communication with the supervisor;
- (b) Assessment skills, including:
 - (1) Performing regular re-assessments of the client's status;
 - (2) Performing regular assessments of the effectiveness of the client's treatment; and
 - (3) Assessing changes in the client's status;
- (c) Treatment skills, including:
 - (1) Practicing in a manner that minimizes risk to the patient, to the physical therapist assistant and to others including, but not limited to:
 - a. Observing universal precautions and any health and safety regulations of the worksite;
 - b. Maintaining a safe working environment;
 - c. Recognizing physiological and psychological changes in the client and adjusting treatment accordingly;
 - d. Being aware of contraindications and precautions of treatment;
 - e. Requesting assistance when necessary; and
 - f. Using techniques designed for safety in the handling of patients;
 - (2) Applying the principles of logic and the scientific method to the practice of physical therapy, including:
 - a. Presenting a cogent rationale for clinical decisions;

- b. Making clinical decisions within the context of the ethical practice set forth in Phy 500;
 - c. Making clinical decisions in accordance with RSA 328-A:15, III, IV, and V;
 - d. Utilizing information from multiple data sources to make clinical decisions;
 - e. Distinguishing practices based on traditional beliefs from practices that are scientifically based; and
 - f. Using appropriate outcome measures in the delivery and assessment of ongoing patient care; and
- (3) Performing physical therapy interventions in a competent manner, including:
- a. Performing effective, efficient, and coordinated movements in providing technically competent interventions;
 - b. Performing interventions consistent with the plan of care;
 - c. Providing interventions in a manner minimizing risk to the physical therapist assistant and the patient; and
 - d. Using intervention time efficiently and effectively;
- (d) Management skills, including:
- (1) Producing documentation to support the delivery of physical therapy services, including:
- a. Selecting relevant information to document the delivery of care;
 - b. Documenting all aspects of physical therapy care, including treatment(s), response to treatment(s), discharge planning, family conferences, and communications with others involved in the delivery of care;
 - c. Producing documentation that follows the guidelines and format required by the practice setting;
 - d. Documenting patient care consistent with the board's rules and the requirements of third party payers; and
 - e. Producing documentation that is accurate, concise, timely, and legible;
- (2) Participating in activities addressing quality of service delivery, including:
- a. Seeking information regarding the quality of care the conditional licensee renders;
 - b. Following:
 - 1. The plan of care established by the physical therapist; and

2. The policies and procedures established by the practice setting and the employer;
and
 - c. Participating in quality assurance activities, peer reviews, and review of utilization of services;
- (3) Addressing any needs of the patient for services other than physical therapy, including:
- a. Assisting the physical therapist in determining the needs of, and available resources for, the patient;
 - b. Assisting the physical therapist in recommending referral(s) based on the expertise and effectiveness of provider(s);
 - c. Advocating for appropriate patient services and resources; and
 - d. Assisting patients in accessing resources; and
- (4) Managing time, space, and equipment to achieve the goals of the practice site or practice setting, including:
- a. Incorporating, through accurate and timely billing and otherwise, an understanding of economic factors in the delivery of physical therapy services;
 - b. Using time effectively;
 - c. Adhering to reimbursement guidelines established by payers for physical therapy services; and
 - d. The scheduling of patients, equipment, and space; and
- (e) Professional interaction skills, including:
- (1) Presenting oneself in a professional manner, including:
 - a. Accepting responsibility for one's own actions;
 - b. Being punctual and dependable;
 - c. Completing scheduled assignments in a timely manner;
 - d. Wearing attire consistent with the expectations of the practice site or setting;
 - e. Abiding by policies and procedures of the practice site or setting; and
 - f. Adapting to changes in schedule, patient population, treatment location, and other changes similarly not within the control of the physical therapist assistant;
 - (2) Behaving professionally in interactions with others, including:

- a. Maintaining productive working relationships with patients, the families of patients, and others;
 - b. Contributing to a positive work environment by treating others with positive regard, dignity, respect, and compassion;
 - c. Accepting criticism without defensiveness;
 - d. Managing conflict in positive ways; and
 - e. Maintaining patients' privacy and modesty;
- (3) Adhering to ethical practice, including:
- a. Complying with Phy 500;
 - b. Identifying situations in which ethical questions are present; and
 - c. Reporting to the employer and the OPLC violations of ethical practice;
- (4) Adhering to legal practice standards, including:
- a. Abiding by applicable state and federal law, including RSA 328-A, RSA 328-F, and the rules of the board; and
 - b. Identifying situations in which legal questions are present;
- (5) Communicating in ways that are congruent with situational needs, including:
- a. Communicating verbally and nonverbally in a professional and timely manner;
 - b. Initiating communication in difficult situations;
 - c. Selecting the most appropriate person(s) with whom to communicate;
 - d. Listening actively and attentively to understand what is being communicated by others;
 - e. Using professionally and technically correct language;
 - f. Communicating using nonverbal methods that are consistent with the intended message;
 - g. Interpreting and responding to the nonverbal communication of others; and
 - h. Evaluating the effectiveness of their own communication and modifying communication accordingly;
- (6) Adapting delivery of physical therapy care to reflect respect for, and sensitivity to, individual differences, including exhibiting sensitivity to differences in race, creed, color, gender, age, national or ethnic origin, sexual orientation, and disability or health status when:

