

Repeal Rec 100, eff. 10-3-07 (doc. #9001), as follows:

~~CHAPTER Rec 100 ORGANIZATIONAL RULES~~

~~PART Rec 101 PURPOSE~~

~~Rec 101.01 Purpose. This chapter sets forth the organization and statutory responsibilities of the recreational therapy governing board and the manner of communication with the board.~~

~~PART Rec 102 DEFINITIONS~~

~~Rec 102.01 "Board" means "board" as defined in RSA 326 J:1, I, namely, "the recreational therapy governing board established in RSA 328 F."~~

~~Rec 102.02 "Recreational therapist" means "recreational therapist" as defined in RSA 326 J:1, II, namely, "a person currently licensed to practice recreational therapy in the state of New Hampshire."~~

~~Rec 102.03 "Recreational therapy" means a treatment service designed to restore, remediate, and rehabilitate a person's level of functioning and independence in life activities, to promote health and wellness as well as reduce or eliminate the activity limitations and restrictions to participation in life situations caused by an illness or disabling condition, together with the further elaboration of the term appearing in RSA 326 J:1, III.~~

~~PART Rec 103 DESCRIPTION OF THE BOARD AND BOARD MEETINGS~~

~~Rec 103.01 Composition of the Board. The board consists of 5 members appointed as specified in RSA 328 F:4. The members include 3 licensed recreational therapists who have actively engaged in the practice of recreational therapy in the state of New Hampshire for at least 3 years and 2 public members.~~

~~Rec 103.02 Relationship of the Board to the Office of Licensed Allied Health Professionals. Pursuant to RSA 328 F:3, II, the chairperson of the board or the appointee of the chairperson is a member of the board of directors of the office of licensed allied health professionals. The chairperson is elected by the board every January.~~

~~Rec 103.03 Responsibilities of the Board. The board's responsibilities include:~~

- ~~(a) The initial licensing of recreational therapists;~~
- ~~(b) The renewal and reinstatement licensing of recreational therapists;~~
- ~~(c) The investigation of possible professional misconduct by licensees and applicants for licensure; and~~
- ~~(d) Disciplinary proceedings and the imposition of sanctions for professional misconduct by licensees.~~

~~Rec 103.04 Board Meetings and Quorum.~~

- ~~(a) Pursuant to RSA 328 F:8 the board meets monthly or more often as its business requires.~~
- ~~(b) A majority of the board constitutes a quorum.~~

~~Rec 103.05 Attendance at Meetings By Members of the Public. Pursuant to RSA 91 A:2, II, members of the public may attend and record board meetings, except for those parts of the meetings which are nonpublic sessions as defined in RSA 91 A:3.~~

~~Rec 103.06 Notice of Meetings.~~

~~(a) Notice of the time and place of board meetings, excluding emergency meetings, shall be given in accordance with RSA 91-A:2, II.~~

~~(b) Information about the time and place of board meetings shall also be available by telephone at the number stated in Rec 104.01(b) and by TTY/TDD through the numbers stated in Rec 104.01(c).~~

~~Rec 103.07 Minutes of Board Meetings.~~

~~(a) Minutes shall be kept of board meetings and of official actions taken by the board.~~

~~(b) Such minutes shall:~~

~~(1) Record the members participating in each vote; and~~

~~(2) Separately record the position of members who dissent, abstain or concur.~~

~~PART Rec 104 PUBLIC INFORMATION~~

~~Rec 104.01 Office Location and Mailing Address, Telephone Number, Number for TTY/TDD Users and E-Address.~~

~~(a) The board's office location and mailing address is:~~

~~Recreational Therapy Governing Board
c/o Office of Licensed Allied Health Professionals
Philbrook Building
121 South Fruit Street
Concord, New Hampshire 03301~~

~~(b) The board's telephone number is (603) 271-8389 and its fax number is 603-271-6702.~~

~~(c) Access for in-state TTY/TDD users is through Relay New Hampshire by dialing 711 or by dialing 1-800-735-2964.~~

~~(d) The board's e-address is tina.kelley@NH.gov.~~

~~Rec 104.02 Communication with the Board.~~

~~(a) Persons wishing to correspond with the board or make submissions to it may send the correspondence or submission by:~~

~~(1) United States mail;~~

~~(2) Facsimile, provided that:~~

~~a. It is printed by hand or typed; and~~

~~b. The board's rules do not require it to be sent by mail; or~~

~~(3) E-mail, provided that the board's rules do not require it to be sent by mail.~~

~~(b) Persons seeking information from the board may do so by:~~

~~(1) Mail, fax or e-mail as set forth in (a) above;~~

~~(2) Telephoning the board; or~~

~~(3) Accessing the board as described in Rec 104.01(c).~~

~~Rec 104.03 Public Access to Records.~~

~~(a) Pursuant to RSA 91-A:4 members of the public may inspect and copy those records of the board, including meeting minutes, which are public records and not exempt from disclosure:~~

~~(1) By RSA 91-A:5;~~

~~(2) As investigatory records identified in RSA 328-F:24, II; or~~

~~(3) By other applicable federal or state law.~~

~~(b) Public records shall be inspected and copied during regular business hours at the office of the board at the location stated in Rec 104.01(a).~~

~~(c) Persons desiring copies of public records shall reasonably describe the information being sought and pay the actual cost of the copies.~~

~~(d) If records are requested which contain both public information and information exempt from disclosure pursuant to (a) above, the board shall delete the information exempt from disclosure and provide the remaining information.~~

Remove the chapter heading for Rec 200 as follows:

~~CHAPTER Rec 200 PROCEDURAL RULES~~

Repeal Rec 201, eff. 10-3-07 (doc. #9002), as follows:

~~PART Rec 201 DEFINITIONS~~~~Rec 201.01 Definitions.~~

~~(a) "Adjudicative proceeding" means "adjudicative proceeding" as defined in RSA 541-A:1, I, namely "the procedure to be followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36."~~

~~(b) "Appearance" means a written notification to the board that a party, an intervenor or the representative of a party or intervenor intends to actively participate in an adjudicative proceeding.~~

~~(c) "Board" means "board" as defined in RSA 326-J:1, I, namely, "the recreational therapy governing board established in RSA 328-F."~~

~~(d) "Contested case" means "contested case" as defined in RSA 541-A:1, IV, namely, "a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after notice and an opportunity for hearing."~~

~~(e) "Declaratory ruling" means "declaratory ruling" as defined in RSA 541-A:1, V, namely, "an agency ruling as to the specific applicability of any statutory provision or of any rule or order of the agency."~~

~~(f) "Intervenor" means a person without the status of a party but participating in an adjudicative proceeding to the extent permitted by the presiding officer acting pursuant to RSA 541-A:32.~~

~~(g) "Motion" means a request to the presiding officer for an order or ruling directing some act to be done in favor of the proponent of the motion, including a statement of justification or reasons for the request.~~

~~(h) "Order" means "order" as defined in RSA 541-A:1, XI, namely, "the whole or part of an agency's final disposition of a matter, other than a rule, but does not include an agency's decision to initiate, postpone, investigate or process any matter, or to issue a complaint or citation."~~

~~(i) "Party" means "party" as defined by RSA 541-A:1, XII, namely, "each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party."~~

~~(j) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the board.~~

~~(k) "Presiding officer" means presiding officer as defined in RSA 541-A:1, XIV, namely, "that individual to whom the agency has delegated the authority to preside over a proceeding, if any; otherwise it shall mean the head of the agency."~~

~~(l) "Proof by a preponderance of the evidence" means a demonstration by admissible evidence that a fact or legal conclusion is more probably true than not.~~

~~(m) "Public comment hearing" means a proceeding held pursuant to RSA 541-A:11.~~

~~(n) "Record" means, in a contested case, the materials set forth in RSA 541-A:31, VI.~~

~~(o) "Rulemaking petition" means a petition made pursuant to RSA 541-A:4, I.~~

Repeal Rec 202, eff. 10-3-07 (doc. #9003), as follows:

~~PART Rec 202 PROCEDURES FOR THE RECEIPT OF MISCONDUCT COMPLAINTS AND THE CONDUCT OF DISCIPLINARY HEARINGS.~~

~~Rec 202.01 Procedures for the Receipt of Misconduct Complaints and the Conduct of Disciplinary Hearings. Pursuant to RSA 328 F:13, II, the procedures for the receipt of misconduct complaints and the conduct of disciplinary hearings shall be the procedures set forth in Ahp 203 through Ahp 213.~~

Repeal Rec 203 through Rec 210, eff. 10-3-07 (doc. #9002), as follows:

~~PART Rec 203 CONSTRUCTION OF RULES; RIGHT TO A HEARING~~

~~Rec 203.01 Principles of Construction.~~

~~(a) The board shall resolve all disputes about matters which are:~~

- ~~(1) Within the jurisdiction of its statute;~~
- ~~(2) Non-eriminal; and~~
- ~~(3) Not related to disciplinary matters.~~

~~(b) Rec 203.02 through Rec 212 shall be construed to secure the just, accurate and efficient resolution of all non-disciplinary disputes.~~

~~Rec 203.02 Right to a Hearing. Any person having a non-disciplinary dispute with the board shall be entitled to a hearing of the dispute if:~~

~~(a) The legal rights, duties or privileges of that person will be determined in the course of deciding the outcome of the dispute; and~~

~~(b) Constitutional, statutory or case law requires the board to hold a hearing before determination of those rights, duties or privileges.~~

~~PART Rec 204 CONDUCT OF HEARINGS BY PRESIDING OFFICER; WAIVER OF RULES~~

~~Rec 204.01 Presiding Officer.~~

~~(a) Hearings shall be conducted by a presiding officer designated by the board.~~

~~(b) The presiding officer shall as necessary:~~

- ~~(1) Regulate and control the course of the hearing;~~
- ~~(2) Facilitate settlement of the dispute that is the subject of the hearing;~~
- ~~(3) Administer oaths and affirmations;~~
- ~~(4) Request that the board issue subpoenas to compel the attendance of witnesses or the production of documents;~~
- ~~(5) Receive relevant evidence and exclude irrelevant, immaterial or unduly repetitious evidence;~~
- ~~(6) Rule on procedural requests at the request of a party or intervenor or on the presiding officer's own motion;~~
- ~~(7) Question anyone who testifies to the extent required to make a full and fair record;~~
- ~~(8) Arrange for recording the hearing as specified in RSA 541-A:31, VII; and~~
- ~~(9) Take any other action consistent with applicable statutes, rules and case law necessary to conduct the hearing and complete the record in a fair and timely manner.~~

~~Rec 204.02 Withdrawal of Presiding Officer.~~

~~(a) Upon his or her own initiative or upon the motion of any party or intervenor, the presiding officer shall withdraw from any adjudicative proceeding for good cause.~~

~~(b) Good cause shall exist if the presiding officer:~~

- ~~(1) Has a direct interest in the outcome of the matter, including but not limited to, a financial or family relationship with any party or intervenor;~~
- ~~(2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of the case; or~~
- ~~(3) Personally believes that he or she cannot fairly judge the facts of the case.~~

~~(c) Mere knowledge of the issues or acquaintance with any party, intervenor or witness shall not constitute good cause for withdrawal.~~

~~Rec 204.03 Waiver or Suspension of Rules by Presiding Officer. The presiding officer, upon the motion of any party or intervenor, or on his or her own initiative, shall suspend or waive any requirement or limitation imposed by this chapter when the suspension or waiver:~~

~~(a) Appears to be lawful; and~~

~~(b) Is more likely to promote the just, accurate and efficient resolution of the pending dispute than would adherence to a particular rule or procedure.~~

