

Readopt with amendment Psyc 301.01, effective 11/4/16 (Document #12035), cited and to read as follows:

PART Psyc 301 DEFINITIONS

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

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

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

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

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

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

(f) “Individual supervision” means one supervisor in the physical presence of one supervisee;

(g) “National Association of School Psychologists (NASP)” means the “national association of school psychologists (NASP)” whose address is 4340 East West Highway, Suite 402, Bethesda, MD 20814 and telephone number is 301-657-0270;

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

(i) “Psychology practice” means “psychology practice” as defined in RSA 329-B:2, VII; and

(j) “Telemedicine” means the use of audio, video, or other electronic media for the purpose of engaging in psychological practice.

Readopt with amendment Psyc 303.03, effective 11/4/16 (Document #12035-B), to read as follows:

Psyc 303.03 Application Process for Those Licensed in Another State.

(a) Persons who wish to apply for a license as a psychologist in New Hampshire, and are already licensed in another state shall:

(1) Submit the application form described in Psyc 303.02;

(2) The supporting documentation described in Psyc 303.02 (c) including the answers to written essay questions described in Psyc 303.05; and

(3) Pay any fees in accordance with Plc 1002.43 and Plc 1001.08.

(b) Persons who wish to apply for a license as a psychologist in New Hampshire and hold a current certificate of professional qualification in psychology (CPQ) issued by the association of state and provincial psychology boards (ASPPB) or are certified by the American Board of Professional Psychology (ABPP), or are actively credentialed by the NRHSP shall:

(1) Submit an application as described in Psyc 303.02 (c), and any fees in accordance with Plc 1002.43 and Plc 1001.08;

(2) Submit evidence of a current CPQ, ABPP, or NRHSP credential;

(3) Submit a current curriculum vitae; and

(4) Provide verification of licensure from all state or jurisdiction where they are currently licensed.

Adopt Psyc 304 to read as follows:

PART Psyc 304 APPLICATION PROCESS FOR TELEPASS LICENSE

Psyc 304.01 Qualifications for Telepass License.

(a) The individual applying for a telepass shall be an individual described in (b) below who wishes to provide telemedicine to a resident of the state of New Hampshire.

(b) An applicant for telepass license shall meet the following requirements:

(1) Reside outside of the state of New Hampshire in any other jurisdiction in the United States or Canada;

(2) Hold an active license in good standing in one of the jurisdictions in the United States or Canada other than New Hampshire; and

(3) Be in good standing with all other jurisdictions in the United States or Canada that the applicant has ever held a license.

Psyc 304.02 Character Qualifications.

(a) An applicant for a telepass licensure as a psychologist shall be approved if the applicant is of good character as defined by Psyc 303.01(b).

Psyc 304.03 Application Process.

(a) Persons wishing to obtain a telepass license as a psychologist in New Hampshire shall apply to the OPLC by submitting the following:

- (1) An application for telepass license, which contains the information specified in Psyc 304.04;
- (2) Supporting documents required of the applicant, as specified in Psyc 304.05; and
- (3) Pay any fees in accordance with Plc 1002.43 and Plc 1001.08.

(b) The application and supporting documents shall be processed in accordance with Plc 304.06 through Plc 304.14.

Psyc 304.04 Tele-pass Application.

(a) The applicant shall complete and submit the “Universal Application for Initial License” dated March 2023 signed and dated in accordance with Plc 304.05;

(b) In addition to the application in (a) above, the applicant shall provide a list of all names they have ever been known by;

Psyc 304.05 Documents Required of Applicants Applying for a Telepass License. Applicants for telepass license shall provide, or arrange for the OPLC to receive, the following documents supporting their application:

(a) A passport size, 2" x 2", original head-shot photograph taken within 90 days of the submission of the application;

(b) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions required by Plc 304.03(e) are in the affirmative providing all additional documents listed below with the application:

- (1) Details of each such conviction, and whether the applicant is in compliance with any outstanding court orders entered for each such conviction, including copies of all relevant court documents;
- (2) If the applicant is currently under the care of a health professional who has recommended treatment a statement indicating whether or not the applicant is following the recommendations of the treating professional; and
- (3) If the applicant has been or is currently the subject of a civil suit involving the practice of the profession or their health care profession a copy of the settlement or judgment entered in such suit;