- a. Communicating with others; and
 - b. Implementing plans of care; and
- (7) Educating patients, the families of patients, other caregivers, other staff at the care site or in the care setting, students, and other health care providers, using relevant and effective teaching methods, including:
- a. Identifying and establishing priorities for educational needs;
 - b. Designing education activities to address identified needs;
 - c. Conducting educational activities using a variety of instructional strategies; and
 - d. Evaluating one's own educational activities for effectiveness and modifying them accordingly.

Readopt with amendment Phy 409.01 through Phy 409.04, effective 1/20/17 (Document #12088), to read as follows:

Phy 409.01 Role of Physical Therapists.

- (a) A physical therapist shall be responsible for managing all aspects of the physical therapy care of a client, including:
- (1) Oversight of documentation of services given to the client;
 - (2) Being aware of fees charged and any client reimbursement systems; and
 - (3) The services in (b) below.
- (b) The physical therapist shall:
- (1) Provide the initial examination of the client;
 - (2) Provide the initial evaluation of the client, including a written identification of the client's:
 - a. Precautions;
 - b. Special problems;
 - c. Contraindications;
 - d. Anticipated progress; and
 - e. A plan for re-evaluation at least every 60 days;
 - (3) Develop a plan of care for the client, including initial short and long term goals;
 - (4) Re-evaluate a client upon any significant changes in the client's condition;

- (5) Select and delegate to the physical therapist assistant interventions and tasks appropriate to the plan of care;
- (6) Assess the physical therapist assistant's supervision needs when delegating interventions and tasks;
- (7) Make a written or electronic record of their services;
- (8) Re-evaluate and update the plan of care and goals:
 - a. In accordance with the plan for re-evaluation;
 - b. When unexpected changes occur in the patient's condition;
 - c. At the request of the physical therapist assistant; or
 - d. As required by a third party payer;
- (9) Co-sign all the physical therapist assistant's notes to attest to their supervision during each re-evaluation;
- (10) Write the client's discharge summary and plan;
- (11) Establish the patient's follow up plan of care to include the client's status at discharge, including the client's response to treatment; and
- (12) Sign all documents written by, or transcribed on behalf of, the physical therapist and place their title after the signature.

Phy 409.02 Role of Physical Therapist Assistants. A physical therapist assistant shall be responsible for:

- (a) Interventions and tasks appropriate to the plan of care when they have been delegated to the physical therapist assistant by a physical therapist;
- (b) Making a written or electronic record of their services;
- (c) Providing information to a physical therapist about a client's health status;
- (d) Providing discharge information when requested to do so by a physical therapist; and
- (e) Preparing billings when requested to do so by a physical therapist or the physical therapist assistant's employer.

Phy 409.03 Supervision of a Physical Therapist Student or Physical Therapist Assistant Student.

- (a) The supervising physical therapist or physical therapist assistant shall be the individual responsible for the client's treatment on the day the physical therapist student or physical therapist assistant student provides treatment.

(b) The supervising physical therapist or physical therapist assistant may allow a physical therapist student or physical therapist assistant student to provide treatment consistent with the individual student's education, experience, and skills.

(c) The supervising physical therapist or physical therapist assistant shall provide direct supervision of a physical therapist student or physical therapist assistant student at all times when the student is providing treatment to a client.

(d) The supervising physical therapist or physical therapist assistant shall authenticate the signed documentation of a student on the same day the treatment is provided.

(e) A physical therapist student shall be supervised by a physical therapist authorized to practice in New Hampshire.

(f) A physical therapist assistant student shall be supervised by either a physical therapist or physical therapist assistant who is authorized to practice in New Hampshire.

Phy 409.04 Supervision of Physical Therapist Assistants and Other Support Personnel.

(a) A client's treatment by a physical therapist assistant shall be supervised, at least at the level of general supervision, by a physical therapist authorized to practice in New Hampshire.