~~PART Rec 205 TIME PERIODS~~

~~Rec 205.01 Computation of Time.~~

~~(a) Unless otherwise specified, the unit of time for time periods referenced in this chapter shall be calendar days.~~

~~(b) Computation of any period of time referred to in this chapter shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.~~

~~(c) If the last day of the period so computed falls on a Saturday, Sunday or a legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday or legal holiday.~~

~~PART Rec 206 FILING, FORMAT AND DELIVERY OF DOCUMENTS~~

~~Rec 206.01 Date of Issuance or Filing.~~

~~(a) All written documents governed by this chapter shall be rebuttably presumed to have been issued on the date noted on the document.~~

~~(b) All written documents governed by this chapter shall be rebuttably presumed to have been filed with the board on the date of receipt, as evidenced by a date placed on the document by the board or its staff in the normal course of business.~~

~~Rec 206.02 Format of Documents.~~

~~(a) All correspondence, pleadings, motions or other documents filed shall:~~

~~(1) Include the title and docket number of the case, if known;~~

~~(2) Be typewritten or clearly printed on durable paper 8 1/2 by 11 inches in size;~~

~~(3) Be signed by the proponent of the document, or, if the proponent appears by a representative, by the representative; and~~

~~(4) Include a statement certifying that a copy of the document has been delivered to all parties and intervenors in compliance with Rec 206.03.~~

~~(b) The signature of a party or intervenor or the representative of the party or the intervenor on a document filed with the board shall constitute certification that:~~

~~(1) The signer has read the document;~~

~~(2) The signer is authorized to file it;~~

~~(3) To the best of the signer's knowledge, information and belief there are good and sufficient grounds to support it; and~~

~~(4) The document has not been filed for purposes of delay.~~

~~Rec 206.03 Delivery of Documents.~~

~~(a) Copies of all motions, exhibits, memoranda, or other documents filed by any party or intervenor shall be delivered by that party or intervenor to the board and to all other parties and intervenors.~~

~~(b) All notices, orders, decisions or other documents issued by the presiding officer or the board shall be delivered to all parties and intervenors.~~

~~(c) Delivery of documents relating to a proceeding but not issued by the presiding officer or the board shall be made either in hand or by depositing into the United States mail a copy of the document in an envelope bearing:~~

~~(1) The name of the person intended to receive the document;~~

~~(2) The full address, including zip code, last provided to the board by such person; and~~

~~(3) Prepaid first class postage.~~

~~(d) Delivery of documents relating to a proceeding and issued by the presiding officer or the board shall be made by mailing them in accordance with (c) above and using certified mail with return receipt requested.~~

~~(e) When a party or intervenor appears by a representative, delivery of a document to the party's or intervenor's representative either in hand or at the address stated on the appearance filed by the representative shall constitute delivery to the party or intervenor.~~

~~PART Rec 207 MOTIONS AND OBJECTIONS~~

~~Rec 207.01 Motions; Objections to Motions; Ruling on Motions.~~

~~(a) Motions shall be in written form and filed with the presiding officer, unless made in response to a matter asserted for the first time at a hearing or based on information that was not received in time to prepare a written motion.~~

~~(b) Oral motions and any oral objections to such motions shall be recorded in full in the record of the hearing. If the presiding officer finds that the motion requires additional information in order to be fully and fairly considered, the presiding officer shall direct the proponent to submit the motion in writing and provide supporting information.~~

~~(c) Except as otherwise provided in this chapter, objections to written motions shall be filed within 10 days of the date of the motion.~~

~~(d) Failure by an opposing party or an intervenor to object to a motion shall not in and of itself constitute grounds for granting the motion.~~

~~(e) When necessary to obtain information or clarify an issue relating to the proceedings, the presiding officer shall hold a hearing on the motion.~~

~~(f) The presiding officer shall rule upon a motion after full consideration of all objections and applicable law.~~

~~PART Rec 208 COMMENCEMENT OF ADJUDICATIVE PROCEEDINGS; APPEARANCES; PRE-HEARING CONFERENCES; RECORDING THE HEARING~~

~~Rec 208.01 Notice Commencing Adjudicative Proceedings.~~

~~(a) An adjudicative proceeding shall be commenced by notice to the parties of the following information:~~

~~(1) The names and addresses of the parties;~~

~~(2) The nature of the hearing;~~

~~(3) The time and place of the hearing and of any pre-hearing conference;~~

~~(4) The legal authority under which the hearing is to be held;~~

~~(5) The applicable statutes and rules;~~

~~(6) In a short and plain statement, the issues presented;~~

~~(7) The fact that each party has the right to have representation by an attorney at the party's own expense;~~

~~(8) The name of the presiding officer, if known; and~~

~~(9) The fact that:~~

~~a. The licensee has the right to have the board provide a certified shorthand court reporter at the licensee's expense; and~~

~~b. The licensee's request for a certified shorthand court reporter shall be submitted in writing at least 10 days before the beginning of the hearing.~~

~~(b) The substitution of another individual for the individual identified as presiding officer in the notice of hearing shall not invalidate the notice.~~

~~Rec 208.02 Appearances.~~

~~(a) An appearance shall be filed by:~~

~~(1) Each party or the party's representative, if any; and~~

~~(2) Each intervenor or the intervenor's representative, if any.~~

~~(b) Appearances shall be filed within 15 days of receipt of the notice required by Rec 208.01(a).~~

~~(c) The appearance shall contain the following information:~~

~~(1) The docket number assigned by the board or a brief identification of the case;~~

~~(2) The daytime address and telephone number of the person filing the appearance; and~~

~~(3) If applicable, the daytime address and telephone number of the party or intervenor represented by the person filing the appearance.~~

~~Rec 208.03 Pre hearing Conference.~~

~~(a) A prehearing conference shall be scheduled on the request of any party or intervenor or on the initiative of the board or the presiding officer if such a conference would facilitate the proceedings or encourage resolution of the dispute.~~

~~(b) A prehearing conference shall address one or more of the following:~~

~~(1) Offers of settlement;~~

~~(2) Simplification of the issues;~~

~~(3) Stipulations or admissions as to issues of fact or proof;~~

~~(4) Limitations on the number of witnesses;~~

~~(5) Changes to standard hearing procedures;~~

~~(6) Consolidation of examination of witnesses; and~~

~~(7) Any other matters that advance the efficiency of the proceedings.~~

~~Rec 208.04 Recording the Hearing.~~

~~(a) The presiding officer shall record the hearing by electronic recording or any other method that will provide a verbatim record.~~

~~(b) If any person requests a transcript of the electronic recording of a hearing, the board shall:~~

~~(1) Cause a transcript to be prepared; and~~

~~(2) Upon receipt of payment for the cost of the transcription, provide a copy of the transcript to the person making the request.~~

~~PART Rec 209 INTERVENTION; ROLE OF BOARD STAFF~~

~~Rec 209.01 Intervention Procedure.~~

~~(a) Petitions for intervention shall:~~

- ~~(1) Describe in writing the petitioner's interest in the subject matter of the proceedings;~~
- ~~(2) Be submitted to the presiding officer; and~~
- ~~(3) Be mailed in copy form to all parties identified in the notice commencing the hearing.~~

~~(b) A petition for intervention shall be granted by the presiding officer if the petitioner complied with (a) above at least 3 days before the hearing and the presiding officer determines that:~~

- ~~(1) The petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceedings or the petitioner qualifies as an intervenor under law; and~~
- ~~(2) The intervention sought would not impair the interests of justice and the orderly and prompt conduct of the proceedings.~~

~~(c) The presiding officer shall grant a petition for intervention at any time if:~~

- ~~(1) The petitioner complied with (a) above; and~~
- ~~(2) The presiding officer determines that the intervention sought would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.~~

~~Rec 209.02 Effect of Intervention and Rights of an Intervenor.~~

~~(a) Approval of intervention by the presiding officer shall apply only to the proceeding in which the petition for intervention was granted.~~

~~(b) Notwithstanding the provisions of this chapter, an intervenor's right to participate in an adjudicative proceeding shall be subject to any limitations or conditions imposed by the presiding officer pursuant to RSA 541-A:32, III.~~

~~(c) An intervenor shall take the proceedings as he or she finds them and no portion of the proceeding shall be repeated because of the fact of intervention.~~

~~Rec 209.03 Role of Board Staff. Unless called as witnesses, board staff shall have no role in any hearing.~~

~~PART Rec 210 CONTINUANCES AND FAILURE TO ATTEND HEARING~~

~~Rec 210.01 Continuances.~~

~~(a) Any party or intervenor may make an oral or written motion that a hearing be delayed or continued to a later date or time.~~

~~(b) A motion for a delay or a continuance shall be granted if the presiding officer determines that a delay or continuance would assist in resolving the case fairly.~~

~~(c) If the later date, time and place are known when the hearing is being delayed or continued, the information shall be stated on the record. If the later date, time and place are not known at that time, the presiding officer shall as soon as practicable issue a written scheduling order stating the date, time and place of the delayed or continued hearing.~~

~~Rec 210.02 Failure of a Party to Attend or Participate in the Hearing.~~

~~(a) A party shall be in default if the party:~~

- ~~(1) Has the overall burden of proof;~~
- ~~(2) Has been given notice in accordance with Rec 208.01(a); and~~
- ~~(3) Fails to attend the hearing.~~

~~(b) If a party is in default under (a) above, the case shall be dismissed.~~

~~(c) If a party who does not have the overall burden of proof fails to attend a hearing after having been given notice in accordance with Rec 208.01(a), the testimony and evidence of any other parties or intervenors shall be received and evaluated.~~

~~(d) If a party who has the overall burden of proof attends a hearing but fails to participate by presenting evidence or argument, a decision shall be entered against that party.~~

~~(e) The board shall not dismiss the case under (b) above if the failure to attend results from circumstances that are beyond the control of the party.~~

Remove the part heading for Rec 211 as follows:

~~PART Rec 211 REQUESTS FOR INFORMATION AND DOCUMENTS~~

Repeal Rec 211.01 and Rec 211.02, eff. 10-3-07 (doc. #9002), as follows:

~~Rec 211.01 Voluntary Production of Information.~~

~~(a) Each party and intervenor shall attempt in good faith to make complete and timely response to requests for the voluntary production of information and documents relevant to the hearing.~~

~~(b) When a dispute arises concerning a request for the voluntary production of information or documents, any party or intervenor may file a motion to compel the production of the requested information or documents.~~

~~Rec 211.02 Motions to Compel Production of Information and Documents.~~

~~(a) Any party or intervenor may make a motion seeking an order for compliance with an information or document request. The motion shall be filed at least 20 days before the date scheduled for the hearing, and in any event as soon as possible after receiving the notice of the hearing and failing in an attempt to obtain the requested information or documents through voluntary production.~~

~~(b) The motion to compel shall:~~

- ~~(1) Set forth in detail those facts which justify the request for information or documents; and~~
- ~~(2) List with specificity the information or documents being sought.~~

~~(c) Objections to motions to compel shall be filed within 10 days of the delivery of the motion.~~

~~(d) The presiding officer shall grant the motion to compel if its proponent has demonstrated that an order for compliance is necessary for a full and fair presentation of evidence at the hearing.~~

Repeal Rec 211.03, eff. 11-6-12 (doc. #10222), as follows:

~~Rec 211.03 Mandatory Pre Hearing Disclosure of Witnesses and Exhibits. At least 5 days before the hearing, the parties and intervenors shall provide to the other parties and intervenors:~~