(c) A current resume or curriculum vita containing a chronologically organized account of the applicant's paid or volunteer work experience as a psychologist for the past 10 years or since the completion of the academic program, including:

- (1) Each separate experience in paid or volunteer work; and
- (2) The period of each separate experience described by the month and year it began and month and year it ended;

(d) Unless the information is available electronically, an official letter of verification sent directly to the OPLC from every jurisdiction which has issued a license or other authorization to practice and shall include at least one current license from a United States or Canada psychology licensing board, stating whether:

- (1) 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; and

(e) A criminal history records check form and fingerprint card, seeking both a New Hampshire and a federal records check, in accordance with the procedure specified by the NH department of safety at Saf-C 5700 with the required fee in a separate check made payable to “State of NH: Criminal Records”.

Psyc 304.06 Telepass License.

(a) The initial telepass license shall not be valid for more than 24 months from the date of original issuance unless renewed in accordance with Psyc 304.08;

(b) The initial telepass licensure shall be issued for 4 months pending receipt of documents required by Psy 304.04.

(c) Upon completion and approval of the requirements described in (b) above the OPLC shall issue a full telepass license to the licensee for the remaining months not to exceed 24 months.

(d) If the licensee fails to submit the documents described in (b) above before the 4 months ends the license shall be expired and the individual shall not practice in the state of New Hampshire;

(e) If the licensee provides the documents required by (b) above after the license expires but before the end of the 24 months the OPLC shall issue a telepass license for the remaining number of not to exceed 24-months from the date the 4-month telepass license was issued.

Psyc 304.07 Denial of an Application for a Telepass License.

(a) The application for telepass license shall be denied if:

- (1) The applicant fails to meet the requirements set forth in RSA 329-B:16;
- (2) The applicant has committed any acts that would be grounds for disciplinary action under RSA 329-B:21, II;
- (3) The applicant failed to provide complete documents required for a telepass license; and
- (4) The applicant is not of good character as described in Psyc 303.01.

(b) Any applicant wishing to challenge the OPLC denial of an application for initial licensure shall:

- (1) Make a written request for a hearing of the applicant’s challenge; and
- (2) Submit, to the OPLC, the request detailing the applicant’s challenge:

- a. Within 60 days of the OPLC's notification of denial; 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 duty, whichever occurs later.

Psyc 304.08 Telepass License Renewal.

- (a) A telepass license shall expire as described in Plc 308.01.
- (b) If a telepass license has expired, the licensee shall not engage in the practice of psychology in New Hampshire until such time as the telepass license has been reinstated.
- (c) Those individuals who wish to renew their telepass license shall:
 - (1) Complete and submit the application required by Plc 308.06 (a) and (b) and (d) through (g);
 - (2) Submit on a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions on the application required in Plc 308.06(e) are in the affirmative;
 - (2) Be in compliance with the requirements set forth in (f) below; and
 - (3) Pay any fees in accordance with Plc 1002.43 and Plc 1001.08.
- (d) Requirements to renew a telepass license shall be:
 - (1) To maintain an active in good standing license to practice psychology in their home state;
 - (2) To remain in good standing in all states the applicant for telepass renewal holds or has ever held a license to practice psychology;
 - (3) To have completed within the previous 24 months 20 hours of continuing education as described in Psyc 402;
 - (4) To have completed, in addition to the continuing education hours required by (3) above, 3 hours of continuing education in at least one of the following:
 - a. Technical feasibility with various clients or patients;
 - b. Informed consent and related paperwork to establish care;
 - c. Adapting modalities of care to telemedicine,
 - d. Determining clients for whom telemedicine is contraindicated;
 - e. Telemedicine risk management;
 - f. Handling patient crises within online care;
 - g. Telemedicine boundaries and roles; and

h. New Hampshire health systems; and

(5) To have completed with the previous 24 months 20 hours of collaboration as described in Psyc 403.

(e) Complete the applicable New Hampshire division of public health service's health professions survey issued by the state office of rural health and primary care, department of health and human services as described in Psyc 401.02 (d), (e), (f), and (g).