(b) A physical therapist shall supervise concurrently no greater number of physical therapist assistants and other support personnel than the physical therapist is able to supervise competently while performing the physical therapist's:

- (1) Responsibilities as set forth in Phy 409.01;
- (2) Duties assigned by the physical therapist's employer; and
- (3) Ethical obligations as set forth in Phy 500.

Adopt Phy 410.03, previously effective 12/23/11 (Document #10061) expired 12/24/21, to read as follows:

Phy 410.03 Administrative Obligations of Licensees.

(a) The licensees shall:

- (1) Maintain their current business and home addresses on file with the OPLC; and
- (2) Notify the OPLC of any change in address no later than 30 days from the date of the change.

(b) Licensees shall:

- (1) Report to the OPLC:
 - a. Any criminal conviction of another licensee which is based on a finding that the licensee has violated RSA 328-A; or

b. Any determination by a regulatory agency that another licensee has violated RSA 328-A; and

(2) Incur no liability for such a report.

(c) In accordance with RSA 328-A:15, IX, each licensee shall display at their place of practice in a location accessible to the public:

(1) A copy of their license;

(2) A copy of their verification of current license renewal; or

(3) A notice stating where their licensure information is available.

(d) Licensees shall retain documentation of their continuing professional education and professional activities for at least 3 years.

Readopt with amendment Phy 410.04, effective 1/20/17 (Document #12088), to read as follows:

Phy 410.04 Obligation to Report to Clients.

(a) In accordance with RSA 328-A:15, V, a physical therapist shall inform each client that the client has freedom of choice in services and products.

(b) In accordance with RSA 328-A:15, III, a physical therapist shall, before the physical therapist's initial evaluation, disclose in writing to the client that the practitioner who referred the client to the physical therapist is deriving direct or indirect compensation from the referral.

(c) In accordance with RSA 328-A:15, IV, a physical therapist shall, at the time of endorsement or recommendation, disclose in writing to the client any financial interest the physical therapist has in a product they endorse or recommend to the client.

APPENDIX

Rule	Statute
Phy 401.01	RSA 541-A:7
Phy 401.02	RSA 541-A:7
Phy 401.03	RSA 541-A:7
Phy 401.04	RSA 541-A:7
Phy 401.15 (repealed)	RSA 541-A:7
Phy 401.16 (formerly Phy 401.17)	RSA 541-A:7
Phy 402.01 (repealed)	RSA 328-F:11, I(f)
Phy 402.01 (formerly Phy 402.02)	RSA 328-F:11, I(b)
Phy 402.02 (formerly Phy 402.03)	RSA 328-F:11, I(g)
Phy 402.04 (repealed)	RSA 328-F:11, I(f)
Phy 402.05 (repealed)	RSA 541-A:7
Phy 402.03 (formerly Phy 402.06)	RSA 328-F:11, I(g)