- ~~(a) A list of witnesses intended to be called at the hearing;~~
- ~~(b) A list of documents and exhibits intended to be offered as evidence at the hearing; and~~
- ~~(c) A copy of each document intended to be offered as evidence at the hearing.~~

Repeal Rec 212, eff. 10-3-07 (doc. #9002), as follows:

PART Rec 212 HEARING PROCEDURE

~~Rec 212.01 Standard and Burden of Proof. The party or intervenor asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.~~

~~Rec 212.02 Order of Testimony; Cross Examination.~~

~~(a) Any individual offering testimony, evidence or arguments shall state for the record his or her name and role in the hearing. If the individual is representing another person, the person being represented shall also be identified.~~

~~(b) Testimony on behalf of the parties shall be offered in the following order:~~

- ~~(1) The testimony of the party or parties bearing the overall burden of proof and such witnesses as such party or parties may call; and~~
- ~~(2) Thereafter, the testimony of the party or parties opposing the party who bears the overall burden of proof and such witnesses as such party or parties may call.~~
- ~~(c) The testimony of intervenors and such witnesses as such intervenors may be allowed to call shall be offered at the time directed by the presiding officer.~~
- ~~(d) Each party may cross examine any witnesses offered against that party.~~
- ~~(e) The presiding officer shall call witnesses not called by the parties if their testimony is required for a full and fair adjudication of the issues.~~
- ~~(f) The right of an intervenor to cross examine witnesses shall be determined by the presiding officer.~~

~~(g) Board members may question each witness after the witness has finished testifying.~~

~~Rec 212.03 Evidence.~~

- ~~(a) Receipt of evidence shall be governed by the provisions of RSA 541 A:33.~~
- ~~(b) All rules of privilege recognized under the laws of the state of New Hampshire shall apply in proceedings before the board.~~
- ~~(c) All documents, materials and objects offered as exhibits shall be admitted into evidence unless excluded by the presiding officer as irrelevant, immaterial, unduly repetitious or legally privileged.~~
- ~~(d) All objections to the admissibility of evidence shall be stated as early as possible in the hearing, but not later than the time when the evidence is offered.~~

~~(e) Transcripts of testimony as well as documents, materials and objects admitted into evidence shall be public records unless the presiding officer determines that all or part of them is exempt from disclosure under RSA 91 A:5 or applicable case law.~~

~~Rec 212.04 Proposed Findings of Fact and Rulings of Law.~~

~~(a) Any party or intervenor may submit proposed findings of fact and rulings of law.~~

~~(b) The presiding officer shall require the submission of proposed findings of fact and rulings of law and specify a deadline after the close of the hearing for their submission when:~~

~~(1) Any party or intervenor has requested such action;~~

~~(2) The presiding officer is required by Rec 212.07(d)(3) to submit findings of fact and rulings of law to the board; or~~

~~(3) The presiding officer determines that proposed findings of fact and rulings of law would clarify the issues presented at the hearing.~~

~~(c) In any case where proposed findings of fact and rulings of law are submitted, the decision shall include rulings on the proposals.~~

~~Rec 212.05 Closing the Record. After the conclusion of the hearing and the filing of such post-hearing submissions as may be ordered by the presiding officer, the record shall be closed and no additional evidence shall be received into the record except as allowed by Rec 212.06.~~

~~Rec 212.06 Reopening the Record.~~

~~(a) If no written proposal for decision pursuant to Rec 212.07(d) or decision pursuant to Rec 212.07 (a) has been issued, any party or intervenor may move to reopen the record for the inclusion in the record of specified evidence or claims of law.~~

~~(b) A motion pursuant to (a) above shall be granted if:~~

~~(1) There no objection from any other party or intervenor;~~

~~(2) The evidence sought to be included in the record was not available at the time of the hearing or the claim of law was inadvertently omitted; and~~

~~(3) The presiding officer determines that the evidence or claim of law is relevant, material and non-duplicative and its inclusion in the record is necessary to a full and fair consideration of the issues to be decided.~~

~~(c) If there is an objection from a party or intervenor to a motion made pursuant to (a) above, the hearing shall be reopened for the purpose of receiving evidence, permitting cross-examination and permitting argument on the issue of reopening the record.~~

~~(d) The presiding officer shall grant a motion made pursuant to (a) above if, after the reopened hearing described in (c) above, the presiding officer determines that the evidence sought to be included in the record was not available at the time of the hearing or the claim of law was inadvertently omitted and the evidence or claim of law is relevant, material and non-duplicative and its inclusion in the record is necessary to a full and fair consideration of the issues to be decided.~~

~~(e) If the presiding officer permits the reopening of the record for the admission of specified evidence or claim of law, the presiding officer shall extend the hearing reopened pursuant to (c) for the purpose of receiving evidence, permitting cross-examination and permitting argument on the substance of the evidence or on the claim of law.~~

~~Rec 212.07 Disposition.~~

~~(a) The board shall issue a decision or order, whether or not the record has been reopened pursuant to Rec 212.06, based on:~~

- ~~(1) A hearing attended by a quorum of the board;~~
- ~~(2) A written proposal for disposition meeting the requirements of paragraph (d) below; or~~
- ~~(3) A hearing held pursuant to paragraph (e)(2) below.~~

~~(b) The decision or order shall be in writing and dated.~~

~~(c) A board member shall not participate in the board's disposition if he or she has not personally heard all of the testimony in the case, unless the disposition does not depend on the credibility of any witness and the record provides a reasonable basis for evaluating the testimony.~~

~~(d) If a presiding officer has been delegated the authority to conduct the hearing in the absence of a quorum of the board, the presiding officer shall submit to the board a written proposal for disposition containing:~~

- ~~(1) The disposition proposed by the presiding officer;~~
- ~~(2) A statement of the reasons for the proposed disposition; and~~
- ~~(3) Findings of fact and rulings of law necessary to the proposed disposition.~~

~~(e) If a proposed disposition submitted pursuant to paragraph (d) is adverse to a party or an intervenor, the board shall:~~

- ~~(1) Serve a copy of it on each party and intervenor; and~~
- ~~(2) Provide an opportunity to file objections and present briefs and oral arguments to the board.~~

~~(f) The board shall keep final decisions in its records for at least 5 years following their dates of issuance, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.~~

~~Rec 212.08 Rehearing.~~

~~(a) Rehearing shall be before a quorum of the board.~~

~~(b) Within 30 days of the board's decision or order pursuant to Rec 212.07 any party or person directly affected may request rehearing of any matter determined in the proceeding or covered by the decision or order by submitting a written motion specifying:~~

- ~~(1) The issues to be considered at the rehearing; and~~
- ~~(2) Every ground on which it is claimed that the decision or order is unlawful or unreasonable.~~

~~(c) An objection to a motion for rehearing shall be submitted within 5 days of the submission of the motion.~~

~~(d) Within 10 days of the submission of the motion for rehearing the board shall:~~

- ~~(1) Grant the motion;~~
- ~~(2) Deny the motion; or~~

- ~~(3) Suspend the board's decision or order pending further consideration.~~
- ~~(e) The board shall grant the motion for rehearing if it determines that, in the original hearing it:
 - ~~(1) Incorrectly assessed the relevant evidence;~~
 - ~~(2) Incorrectly applied the relevant law; or~~
 - ~~(3) Otherwise failed substantially to comply with this chapter or acted in a manner which was unlawful or unreasonable.~~~~

Repeal Rec 213, eff. 10-3-07 (doc. #9003), as follows:

~~PART Rec 213 SETTLEMENTS~~

~~Rec 213.01 Settlement of Non-Disciplinary Issues.~~

~~(a) Any licensee or applicant for a license having a dispute with the board over issues not related to a disciplinary matter shall have the opportunity to settle some or all of the issues if there is no dispute about the underlying material facts.~~

~~(b) To be effective, an agreement to settle shall be:~~

- ~~(1) In writing;~~
- ~~(2) Signed by the licensee or applicant for a license; and~~
- ~~(3) Finalized as an order issued by the board.~~

~~(c) The signing of the agreement to settle shall constitute a waiver of the right to a hearing of the issues resolved by the agreement.~~

Repeal Rec 214 through Rec 216, eff. 10-3-07 (doc. #9002), as follows:

~~PART Rec 214 RULEMAKING~~

~~Rec 214.01 Petitions for Rulemaking.~~

~~(a) Any person may seek the adoption, amendment or repeal of a rule by submitting to the board a petition pursuant to RSA 541-A:4.~~

~~(b) Each petition for rulemaking shall contain:~~

- ~~(1) The name and address of the individual petitioner or, if the request is that of an organization or other entity, the identity of such organization or entity and the name and address of the representative authorized by the entity to file the petition;~~
- ~~(2) A statement of the purpose of the petition, whether the adoption, amendment or repeal of a rule;~~
- ~~(3) If amendment or adoption of a rule is sought, the text proposed;~~
- ~~(4) If amendment or repeal of a rule is sought, identification of the current rule sought to be amended or repealed;~~
- ~~(5) Reference to the statutory provision that authorizes or supports the rulemaking petition; and~~
- ~~(6) Information or argument useful to the board when deciding whether to begin the rulemaking process.~~

~~Rec 214.02 Disposition of Petitions for Rulemaking.~~

~~(a) The board shall request additional information or argument from the petitioner for rulemaking or from others if such additional information or argument is required to reach a decision.~~

~~(b) The board shall grant the petition for rulemaking if the adoption, amendment or repeal sought would not result in:~~

~~(1) A rule that is not within the rulemaking authority of the board;~~

~~(2) Duplication of a rule or of a statutory provision;~~

~~(3) Inconsistency between the existing rules and the statutory mandate of the board;~~

~~(4) Inconsistency of one administrative rule with another; or~~

~~(5) Excessive burden upon the board in terms of cost or a reduction in efficiency or effectiveness.~~

~~(c) Within 30 days of receipt of a sufficient petition the board shall dispose of it in the following manner:~~

~~(1) By notifying the petitioner that the petition is granted and beginning rulemaking proceedings as required by RSA 541-A:4; or~~

~~(2) By notifying the petitioner in writing that the petition is denied and the reasons for its denial.~~

~~(d) The denial of a petition for rulemaking shall not entitle the petitioner to a hearing.~~

~~PART Rec 215 PUBLIC COMMENT HEARINGS~~

~~Rec 215.01 Purpose. The purpose of this part is to provide uniform procedures for the conduct of public comment hearings held pursuant to RSA 541-A:11.~~

~~Rec 215.02 Public Access and Participation.~~

~~(a) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the limitations of Rec 215.03.~~

~~(b) People who wish to testify shall be asked to write on the speaker's list:~~

~~(1) Their full names and addresses; and~~

~~(2) The names and addresses of organizations, entities or other persons whom they represent, if any.~~

~~(c) Written comments, which may be submitted in lieu of or in addition to oral testimony, shall be accepted for 10 days after the adjournment of a hearing or after the adjournment of a postponed or continued hearing.~~

~~Rec 215.03 Limitations on Public Participation. The board's chair or other person designated by the board to preside over a hearing shall:~~

~~(a) Refuse to recognize for speaking or revoke the recognition of any person who:~~

~~(1) Speaks or acts in an abusive or disruptive manner;~~

~~(2) Fails to keep comments relevant to the proposed rules that are the subject matter of the hearing; or~~

~~(3) Restates more than once what he or she has already stated; and~~

~~(b) Limit presentations on behalf of the same organization or entity to no more than 3, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.~~