(f) The application for renewal of tele-Pass license shall be denied if:

(1) The applicant has failed to meet the requirements set forth in (e) and (f) above;

(2) The applicant has failed to furnish complete or accurate information on the application, supporting materials, and any additional communications with the OPLC, or subsequent communications with the board;

(3) The applicant no longer meets the character requirements as set forth in Psyc 303.01; or

(4) The applicant fails to meet the requirements set forth in RSA 329-B:16 or Psyc 304.04 for telepass license qualification.

(i) The application for renewal shall be processed in accordance with Plc 308.

Psyc 304.09 Audit Procedure.

(a) The OPLC shall select on a random basis 5% of the telepass renewal applications submitted each year for an audit of completion of the continuing professional education required by Psyc 402.

(b) Selected licensees shall provide to the OPLC copies of CEU documentation, along with a copy of the audit request letter, within 30 days of receiving the license renewal notice.

(c) If the board observes that the documents submitted pursuant to (b) above does not support the renewal applicant's claim of completion of requirements for continuing professional education, the board shall review the possibility that the renewal applicant made an error on their renewal application form or in submitting documents.

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

(e) If, having completed the review required by (c) above, the board determines that the renewal applicant made an error in reporting or in submitting documents, but did not intentionally falsely report completion of continuing professional education, the board shall:

(1) Require correction of the error and provide evidence they have substantially complied with the requirements; or

(2) If the error cannot be corrected issue a notice of hearing, through OPLC, to determine if disciplinary action is warranted.

(f) If, having completed the review required by (d) above, the board believes that the renewal applicant has intentionally falsely reported completion of continuing professional education, the board shall commence a disciplinary adjudicative proceeding in the manner required by Psyc 200.

Psyc 304.10 Telepass License Ongoing Requirements. Those individuals holding a telepass license shall comply with the following:

(a) Notify the OPLC in writing of any change in licensure in any jurisdiction where the licensee holds a license;

(b) Maintain a valid license as a doctoral psychologist in at least one other United States jurisdiction or Canada on file with the OPLC;

(c) Maintain good standing in all United States jurisdictions and Canada where the licensee has ever held a license;

(d) Maintain primary residence outside the state of New Hampshire providing only telehealth to residents of New Hampshire;

(e) Telepass licensees shall fully cooperate with lawful board requests or investigations;

(f) Telepass licensees shall comply with all ethical and professional standards described in Psyc 501.02 code of ethics; and

(g) Maintain compliance with all New Hampshire state laws and rules pertaining to the practice of psychology and HIPPA regulations.

Psyc 304.11 Disciplinary Action.

(a) Misconduct sufficient to support disciplinary proceedings under this section shall include:

(1) Misconduct described in RSA 329-B:21, II; and

(2) Failure to comply with board orders or lawful requests for information.

(b) In the event of the OPLC investigates and the board proceeds with disciplinary action based on the investigation of the licensee's professional behavior:

(1) The licensee holding a telepass license has the right to attend interviews, hearings, investigations, and adjudicatory proceedings via visual electronic means; or

(2) If the holder of the telepass licensee chooses to attend interviews, hearings, investigations, and adjudicatory proceedings in person the cost shall be born solely by the licensee.

APPENDIX A

| Rule | Specific State Statute the Rule Implements |
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| Psyc 301.01 | RSA 329-B:1; RSA 541-A:16, I(a) |

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|-------------|---|
| Psyc 303.03 | RSA 329-B:16, IV(b); RSA 541-A:16, I(b) |
| Psyc 304.01 | RSA 329-B:16, IV(b); RSA 541-A:16, I(b) |
| Psyc 304.02 | RSA 329:10, XVII; RSA 329-B:16, IV(b) |
| Psyc 304.03 | RSA 329-B:10, VIII |
| Psyc 304.04 | RSA 329-B:10, VIII |
| Psyc 304.05 | RSA 329-B:16, IV(b) |
| Psyc 304.06 | RSA 329:10, XVII; RSA 541-A:16, I(b) |
| Psyc 304.07 | RSA 329-B:10, VIII |
| Psyc 304.08 | RSA 329:10, XVII; RSA 329-B:16, IV(b) |
| Psyc 304.09 | RSA 329:10, XVII |
| Psyc 304.10 | RSA 329:10, XVII |
| Psyc 304.11 | RSA 329-B:21 |