Phy 402.05 (formerly Phy 402.08)	RSA 328-F:11, I(b)
Phy 402.06 (formerly Phy 402.09)	RSA 328-F:11, I(b)
Phy 402.07 (formerly Phy 402.10)	RSA 328-A:3, II; RSA 328-A:15-a
Phy 402.08 (formerly Phy 402.11)	RSA 310:12, I (e)
Phy 402.09 (formerly Phy 402.12)	RSA 328-A:3, II; RSA 328-A:15-a
Phy 402.10 (formerly Phy 402.13)	RSA 328-A:3, II; RSA 328-A:15-a
Phy 403.01	RSA 328-F:11, I(e)
Phy 403.01(a)(1) and (2)	RSA 541-A:16, I(b)
Phy 403.01(a)(3)	RSA 310:8, III
Phy 403.01(b)	RSA 541-A:16, I(b)
Phy 403.02 (repealed)	RSA 328-F:18, I(b)
Phy 403.02(a) (repealed)	RSA 541-A:16, I(b)
Phy 403.02(b)(1) (repealed)	RSA 328-F:20, III
Phy 403.02(b)(2) (repealed)	RSA 328-F:20, I
Phy 403.02(b)(3) (repealed)	RSA 328-F:20, IV
Phy 403.02(a) (formerly Phy 403.03(a))	RSA 541-A:16, I(b)
Phy 403.02(b) & (c) (formerly Phy 403.03(b) & (c))	RSA 328-F:11, I(e) and (f)
Phy 403.03 (formerly Phy 403.04)	RSA 328-F:11, I(b)
Phy 403.03(a) (formerly Phy 403.04(a))	RSA 328-F:11, I(e) and (f)
Phy 403.03(b) (formerly Phy 403.04(b))	RSA 328-F:11, I(e) and (f)
Phy 403.03(c) (formerly Phy 403.04(c))	RSA 328-F:11, I(e) and (f)
Phy 403.04 (formerly Phy 403.05)	RSA 328-F:11, I(e)
Phy 403.04(a)-(c) (formerly Phy 403.05(a), (c), and (d))	RSA 328-F:11, I(e) and (f)
Phy 403.04(d) (formerly Phy 403.05(d))	RSA 328-F:11, I(e) and (f)
Phy 403.04(f) (formerly Phy 403.05(e))	RSA 328-F:11, I(e) and (f)
Phy 403.05 (formerly Phy 403.06)	RSA 328-F:11, I(c)
Phy 403.05(a)(1) and (2) (formerly Phy 403.06(a)(2) and (3))	RSA 328-F:11, I(e) and (f)
Phy 403.05(a)(3) (formerly Phy 403.06(a)(4))	RSA 328-F:11, I(e) and (f)
Phy 403.05(b) (formerly Phy 403.06(b))	RSA 541-A:16, I(b)
Phy 403.07 (repealed)	RSA 541-A:16, I(b)
Phy 403.06 (formerly Phy 403.08)	RSA 541-A:16, I(b)
Phy 404.02	RSA 328-F:11, I(e)
Phy 404.03	RSA 328-F:11, I(c)
Phy 404.04	RSA 541-A:16, I(b)
Phy 404.05 (repealed)	RSA 541-A:16, I(b)
Phy 404.05 (formerly Phy 404.06)	RSA 541-A:16, I(b)
Phy 404.06 (formerly Phy 404.07)	RSA 328-F:11, I(c)
Phy 404.07 (formerly Phy 404.08)	RSA 541-A:16, I(b)
Phy 404.08 (formerly Phy 404.09)	RSA 541-A:16, I(b)
Phy 404.09 (formerly Phy 404.11)	RSA 541-A:16, I(b)
Phy 404.10 (formerly Phy 404.12)	RSA 541-A:16, I(b)
Phy 405.01	RSA 328-F:11, I(g)
Phy 405.02(a)	RSA 328-F:11, I(g)
Phy 405.02(b)	RSA 328-F:11, I(g)
Phy 405.02(c)	RSA 328-F:11, I(g)
Phy 406	RSA 328-A:15-a, I(b) and II(b)

Phy 406.01 – Phy 406.06	RSA 328-F:11, I(b) (d), and (e), RSA 541-A:16, I(b)
Phy 406.07 – Phy 406.11	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.12 (repealed)	RSA 328-A:15-a, I(b) and II(b)
Phy 406.12 (formerly Phy 406.13)	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.13 (formerly Phy 406.14)	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.15 (repealed)	RSA 328-A:15-a, I(b) and II(b)
Phy 406.14 (formerly Phy 406.16)	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.17 (repealed)	RSA 328-A:15-a, I(b) and II(b)
Phy 406.15 (formerly Phy 406.18)	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.16	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.17	RSA 328-A:15-a, I(b) and II(b), RSA 541-A:16, I(b)
Phy 406.18	RSA 328-F:11, I(b), (d), and (e), RSA 541-A:16, I(b)
Phy 407 (repealed)	RSA 541-A:16, I(b)
Phy 408	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.01 (repealed)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.01 (formerly Phy 408.02)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.02 (formerly Phy 408.03)	RSA 328-F:11, I(c)
Phy 408.03 (formerly Phy 408.04)	RSA 328-F:11, I(c)
Phy 408.05 (repealed)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.04 (formerly Phy 408.06)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.05 (formerly Phy 408.07)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.06 (formerly Phy 408.08)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.07 (formerly Phy 408.09)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.08 (formerly Phy 408.10)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.09 (formerly Phy 408.11)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 408.10 (formerly Phy 408.12)	RSA 328-A:3, II; RSA 541-A:16, I(b)
Phy 409.01	RSA 328-F:11, II(a)
Phy 409.02 and Phy 409.03	RSA 328-A:9, VI; RSA 328-A:4, V; RSA 328-F:11, II(a)
Phy 409.04	RSA 328-A:4, VI
Phy 410.03	RSA 328-F:11, I(b)
Phy 410.03(a)	RSA 328-F:21
Phy 410.03(b)	RSA 328-A:13, I and II
Phy 410.03(c)	RSA 328-A:15, IX
Phy 410.04	RSA 328-A:4, IV
Phy 410.04(a)	RSA 328-A:15, V
Phy 410.04(b)	RSA 328-A:15, III
Phy 410.04(c)	RSA 328-A:15, IV