~~Rec 215.04 Media Access. Public comment hearings shall be open to print and electronic media, subject to the following limitations when such limitations are necessary to allow a hearing to go forward:~~

~~(a) Limitation of the number of media representatives when their number together with the number of members of the public present exceeds the capacity of the hearing room;~~

~~(b) Limitation on the placement of cameras to specific locations within the hearing room; or~~

~~(c) Prohibition of interviews conducted within the hearing room before or during the hearing.~~

~~Rec 215.05 Conduct of Public Comment Hearings.~~

~~(a) Public comment hearings shall be attended by a quorum of the board.~~

~~(b) Public comment hearings shall be presided over by the board chair or a board member knowledgeable in the subject area of the proposed rules who has been designated by the board to preside over the hearing.~~

~~(c) The chair or other person presiding over a hearing shall:~~

~~(1) Call the hearing to order;~~

~~(2) Identify the proposed rules that are the subject matter of the hearing and provide copies of them upon request;~~

~~(3) Cause a recording of the hearing to be made;~~

~~(4) Recognize those who wish to be heard;~~

~~(5) If necessary, establish limits pursuant Rec 215.03 and Rec 215.04;~~

~~(6) If necessary to permit the hearing to go forward in an orderly manner, effect the removal of a person who speaks or acts in a manner that is personally abusive or otherwise disrupts the hearing;~~

~~(7) If necessary, postpone or move the hearing; and~~

~~(8) Adjourn or continue the hearing.~~

~~(d) A hearing shall be postponed in accordance with RSA 541-A:11, IV when:~~

~~(1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing will be unable to do so;~~

~~(2) The board chair or other person designated by the board to preside over the hearing is ill or unavoidably absent; or~~

~~(3) Postponement will facilitate greater participation by the public.~~

~~(e) A hearing shall be moved to another location in accordance with RSA 541-A:11, V when the original location is not able to accommodate the number of people who wish to attend the hearing.~~

~~(f) A hearing shall be continued past the scheduled time or to another date in accordance with RSA 541-A:11, III when:~~

~~(1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or~~

~~(2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend and it is not possible to move the hearing to another location.~~

~~PART Rec 216 DECLARATORY RULINGS~~

~~Rec 216.01 Requests for Declaratory Rulings.~~

~~(a) Any individual or entity may request a declaratory ruling by the board if that individual or entity is directly affected by the applicable statute or by any administrative rule.~~

~~(b) A request for a declaratory ruling shall be in a writing containing:~~

~~(1) The name and address of the individual or entity making the request;~~

~~(2) The text of the ruling being requested;~~

~~(3) The reasons for the request; and~~

~~(4) The following declaration signed by the individual making the request, the authorized representative of such individual, or the authorized representative of the entity making the request:~~

~~"I declare that I have examined the request for a declaratory ruling, including the accompanying documents, and state that, to the best of my knowledge and belief, the facts presented in support of the requested declaratory ruling are true, correct and complete."~~

~~Rec 216.02 Documents Required to Support Requests for Declaratory Rulings.~~

~~(a) A request for a declaratory ruling shall be accompanied by:~~

~~(1) A statement citing the statutory law, regulatory law and orders believed to support the ruling being requested;~~

~~(2) A statement of the facts believed to support the ruling being requested; and~~

~~(3) Supplementary material necessary to establish or clarify the facts set forth in the statement of facts.~~

~~(b) A request for a declaratory ruling may be accompanied by additional material chosen by the person making the request.~~

~~Rec 216.03 Processing Requests for Declaratory Rulings.~~

~~(a) Within 30 days of receiving a request for a declaratory ruling the board shall advise the individual or entity requesting it if the ruling will be delayed by the need for additional information or the complexity of the issues presented.~~

~~(b) If additional information should be needed, the board shall specify the additional information required and request that it be provided in a statement of additional information that includes the declaration specified in Rec 216.01(b)(4) and is accompanied by any material necessary to establish or clarify the facts set forth in the statement.~~

~~Rec 216.04 Issuance and Publication of Declaratory Rulings.~~

~~(a) When facts sufficient to support a declaratory ruling have been established, the board shall issue a written declaratory ruling which applies all relevant law to the established facts.~~

~~(b) When the established facts show that the board lacks subject matter or personal jurisdiction to issue a declaratory ruling, the board shall issue a written decision stating that it lacks jurisdiction to issue a declaratory ruling and identifying the lack of jurisdiction.~~

~~(c) Declaratory rulings shall be filed on the day of issuance with the director of legislative services in accordance with RSA 541-A:16, II (b).~~

~~Rec 216.05 Effect of Declaratory Rulings. A declaratory ruling shall apply only to the board and to the individual or entity requesting it and shall be confined to the facts presented pursuant to Rec 216.02 (a)(2) through (a)(3) and in response to a request of the board made pursuant to Rec 216.03 (b).~~

Repeal Rec 217 and Rec 218, eff. 10-3-07 (doc. #9003), as follows:

~~PART Rec 217 EXPLANATION OF ADOPTED RULES~~

~~Rec 217.01 Requests for Explanation of Adopted Rules. Any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the board including:~~

~~(a) The name and address of the individual making the request; or~~

~~(b) If the request is that of an organization or other entity, the name and address of such organization or entity and the name and address of the representative authorized by the organization or entity to make the request.~~

~~Rec 217.02 Contents of Explanation. The board shall, within 90 days of receiving a request in accordance with Rec 217.01, provide a written response which:~~

~~(a) Concisely states the meaning of the rule adopted;~~

~~(b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and~~

~~(c) States, if the board did so, why the board overruled any arguments and considerations presented against the rule.~~

~~PART Rec 218 VOLUNTARY SURRENDER OF LICENSE~~

~~Rec 218.01 Procedures for, and Effect of, Voluntary Surrender of License. Pursuant to RSA 328-F:13, I, the procedures for, and effect of, the voluntary surrender of a license shall be governed by Ahp 219.~~

Remove the chapter heading for Rec 300 as follows:

~~CHAPTER Rec 300 REQUIREMENTS FOR LICENSURE~~

Repeal Rec 301, eff. 7-23-15 (doc. #10899), as follows:

~~PART Rec 301 DEFINITIONS~~

~~Rec 301.01 “Board” means “board” as defined in RSA 326 J:1, I., namely, “the recreational therapy governing board established in RSA 328 F.”~~

~~Rec 301.02 “Certified therapeutic recreation specialist (CTRS)” means an individual who, having met the established standards of education, experience and continued professional development, has been issued the professional certificate of the National Council for Therapeutic Recreation Certification.~~

~~Rec 301.03 “Direct supervision” means supervision by a supervisor who is present and observing the activity of the individual being supervised.~~

~~Rec 301.04 “Indirect supervision” means supervision by a supervisor carrying out supervision through:~~

- ~~(a) Personal conference with the individual being supervised; or~~
- ~~(b) Reports and commentary transmitted in writing, by e-mail or by telephone.~~

~~Rec 301.05 “National Council for Therapeutic Recreation Certification (NCTRC)” means the national credentialing organization for the profession of therapeutic recreation.~~

Remove the part heading for Rec 302 as follows:

~~PART Rec 302 APPLICATION PROCEDURE~~

Repeal Rec 302.01 and Rec 302.02, eff. 12-23-16 (doc. #12071), as follows:

~~Rec 302.01 Processing of Applications for Initial Licensure.~~

~~(a) Applicants who wish to apply for initial licensure as a recreational therapist shall do so by submitting, or arranging for the submission of, each of the following components of the application packet:~~

- ~~(1) An application form provided by the board that contains the information specified by Rec 302.02;~~
- ~~(2) The required documents specified by Rec 302.04;~~
- ~~(3) The non-refundable application processing fee specified by Ahp 301.02(a); and~~
- ~~(4) The initial license fee specified by Ahp 301.02(a).~~

~~(b) If the board, after receiving and reviewing a completed application form complying with Rec 302.02, requires further information or documents to determine the applicant's qualification for licensure, the board shall:~~

- ~~(1) So notify the applicant in writing within 60 days; and~~
- ~~(2) Specify the information or documents it requires.~~

~~(c) An application shall be considered to be completed on the first date that the board has received:~~

- ~~(1) The completed application packet described in (a) above; and~~
- ~~(2) Any additional information or documents which may have been requested pursuant to (b) above.~~

~~(d) The application shall be denied if the application is not complete within 54 weeks of the receipt by the board of the application form part of the application packet.~~

~~(e) The board shall issue written approval or denial of an application within 120 days of the date that the application is complete.~~

~~(f) The board shall refund the license fee, but not the application processing fee, if:~~

~~(1) The applicant withdraws the application;~~

~~(2) The application is not completed within 54 weeks of receipt by the board of the application form part of the application packet; or~~

~~(3) The board denies the application in conformance with the rules of this chapter.~~

~~(g) Any applicant wishing to challenge the board's denial of an application for initial licensure shall:~~

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

~~(2) Submit this request to the board:~~

~~a. Within 60 days of the board'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.~~

~~Rec 302.02 Multipart Application Form.~~

~~(a) The multipart application form shall:~~

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

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

~~a. Part one, which shall be held confidential by the board; and~~

~~b. Part 2, which shall be available to the public.~~

~~(b) The applicant shall:~~

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

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

~~(c) On part one of the form, the applicant shall designate the initial license applied for by circling the appropriate designation preprinted on the form.~~

~~(d) On part one of the form, the applicant shall provide his or her:~~

~~(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;~~

~~(8) E-mail address at which the applicant wishes to receive correspondence from the board;~~

~~(9) Date of birth; and~~

~~(10) Place of birth.~~

~~(e) On part one of the form, the applicant shall designate, by checking the appropriate box, which address, if any, can be made available to the public for purchase:~~

~~(1) Home mailing address;~~

~~(2) Place of employment mailing address; or~~

~~(3) None.~~

~~(f) Designate by checking in the appropriate box if the applicant wishes to receive notifications from the board by e-mail or regular mail.~~

~~(g) Also on part one of the form, the applicant shall indicate using the "yes" and "no" columns provided:~~

~~(1) Whether 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 of any state or jurisdiction;~~

~~(2) Whether any malpractice claim has been made against the applicant;~~

~~(3) Whether the applicant has for disciplinary reasons been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant's place of employment, or had any privileges limited, suspended or revoked in any:~~

~~a. Hospital;~~

~~b. Health care setting;~~

~~c. Home health care agency;~~

~~d. Educational institution; or~~

~~e. Other professional setting;~~

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

~~(5) Whether 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;~~

~~(6) Whether the applicant engages in any remedial undertaking to alleviate one or more conditions listed in (5) above which could itself negatively affect the applicant's ability to practice the profession for which licensure is sought; and~~

~~(7) Whether the applicant has committed any act(s) that would violate the laws or rules that govern the profession for which he or she is applying.~~

~~(h) Pursuant to RSA 161-B:11, VI a the applicant shall furnish his or her social security number on part one of the application form.~~

~~(i) On part 2 of the application form the applicant shall provide:~~

~~(1) His or her full name;~~

~~(2) For the applicant's undergraduate education and graduate education:~~

~~a. The name and address of the college, university or other institution;~~

~~b. The degree earned;~~

~~c. The year of the degree earned; and~~

~~d. The major subject taken in the degree granting program;~~

~~(3) For any additional education, educational degree or educational credential required to achieve eligibility for initial licensure:~~

~~a. The name and address of the educational program or institution;~~

~~b. The degree or other credential earned; and~~

~~c. The year of the degree or credential earned; and~~

~~(4) A list of the jurisdictions where the applicant is or has been licensed to practice.~~

~~(j) On part 2 of the application form the applicant shall indicate by using the "yes" and "no" columns provided:~~

~~(1) Whether the applicant has been found guilty of or entered a plea of no contest to any felony or misdemeanor;~~

~~(2) Whether the applicant has ever been the subject of any disciplinary action by any professional licensing authority;~~

~~(3) Whether the applicant has ever been denied a license or other authorization to practice in any state or jurisdiction;~~

~~(4) Whether the applicant has ever surrendered a license or other authorization to practice issued by any state or jurisdiction in order to avoid or settle disciplinary charges; and~~

~~(5) Whether the applicant has a full or partial ownership interest in any business providing services in the allied health professional field for which the applicant seeks to be licensed.~~

~~(k) Also on part 2 of the form the applicant shall place his or her notarized signature, printed full name 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."~~

Repeal Rec 302.03, eff. 7-23-15 (doc. #10899), as follows:

~~Rec 302.03 Effect of Notarized Signature. The effect of the applicant's notarized signature on part 2 of the form shall be:~~

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

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

~~(1) 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~~

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

~~(c) The applicant's promise to abide by the statutes and administrative rules of the board.~~

Repeal Rec 302.04, eff. 3-19-14 (doc. #10545), as follows:

~~Rec 302.04 Required Documents. Applicants for initial licensure as a recreational therapist shall provide, or arrange for the board to receive, the following documents supporting their applications:~~

~~(a) A recent passport size, 2" x 2", head shot photograph;~~

~~(b) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions (f)(1) through (f)(6) on part one of the application form is in the affirmative;~~

~~(c) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions Rec 302.02(i)(1) through Rec 302.02(i)(5) on part 2 of the application form is in the affirmative;~~

~~(d) A letter sent directly to the board by NCTRC verifying the applicant's current NCTRC certification and the date of expiration of the certificate;~~

~~(e) A resume presenting a chronologically organized account of the applicant's experience in recreational therapy since the completion of the academic program, including:~~

~~(1) Each separate experience in paid or volunteer work as:~~

~~a. A direct care giver in recreational therapy;~~

~~b. A recreational therapy educator;~~

~~c. A recreational therapy administrator;~~

~~d. A member of a recreational therapy board or committee; and~~

~~e. A recreational therapy consultant;~~

~~(2) The time period of each separate experience described by its beginning and ending dates; and~~

~~(3) The physical address of each experience;~~

~~(f) Unless the information is available only on a secure website, an official letter of verification sent directly to the board from every jurisdiction which has issued a license or other authorization to practice recreation therapy stating whether:~~

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

~~(2) Any disciplinary action was taken against the licensee or other authorization to practice;~~

~~(g) Official transcripts showing all post-secondary education:~~

~~(1) Mailed directly to the board by the issuing institution(s); or~~

- ~~(2) Submitted by the applicant in one or more envelope(s) sealed by the institution(s) in such a manner that it would be evident to the board if the envelope(s) had been opened; and~~
- ~~(h) 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 board; or~~
- ~~b. To the applicant for forwarding to the board;~~
- ~~(2) Covering the applicant under his or her name and any aliases; and~~
- ~~(3) Dated within the 6 months preceding the application for licensure.~~
- [Rec 302.05 - REPEALED eff. 3-19-14 (doc. #10545)]

Repeal Rec 303, eff. 12-23-16 (doc. #12071), as follows:

~~PART Rec 303 QUALIFICATION FOR FULL LICENSURE~~

~~Rec 303.01 Eligibility Requirements.~~

- ~~(a) To be eligible for initial licensure as a recreational therapist, applicants shall be:~~
- ~~(1) Eligible for full licensure on the basis of:~~
- ~~a. Holding a currently valid certificate issued by NCTRC; and~~
- ~~b. Meeting the additional eligibility requirements in (b) below.~~
- ~~(b) Applicants for initial licensure as recreational therapists shall be:~~
- ~~(1) At least 18 years of age; and~~
- ~~(2) Of good moral character, as evidenced by:~~
- ~~a. The answers to questions (f)(1) (f)(6) and questions (i)(1) (i)(5) on the application form described in Rec 302.02; and~~
- ~~b. Any reports submitted pursuant to Rec 302.04(b) and (c).~~
- ~~(c) Based on the board's determination pursuant to RSA 332-G:7, no military experience is applicable to the education of recreational therapists and therefore military experience shall not be considered when determining whether an applicant meets the educational requirements for licensure.~~

[PART Rec 304 CHARACTERISTICS OF CONDITIONAL LICENSES - REPEALED]
[Rec 304.01 - 304.08 - REPEALED eff. 8-9-11 (doc. #9970)]

Remove the chapter heading for Rec 400 as follows:

~~CHAPTER Rec 400 CONTINUED STATUS~~

Repeal Rec 401, eff. 12-23-16 (doc. #12072), as follows:

~~PART Rec 401 DEFINITIONS~~

~~Rec 401.01 Definitions.~~

~~(a) “Commission on Institutions of Higher Education of the New England Association of Schools and Colleges” means the regional accreditation agency for colleges and universities in the 6 New England states, consisting of faculty and administrators from affiliated institutions and public members.~~

~~(b) “Continuing professional education or professional activity” means courses and activities:~~

~~(1) Beyond entry level professional preparation; and~~

~~(2) Designed to provide advanced or enhanced knowledge in the field of recreation therapy.~~

~~(c) “Council for Higher Education Accreditation” means the umbrella organization for more than 81 academic accrediting organizations, including the Commission on Institutions of Higher Education of the New England Association of Schools and Colleges.~~

~~(d) “Distance learning” means electronic participation in continuing professional education courses and activities.~~

~~(e) “International Association for Continuing Education and Training (IACET)” means a non-profit organization which certifies providers of continuing education and training programs.~~

~~(f) “National Council for Therapeutic Recreation Certification (NCTRC)” means the nationally recognized professional credentialing organization which establishes the requirements for professional certification in recreation therapy.~~

~~(g) “NCTRC knowledge domains” means the following 6 knowledge domains set forth in the 2014 NCTRC Job Analysis, Job Tasks, and Knowledge Areas for the Certified Therapeutic Recreation Specialist published in March 2016, as cited in Appendix II:~~

~~(1) Foundational knowledge;~~

~~(2) Assessment process;~~

~~(3) Documentation;~~

~~(4) Implementation;~~

~~(5) Administration of TR/RT services; and~~

~~(6) Advancement of the profession.~~

~~(h) “Renewal year” means any even numbered year that is not the year of initial licensure.~~

~~(i) “Sexual misconduct” means one or more of the following activities with respect to a current client who is not a spouse, civil union partner or spouse equivalent:~~

~~(1) Engaging in sexual relations, whether consensual or non-consensual;~~

~~(2) Making verbal or physical sexual advances;~~

~~(3) Using sexual language or phrases;~~

~~(4) Requesting sexual favors; or~~

~~(5) Engaging in physical contact of a sexual nature.~~

Remove the part heading for Rec 402 as follows:

~~PART Rec 402 PROCEDURES FOR RENEWING A LICENSE AND INDICATING A DECISION
NOT TO RENEW~~

Repeal Rec 402.01, eff. 3-19-14 (doc. #10546), as follows:

~~Rec 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:~~

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

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

~~b. The date of signing.~~

Repeal Rec 402.02 through Rec 402.08, eff. 12-23-16 (doc. #12072), as follows:

~~Rec 402.02 License Renewal Procedure.~~

~~(a) A licensee wishing to renew his or her current license shall:~~

~~(1) Submit the completed renewal application packet described in Rec 402.03; and~~

~~(2) Do so by one of the following 3 methods:~~

~~a. The timely renewal method consisting of delivery of the completed packet by hand or secure electronic communication on or before December first of the renewal year, or delivery by mail postmarked on or before that date;~~

~~b. The late renewal method consisting of:~~

~~1. Delivery of the completed packet by hand or secure electronic communication between December 2 and December 31 of the renewal year, or delivery by mail postmarked during the same period; and~~

~~2. Inclusion in the packet payment of the late filing fee specified by Ahp 301.02(a) as well as the license renewal fee also specified by Ahp 301.02(a); or~~

~~c. If the renewal applicant is on active military duty outside the United States, by delivery of the completed packet by hand, mail or secure electronic communication within 60 days of the renewal applicant's return to the United States or release from duty, whichever occurs later.~~

~~(b) Pursuant to RSA 328 F:19, III, licenses to be renewed shall lapse if the renewal applicants do not submit the completed renewal application packet within one of the time periods set forth in (a)(2) above.~~

~~(c) Renewal applicants whose licenses have lapsed shall not practice recreation therapy until their licenses have been reinstated by the board.~~

~~Rec 402.03 License Renewal Application Packet. Applicants for license renewal shall submit the following components of the application packet:~~

~~(a) The completed multipart renewal application form described in Rec 402.04;~~

~~(b) The documents described in Rec 402.06, but no documents proving maintenance of continuing competence; and~~

~~(c) The fee(s) specified by Ahp 301.02(a) for timely or late renewal, as applicable.~~

~~Rec 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 is available to the public, except for the information required by (c) below;~~

~~b. Part 2, which is 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 preprinted 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 not previously reported, the applicant has been found guilty or entered a plea of no contest to any felony or misdemeanor;~~

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

~~(3) During the past 27 months, or 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 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 renewal application form the 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 application form 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;~~
 - ~~(7) Place of employment phone number; and~~
 - ~~(8) E-mail address at which the applicant wishes to receive notifications 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 various public entities:~~
- ~~(1) Home mailing address;~~
 - ~~(2) Place of employment mailing address; and~~
 - ~~(3) None.~~
- ~~(i) The renewal applicant shall designate by checking one of the appropriate boxes if the applicant wishes to receive correspondence 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, VI a. This collection of your social security number is mandatory.”~~
- ~~(k) Also on confidential 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 of any state or jurisdiction;~~
 - ~~(2) During the past 27 months, or not previously reported, any malpractice claim has been made against the applicant;~~
 - ~~(3) During the past 27 months, or not previously reported, the applicant for disciplinary reasons has been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant’s place of employment, or had any privileges limited, suspended or revoked in any:~~
 - ~~a. Hospital;~~
 - ~~b. Health care setting;~~

- ~~e. Home health care agency;~~
- ~~d. Educational institution; or~~
- ~~e. Other professional setting;~~

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

~~(5) During the past 27 months, or not previously reported, the applicant has had 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;~~

~~(6) During the past 27 months, or if not previously reported, the applicant has committed any act(s) that would violate the laws and/or rules that govern the profession for which he or she is applying; and~~

~~(7) Pursuant to RSA 125:25-c, the applicant has any ownership interest in any diagnostic or therapeutic service(s) company(ies), and if the answer is "yes", the applicant shall attach a list of all diagnostic or therapeutic services provided by each company.~~

~~(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 3 of the renewal form the 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 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.~~

~~(o) Also on part 2 of the renewal application form the renewal applicant shall, using the “yes” and “no” columns provided, indicate whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(s) as required by RSA 125:25-C.~~

~~Rec 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; and~~

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

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

~~Rec 402.06 Required Documents. An applicant for licensure renewal shall include in his or her application packet:~~

~~(a) A detailed report of the relevant circumstances if any of the answers to questions Rec 402.04(e)(2) on part one of the renewal application form is in the affirmative;~~

~~(b) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions Rec 402.04(m) on part 2 of the renewal application form is in the affirmative; and~~

~~(c) A photocopy of the applicant’s currently valid NCTRC certificate or wallet card.~~

~~Rec 402.07 The Board’s Renewal Application Processing Procedures.~~

~~(a) If the board, after receiving and reviewing a completed license renewal application packet requires further information or documents to determine the renewal applicant’s eligibility, the board shall:~~

~~(1) So notify the applicant in writing within 60 days; and~~

~~(2) Specify the information or documents it requires.~~

~~(b) An application for license renewal shall be complete when the board’s office 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 120 days of the date that the renewal application is completed, the board shall issue written approval of, or intent to deny, the application.~~

~~(d) The board shall refund the license renewal fee if:~~

~~(1) The applicant withdraws the application for license renewal; or~~

~~(2) The board denies the application pursuant to this chapter.~~

~~(e) A renewal applicant wishing to challenge the board’s 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 board:~~
 - ~~a. Within 60 days of the board'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 duty, whichever occurs later.~~

~~Rec 402.08 Renewal of Licensure. The board shall renew the licenses of applicants who:~~

- ~~(a) Have timely submitted the completed renewal application packet;~~
- ~~(b) Have reported on the renewal application form their compliance with the maintenance of continuing competence obligation set forth in Rec 405.01;~~
- ~~(c) Are of good moral and professional character, as evidenced by:~~
 - ~~(1) The answers to the questions in Rec 402.04(e)(2) and Rec 402.04(m); and~~
 - ~~(2) Any related documents submitted pursuant to Rec 402.06(a) or (b); and~~
- ~~(d) Are currently NCTRC certified.~~

Repeal Rec 402.09 and Rec 402.10, eff. 3-19-14 (doc. #10546), as follows:

~~Rec 402.09 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 between November 1 and December 31 of the renewal year and did not complete the professional education shall:~~
 - ~~(1) Report the cancellation to the Board no later than 15 days from the date of the cancellation or January 15 of the year following the renewal year whichever comes first;~~
 - ~~(2) Give a detailed written explanation of why the renewal applicant could not complete the continuing education as reported on the renewal form; and~~
 - ~~(3) If the opportunity to complete continuing professional education was prevented by cancellation, provide proof of the cancellation.~~

~~Rec 402.10 Audit Procedure.~~

- ~~(a) The board shall select on a random basis 10% of the renewal applications submitted in each renewal year for an audit of compliance of the maintenance of continuing competence requirement in Rec 405.01;~~
- ~~(b) Audited renewal applicants who reported on the renewal application form that they completed maintenance of continuing competence before December 31 of the renewal year shall:~~
 - ~~(1) Submit proof in the form of the documentation described in Rec 406; and~~
 - ~~(2) Shall do so no later than February 28 of the year following the renewal year.~~
- ~~(c) If the board observes that the documents submitted pursuant to (b) 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 his or her renewal application form or in submitting documents.~~

~~(d) In making the review called for by (c) above the board shall seek further information 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 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 issue a notice of hearing to determine if the renewed license should be suspended pursuant to Rec 404.01.~~

~~(f) If, having completed the review required by (c) 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 Ahp 209.01.~~

Remove the part heading for Rec 403 as follows:

~~PART Rec 403 REINSTATEMENT OF LICENSES~~

Repeal Rec 403.01 through Rec 403.05, eff. 12-23-16 (doc. #12072), as follows:

~~Rec 403.01 Licenses Subject to Reinstatement. The following licenses shall be subject to reinstatement by the board:~~

~~(a) Licenses suspended pursuant to Rec 402.09(f)(2);~~

~~(b) Licenses suspended for disciplinary reasons as part of a settlement pursuant to Ahp 214 or as part of an order of the board; and~~

~~(c) Licenses lapsed pursuant to Rec 402.02(b).~~

~~Rec 403.02 Reinstatement of Suspended Licenses:~~

~~(a) The board shall reinstate a license suspended pursuant to Rec 402.09(f)(2) if:~~

~~(1) The suspension occurred not more than 180 days before the reinstatement application is submitted to the board; and~~

~~(2) The reinstatement applicant submits:~~

~~a. A completed, signed, dated and notarized reinstatement application form as further described in Rec 403.05;~~

~~b. Proof in accordance with Rec 406 of having completed 30 hours of maintenance of continuing competence for the immediately preceding 2 years;~~

~~c. A photocopy of the applicant's currently valid NCTRC certificate or wallet card;~~

~~d. Payment of the reinstatement fee set forth in Ahp 301.02(a); and~~

~~e. Any documentation required in Rec 302.04 which was not previously provided to the board.~~

~~(b) The board shall reinstate a license suspended for disciplinary reasons:~~

~~(1) In accordance with the terms of the settlement agreement or the disciplinary order of the board, as applicable; and~~

~~(2) After receiving payment of the reinstatement fee set forth in Ahp 301.02(a).~~

~~Rec 403.03 Reinstatement of Licenses Lapsed No Longer Than One Year. The board shall reinstate a license lapsed no longer than one year if the reinstatement applicant submits:~~

~~(a) A completed, signed, dated and notarized "Application for Reinstatement of Licensure or Certification" form as described in Rec 403.05;~~

~~(b) Proof in accordance with Rec 406 of having completed 30 hours of maintenance of continuing competence for the immediately preceding 2 years;~~

~~(c) A photocopy of the applicant's currently valid NCTRC certificate or wallet card;~~

~~(d) Payment of the reinstatement fee set forth in Ahp 301.02(a);~~

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

~~(f) Any documentation required in Rec 302.04 which was not previously provided to the board.~~

~~Rec 403.04 Reinstatement of Licenses Lapsed For Longer Than One Year. The board shall reinstate a license lapsed for more than one year if the reinstatement applicant:~~

~~(a) Is of good moral character, as evidenced by:~~

~~(1) The answers to the "yes-no" questions on the confidential and non-confidential parts of the reinstatement application form described in Rec 403.05; and~~

~~(2) Any detailed reports of the relevant circumstances related to answers to those questions;~~

~~(b) Is currently NCTRC certified; and~~

~~(c) Submits the following to the board:~~

~~(1) A completed, signed, dated and notarized reinstatement application form as further described in Rec 403.05;~~

~~(2) The supporting materials described in Rec 403.06;~~

~~(3) Payment of the reinstatement fee set forth in Ahp 301.02(a); and~~

~~(4) Any documentation required in Rec 302.04 which was not previously provided to the board.~~

~~Rec 403.05 Reinstatement Application Form.~~

~~(a) The reinstatement application form shall be the "Application for Reinstatement of Licensure and Certification" dated September 3, 2015. The reinstatement application form shall be provided by the board and available by submitting a request for the application form on the board's website, www.nh.gov/alliedhealth.~~

~~(b) To apply for reinstatement, the applicant shall:~~

~~(1) Provide the information on the "Application for Reinstatement of Licensure or Certification" form dated June 24, 2015 to the board;~~

~~(2) Sign and date 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."~~

~~(e) 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.~~

Repeal Rec 403.06, eff. 3-19-14 (doc. #10546), as follows:

~~Rec 403.06 Supporting Materials. The supporting materials shall be:~~

~~(a) A recent passport size, 2" x 2", head shot photograph;~~

~~(b) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to the "yes-no" questions on the confidential part of the application form is in the affirmative;~~

~~(c) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to the "yes-no" questions on the non-confidential part of the application form is in the affirmative;~~

~~(d) Proof in accordance with Rec 406 of having completed any requirement for maintenance of continuing competence left uncompleted at the time the license lapsed;~~

~~(e) A photocopy of the applicant's currently valid NCTRC certificate or wallet card;~~

~~(f) A written statement that the reinstatement applicant has not engaged in recreational therapy in New Hampshire on a volunteer or paid basis since the date that his or her license ceased to be valid;~~

~~(g) A resume presenting a chronologically organized account of the applicant's experience in recreation therapy since the lapse of the license, including:~~

~~(1) Each separate experience in paid or volunteer work as:~~

~~a. A direct care giver in recreation therapy;~~

~~b. A recreation therapy educator;~~

~~c. A recreation therapy administrator;~~

~~d. A member of a recreation therapy board or committee; and~~

~~e. A recreation therapy consultant;~~

~~(2) The time period of each separate experience described by its beginning and ending dates; and~~

- ~~(3) The physical address of each experience;~~
- ~~(h) Any documentation required in Rec 302.04 which was not previously provided to the board;~~
and
- ~~(i) 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 has sent the report:~~
- ~~a. To the board and the board has received the report; or~~
- ~~b. To the applicant for forwarding to the board, and the board has received the report;~~
- ~~(2) Covering the applicant under his or her name and any aliases; and~~
- ~~(3) Dated within the 6 months preceding the application for licensure.~~

[Rec 403.07 - REPEALED eff. 3-19-14 (doc. #10546)]

Repeal Rec 403.08, eff. 12-23-16 (doc. #12072), as follows:

~~Rec 403.08 Board's Processing of Applications for Reinstatement of Licensure.~~

~~(a) If the board, after receiving and reviewing the reinstatement application, requires further information or documents to determine the applicant's qualification for reinstatement of licensure, the board shall:~~

- ~~(1) So notify the applicant in writing within 60 days; and~~
- ~~(2) Specify the information or documents it requires.~~

~~(b) A reinstatement application shall be considered completed on the first date that the board has received the completed reinstatement application form, any supporting materials which are required, and any additional information or documents which it may have requested.~~

~~(c) The board shall issue written approval or denial of an application for reinstatement of licensure within 120 days of the date that the application is completed.~~

~~(d) The board shall refund the reinstatement fee if the board denies the application.~~

~~(e) Any applicant wishing to challenge the board's denial of an application for licensure reinstatement shall:~~

- ~~(1) Make a written request for a hearing of the applicant's challenge; and~~
- ~~(2) Submit this request to the board:~~
- ~~a. Within 60 days of the board's notification of the 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.~~

Repeal Rec 404 through Rec 406, eff. 12-23-16 (doc. #12072), as follows:

~~PART Rec 404 REVOCATION, SUSPENSION AND OTHER SANCTIONS~~

~~Rec 404.01 Misconduct. Misconduct shall be:~~

~~(a) Knowingly or negligently providing inaccurate material information to the board 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 without annulment in any jurisdiction of any criminal offense which:~~

~~(1) Constitutes a sexual offense;~~

~~(2) Constitutes a violation of controlled substance law;~~

~~(3) Constitutes a felony in the convicting jurisdiction; or~~

~~(4) Involves:~~

~~a. Injury to a victim;~~

~~b. The risk of such injury; or~~

~~c. Fraud;~~

~~(c) Failing to report to the board a conviction described in (b) above within 30 days;~~

~~(d) Violating Rec 500;~~

~~(e) Engaging in sexual misconduct;~~

~~(f) Failing to provide care with reasonable skill, safety and regard for client or patient rights, whether or not the client or patient has suffered injury;~~

~~(g) Being subject to final disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;~~

~~(h) Failing to take appropriate action to safeguard individuals from incompetent counselors and health care practitioners, whether or not they are licensed in this state;~~

~~(i) Practicing recreation therapy when a previously issued license is not currently valid; and~~

~~(j) Violating:~~

~~(1) Any provision of RSA 328-F;~~

~~(2) Any provision of RSA 326-J;~~

~~(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.~~

~~Rec 404.02 Sanctions.~~

~~(a) Disciplinary measures available to the board to sanction misconduct shall be:~~

~~(1) License revocation;~~

~~(2) License suspension for a specified period of time or on specified terms;~~

~~(3) License suspension conditioned on the achievement of specified:~~

~~a. Continuing competence requirements;~~

~~b. Continuing education, clinical experience, or training; or~~

~~e. Ethical or legal 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 licensed recreation therapist; and~~

~~(6) The imposition of an administrative fine not to exceed \$1,000 for:~~

~~a. Misconduct as described in Rec 404.01;~~

~~b. The practice of recreation therapy by a person who was once licensed to practice recreation therapy but does not currently hold a valid license; or~~

~~c. The practice of recreation therapy by a person who is practicing in violation of the conditions upon which he or she is licensed.~~

~~(b) Pursuant to RSA 328 F:23, IV(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:23, V, an additional measure available to the board to sanction misconduct shall be denial of license renewal or reinstatement.~~

~~Rec 404.03 Procedure for the Imposition of Sanctions. Other than immediate license suspension authorized by RSA 541 A:30, III, the board shall impose disciplinary sanctions only:~~

~~(a) After prior notice to the licensee in accordance with Ahp 209.01 and the opportunity for the licensee to be heard; or~~

~~(b) By agreement in a settlement between the board and the licensee made pursuant to Ahp 214.~~

~~Rec 404.04 Revocation of License. The board shall revoke a license when:~~

~~(a) NCTRC has permanently revoked the licensee's certification; or~~

~~(b) The board and the licensee agree on revocation in a settlement made pursuant to Ahp 214.~~

~~Rec 404.05 Method for Determining Sanctions.~~

~~(a) To determine which sanction or combination of sanctions to impose other than in a case of the kind described in Rec 404.04, the board shall:~~

~~(1) Refer to the list in Rec 404.01 to determine the nature of the act(s) or omission(s) constituting the misconduct done by the licensee;~~

~~(2) Next, determine whether the misconduct has one or more of the characteristics listed in (b) below; and~~

~~(3) Finally, apply the standards in Rec 404.06.~~

~~(b) The characteristics shall be:~~

~~(1) The misconduct actually caused physical or mental harm to the client or another person;~~

- ~~(2) The misconduct had the potential to cause physical or mental harm to the client or another person;~~
- ~~(3) The misconduct repeated earlier misconduct done by the licensee, as determined by:~~
- ~~a. An earlier hearing;~~
 - ~~b. An earlier settlement agreement predicated on the same misconduct by the licensee; or~~
 - ~~c. An admission by the licensee;~~
- ~~(4) The misconduct was not the first misconduct by the licensee, as determined by:~~
- ~~a. An earlier hearing;~~
 - ~~b. An earlier settlement agreement predicated on misconduct by the licensee; or~~
 - ~~c. An admission by the licensee;~~
- ~~(5) The misconduct was intentional rather than the result of negligence or inadvertence; and~~
- ~~(6) The misconduct was the result of negligence.~~

~~Rec 404.06 Standards for the Selection of Sanctions. The board shall select appropriate sanction(s):~~

- ~~(a) From the list in Rec 404.02; and~~
- ~~(b) By choosing, in light of the characteristics determined pursuant to Rec 404.05(b), the sanction(s) most likely to:~~
- ~~(1) Protect public health and safety;~~
 - ~~(2) Prevent future misconduct by the licensee;~~
 - ~~(3) Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;~~
 - ~~(4) Correct any attitudinal, educational, or other deficiencies which led to the licensee's misconduct;~~
 - ~~(5) Encourage the responsible practice of recreation therapy; and~~
 - ~~(6) Demonstrate to the licensee and the public the board's intention to insure that its licensees practice in accordance with applicable law and the public welfare.~~

~~Rec 404.07 Unauthorized Practice. When the board determines that one of the following measures is likely to be the most effective way to stop unauthorized practice as defined in RSA 328 F:27, II, the board shall:~~

- ~~(a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice;~~
- ~~or~~
- ~~(b) Seek an injunction against such person or entity.~~

~~PART Rec 405 MAINTENANCE OF CONTINUING COMPETENCE~~

~~Rec 405.01 Maintenance of Continuing Competence.~~

~~(a) Licensees intending to renew their licensure shall maintain continuing competence by completing 30 hours of continuing professional education or professional activity as defined in Rec 401.01(a) per renewal cycle.~~

~~(b) At least 20 hours of the required hours shall be taken in professional courses or professional activities having as their subject one or more of the 6 NCTRC professional knowledge domains.~~

~~(c) Continuing competence shall be maintained through the following continuing professional education and professional activities, provided that they meet the definition of continuing professional education or professional activity in 401.01(b):~~

- ~~(1) Successful completion of academic course work, as further described in Rec 405.02;~~
- ~~(2) Successful completion of non-academic education programs given by IACET approved providers, as further described in Rec 405.03;~~
- ~~(3) Participation in facility-based in-service training including grand rounds, as further described in Rec 405.04;~~
- ~~(4) Publication of an article in a professional journal, as further described in Rec 405.05;~~
- ~~(5) Distance learning, as further described in Rec 405.06;~~
- ~~(6) Participation in the work of professional boards and committees, as further described in Rec 405.07;~~
- ~~(7) Direct supervision of recreation therapy interns, as further described in Rec 405.08;~~
- ~~(8) Special certifications, as further described in Rec 405.09; and~~
- ~~(9) Professional presentations, as further described in Rec 405.10.~~

~~(d) Continuing professional education and professional activities shall be accepted by the board as maintenance of continuing competence if they are taken or completed through distance learning, provided that the documentation of their completion shall be in accordance with Rec 406.~~

~~Rec 405.02 Successful Completion of Academic Coursework in Recreation Therapy.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of academic course work in recreation therapy if the course work is:~~

- ~~(1) Sponsored and assigned credit by a college or university; and~~
- ~~(2) Related to one or more of the 6 NCTRC knowledge domains.~~

~~(b) The board shall credit the licensee with 5 hours for each credit hour of academic course work described in (a) above to a maximum of 15 hours per renewal cycle.~~

~~Rec 405.03 Successful Completion of Non-Academic Education Programs in Recreation Therapy Given by IACET Approved Providers.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of a non-academic education program given by a provider approved by IACET, provided that the program is:~~

- ~~(1) On recreation therapy theory or practice or both; and~~
- ~~(2) Related to one or more of the 6 NCTRC knowledge domains.~~

~~(b) The board shall credit the licensee with the hours attributed to the program by its provider.~~

~~Rec 405.04 Participation in Facility Based Recreation Therapy In-Service Training, Including Grand Rounds.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's participation as a speaker or attendee at a facility based recreational therapy in-service training, including grand rounds, if the in-service training:~~

~~(1) Includes a scheduled speaker; and~~

~~(2) Is on a specific topic related to one or more of the 6 NCTRC knowledge domains.~~

~~(b) The board shall credit the licensee with one hour for each clock hour of such participation, to a maximum of 10 hours per renewal cycle.~~

~~Rec 405.05 Publication of an Article in a Professional Journal.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's publication of an article in a professional journal.~~

~~(b) The board shall credit the licensee with 10 hours per publication for a maximum of 10 hours per renewal cycle.~~

~~Rec 405.06 Distance Learning Courses.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's successful completion of courses taken through distance learning, including self-study courses and self-paced clinical courses, provided that the courses:~~

~~(1) Are on recreation therapy theory or practice or both;~~

~~(2) Are related to one or more of the 6 NCTRC knowledge domains; and~~

~~(3) Include an examination which is passed by the licensee.~~

~~(b) The board shall credit the licensee with the hours attributed by the sponsor or provider of the distance learning course for a maximum of 10 hours per renewal cycle.~~

~~Rec 405.07 Participation in the Work of Professional Boards and Committees.~~

~~(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 recreation therapy organization.~~

~~(b) The board shall credit the licensee with 5 hours for each board, committee or agency served, to a maximum of 10 hours per renewal cycle.~~

~~Rec 405.08 Direct Supervision of Recreation Therapy Interns.~~

~~(a) The board shall recognize as maintenance of continuing competence the direct supervision of one or more recreation therapy interns when the licensee acts as the primary internship supervisor.~~

~~(b) The board shall credit the licensee with 5 hours per student for such internship supervision, to a maximum of 10 hours per renewal cycle.~~

~~Rec 405.09 Special Certifications.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's receipt during the renewal cycle of a special certification, including:~~

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

~~(2) Any other special certification related to recreation therapy issued by a professional organization, accredited college or university or professional certifying body.~~

~~(b) The board shall credit the licensee with 5 hours per certification for a maximum of 10 hours per renewal cycle.~~

~~Rec 405.10 Professional Presentations.~~

~~(a) The board shall recognize as maintenance of continuing competence a licensee's professional presentation at a professional symposium, conference or workshop, provided that:~~

~~(1) The licensee is the primary presenter; and~~

~~(2) The content of the presentation relates directly to one or more of the 4 NCTRC knowledge areas.~~

~~(b) The board shall credit the licensee with one hour for each hour of the presentation to a maximum of 10 hours per renewal cycle.~~

~~(c) The board shall not credit the licensee for multiple or repeat presentations of the same material within the same renewal cycle.~~

~~PART Rec 406 DOCUMENTATION OF MAINTENANCE OF CONTINUING COMPETENCE~~

~~Rec 406.01 Documentation Requirements. Licensees shall:~~

~~(a) Retain documentation of maintenance of continuing competence through continuing professional education and professional activity described in Rec 405.02 through Rec 405.10 until the board requires its submission in connection with an audit; and~~

~~(b) Submit such documentation when requested to do so by the board.~~

~~Rec 406.02 Documentation of a Licensee's Successful Completion of Academic Coursework in Recreation Therapy. Documentation of a licensee's successful completion of academic course work in recreation therapy shall be:~~

~~(a) An official transcript showing successful completion of the course, the date of the course and the credits assigned by the college or university; and~~

~~(b) One of the following descriptions of the course:~~

~~(1) The description of the course copied from the college or university catalogue; or~~

~~(2) The course syllabus or outline that includes a description of the course and the course competencies.~~

~~Rec 406.03 Documentation of a Licensee's Successful Completion of Non-Academic Education Programs in Recreation Therapy Given by IACET Approved Providers. Documentation of a licensee's successful completion of a non-academic education program in recreation therapy given by a IACET-approved provider shall be a photocopy of:~~

~~(a) A certificate showing:~~

- ~~(1) The title of the program or, if the title does not characterize the program, a description of the program's content;~~
- ~~(2) IACET approval of the program;~~
- ~~(3) The hours of continuing education credited by IACET;~~
- ~~(4) The name of the licensee; and~~
- ~~(5) The date(s) of the licensee's program attendance; or~~

~~(b) A written statement:~~

- ~~(1) Providing the information required by (a) above; and~~
- ~~(2) The dated signature of the instructor of the program.~~

~~Rec 406.04 Documentation of a Licensee's Participation in Facility Based Recreation In Service Training, Including Grand Rounds. Documentation of a licensee's participation in facility based recreation in service training, including grand rounds, shall be a written statement on the letterhead of the facility, including:~~

- ~~(a) The name of the licensee;~~
- ~~(b) The title of the in service training or grand round;~~
- ~~(c) The date and the total number of hours of the in service training or grand round; and~~
- ~~(d) The signature of the licensee's supervisor at the facility or of the instructor of the in service training or grand round.~~

~~Rec 406.05 Documentation a Licensee's Publication of an Article in a Professional Journal. Documentation of a licensee's publication of an article in a professional journal shall be:~~

- ~~(a) A copy of:~~
 - ~~(1) The publication or its title page showing the licensee's authorship;~~
 - ~~(2) The table of contents of the journal; and~~
 - ~~(3) The publication date of the journal; or~~
- ~~(b) If publication of the article is still in progress, the journal publisher's letter of acceptance of the article.~~

~~Rec 406.06 Documentation of a Licensee's Participation in Distance Learning Courses. Documentation of a licensee's successful completion of courses taken through distance learning, including self study courses and self paced clinical courses, shall be a certificate of completion, including:~~

- ~~(a) The name of the licensee;~~
- ~~(b) The course title and description;~~
- ~~(c) The name and address of the sponsor or provider of the course;~~
- ~~(d) The name of the course instructor;~~

- ~~(e) The number of hours attributed by the sponsor or provider to completion of the course; and~~
- ~~(f) The date the licensee completed the course.~~

~~Rec 406.07 Documentation of a Licensee's Participation in the Work of Professional Boards and Committees. Documentation of a licensee's participation in the work of a board or committee of a professional recreation therapy organization shall be a dated letter on professional letterhead confirming the licensee's participation and the approximate total hours of the licensee's service, signed by:~~

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

~~Rec 406.08 Documentation of a Licensee's Direct Supervision of Recreation Therapy Interns. Documentation of a licensee's direct supervision of recreation therapy intern(s) shall be a letter on professional letterhead:~~

- ~~(a) Dated and signed by the internship supervisor of the university or college;~~
- ~~(b) Naming the licensee and the intern(s) supervised by the licensee; and~~
- ~~(c) Describing by beginning and ending dates the period(s) during which the licensee performed the direct supervision of the intern(s).~~

~~Rec 406.09 Documentation of a Licensee's Receipt of Special Certifications.~~

~~(a) Documentation of a licensee's certification or re-certification in adult, infant and child cardiopulmonary resuscitation shall be a photocopy of:~~

- ~~(1) The front and back of a current cardiopulmonary resuscitation certificate, known as basic life skills for healthcare providers, issued by the American Heart Association;~~
 - ~~(2) The front and back of a current certificate in adult cardiopulmonary resuscitation issued by the American Red Cross together with a current certificate in infant and child cardiopulmonary resuscitation issued by the American Red Cross; or~~
 - ~~(3) The front and back of a current certificate in adult, child and infant cardiopulmonary resuscitation issued by Medic First Aid, by the American Safety and Health Institute or by any other nationally recognized organization providing training in infant, child and adult cardiopulmonary resuscitation.~~
- ~~(b) Documentation of any other special certification shall be a copy of the front and back of the certificate showing:~~
- ~~(1) The licensee's name;~~
 - ~~(2) The date of issuance;~~
 - ~~(3) The name of the certifying body; and~~
 - ~~(4) The signature of:
 - ~~a. The instructor of the course leading to the certification; or~~
 - ~~b. A representative of the certifying body.~~~~

~~Rec 406.10 Documentation of a Licensee's Professional Presentations. Documentation of a licensee's professional presentation at a professional symposium, conference or workshop shall be:~~

- ~~(a) The printed program of the symposium, conference or workshop showing:~~
- ~~(1) An indication of the contents of the presentation;~~
 - ~~(2) The date of the presentation; and~~
 - ~~(3) The number of hours of the presentation; and~~
- ~~(b) A copy of:~~
- ~~(1) An evaluation of the presentation;~~
 - ~~(2) A summary of the evaluations of the presentation;~~
 - ~~(3) A letter of thanks addressed to the licensee; or~~
 - ~~(4) Any other document confirming that the presentation was completed.~~

Repeal Rec 407, eff. 3-19-14 (doc. #10546), as follows:

~~PART Rec 407 ONGOING REQUIREMENTS~~

~~Rec 407.01 Administrative Obligations of Licensees. Licensees shall:~~

- ~~(a) Send to the board's office within 30 days any changes in:~~
- ~~(1) Their name(s);~~
 - ~~(2) Home or business physical address;~~
 - ~~(3) Home or business mailing addresses;~~
 - ~~(4) Home or business telephone number or personal cell phone number if provided to the board; and~~
 - ~~(5) E-mail address.~~
- ~~(b) Notify the board's office if a license or other proof of licensure is lost or stolen.~~
- ~~(c) Report to the board's office, within 30 days, any misdemeanor conviction, felony conviction, or act which constitutes misconduct under Rec 404.01.~~
- ~~(d) Licensees shall retain documentation of their continuing professional education and professional activities for at least 3 years.~~

~~Rec 407.02 Students. Pursuant to RSA 326 J:3 students shall be exempt from licensure if:~~

- ~~(a) They deliver recreation therapy services under the supervision of a licensee; and~~
- ~~(b) Receive academic credit for such supervised services as part of an educational program sponsored or given by a college or university accredited by:~~
- ~~(1) Commission on Institutions of Higher Education of the New England Association of Schools and Colleges; or~~
 - ~~(2) Any other accrediting body recognized by the Council for Higher Education Accreditation.~~

Repeal Rec 500, eff. 12-23-16 (doc. #12073), as follows:

~~CHAPTER Rec 500 ETHICAL STANDARDS~~

~~PART Rec 501 DEFINITIONS~~

~~Rec 501.01 Definitions.~~ The following term shall have the following meaning:

~~(a) "American Therapeutic Recreation Association (ATRA)" means a non-profit national membership organization formed in 1984 to represent the interests of the profession of recreation therapy.~~

~~PART Rec 502 ETHICAL STANDARDS~~

~~Rec 502.01 Ethical Standards for Recreational Therapists.~~ All recreational therapists shall comply with the ethical standards for recreational therapists stated in the 10 numbered Principles of the Code of Ethics of the American Therapeutic Recreation Association (ATRA) issued by ATRA in March 1990 and revised in July 2009, with the exception of the ATRA definition statement which precedes the Principles, and available as noted in Appendix II.

Remove Appendix [I] and Appendix II as follows:

APPENDIX

Rule	Statute
Rec 101 and 102	RSA 541 A:7
Rec 103.01	RSA 328 F:4
Rec 103.02	RSA 328 F:3
Rec 103.03(a)	RSA 326 J:5, I
Rec 103.03(b)	RSA 326 J:6; RSA 326 J:5, II
Rec 103.03(c) and (d)	RSA 328 F:23, I; RSA 328 F:24
Rec 103.04	RSA 328 F:8
Rec 103.05	RSA 91 A:2, II
Rec 103.06(a)	RSA 91 A:2, II
Rec 103.06(b)	RSA 541 A:16, I(a)
Rec 103.07(a)	RSA 91 A:2, II
Rec 103.07(b)	RSA 541 A:16(b)
Rec 104.01 and Rec 104.02	RSA 541 A:16(a)
Rec 104.03(a)	RSA 91 A:4
Rec 104.03(b) (d)	RSA 541 A:16(b)
Rec 201	RSA 541 A:7
Rec 202	RSA 541 A:16, I(b)
Rec 203.01 and 203.02	RSA 541 A:16, I(b)(2)
Rec 203.02	RSA 541 A:31, I
Rec 204.01	RSA 541 A:16, I(b)(2)
Rec 204.02	RSA 541 A:30 a, III(k)
Rec 204.03	RSA 541 A:30 a, III(j)
Rec 205	RSA 541 A:30 a, III(f)
Rec 206	RSA 541 A:30 a, III(a)
Rec 207	RSA 541 A:16, I(b)(2)
Rec 208.01	RSA 541 A:31; RSA 541 A:16, I(b)(2)
Rec 208.02	RSA 541 A:30 a, III(b)
Rec 208.03	RSA 541 A:31, V(b), (c) and (d); RSA 541 A:16, I(b)(2)
Rec 208.04	RSA 541 A:31, VII
Rec 209.01 and 209.02	RSA 541 A:32, I, II and III; RSA 541 A:16, I(b)(2)
Rec 209.03	RSA 541 A:16, I(b)(2)

Rec 210.01	RSA 541 A:30 a, III(h)
Rec 210.02	RSA 541 A:16, I(b)(2)
Rec 211	RSA 541 A:30 a, III(h)
Rec 212.01	RSA 541 A:30 a, III(d) and (e)
Rec 212.02	RSA 541 A:31, IV
Rec 212.03(a)	RSA 541 A:33
Rec 212.03(b)(c)(d) and (e)	RSA 541 A:16, I(b)(2)
Rec 212.04 and 212.05	RSA 541 A:16, I(b)(2)
Rec 212.06	RSA 541 A:30 a, III(i)
Rec 212.07(a) (e)	RSA 541 A:16, I(b)(2)
Rec 212.07(f)	RSA 541 A:30 a, III(l)
Rec 213	RSA 541 A:16, I(b)
Rec 214	RSA 541 A:4; RSA 541 A:16, I(e)
Rec 215	RSA 541 A:11; RSA 541 A:16, I(b)(3)
Rec 216	RSA 541 A:16, I(d)
Rec 217	RSA 541 A:11, VII
Rec 218	RSA 328 F:13, I
Rec 301	RSA 541 A:7
Rec 302.01	RSA 328 F:18; RSA 328 F:11(g)
Rec 302.02	RSA 328 F:18; RSA 328 F:11, I(f)
Rec 302.03	RSA 328 F:18; RSA 328 F:11, I(f)
Rec 302.04	RSA 328 F:18; RSA 328 F:11, I(g)
Rec 303.01(a)(1)	RSA 326 J:5, I(e) and (e)
Rec 303.01(a)(2)	RSA 326 J:5, I(e) (d); RSA 328 F:5, I; RSA 328 F:11, I(e)
Rec 303.01(b)	RSA 326 J:5, I(e) (d)
Rec 303.01(e)	RSA 332 G:7
Rec 401.01	RSA 541 A:7
Rec 402.02	RSA 328 F:19, I, II and III
Rec 402.03	RSA 328 F:19, II; RSA 328 F:11, I(g)
Rec 402.04	RSA 328 F:11, I(f)
Rec 402.05	RSA 541 A:7
Rec 402.06	RSA 328 F:19, II; RSA 328 F:11, I(g)
Rec 402.07	RSA 541 A:16, I(b)
Rec 402.08	RSA 326 J:6, I
Rec 402.09	RSA 541 A:16, I(b)
Rec 402.10	RSA 541 A:16, I(b)
Rec 403.01(a), (b), (c)	RSA 541 A:16, I(b); RSA 328 F:20
Rec 403.02(a)	RSA 541 A:16, I(b)
Rec 403.02(b)	RSA 328 F:11, I(d)
Rec 403.03	RSA 328 F:20; RSA 328 F:11, I(e)
Rec 403.04	RSA 328 F:11, I(g); RSA 328 F:18, II
Rec 403.05	RSA 328 F:11, I(f)
Rec 403.06	RSA 328 F:11, I(e)
Rec 403.07	RSA 328 F:11, I(b)
Rec 403.08	RSA 541 A:16, I(b)
Rec 404.01	RSA 328 F:23, II
Rec 404.02(a)	RSA 328 F:23, IV (a) through (f)
Rec 404.02(b)	RSA 328 F:23, IV (g)
Rec 404.02(e)	RSA 328 F:23, V
Rec 404.03 – Rec 404.06	RSA 541 A:16, I(b)
Rec 404.07	RSA 328 F:27, II and IV

Rec 403.08	RSA 541 A:16, I(b)
Rec 404.01	RSA 328 F:23, II
Rec 404.02(a)	RSA 328 F:23, IV(a) through (f)
Rec 404.02(b)	RSA 328 F:23, IV(g)
Rec 404.02(e)	RSA 328 F:23, V
Rec 404.03 – Rec 404.06	RSA 541 A:16, I(b)
Rec 404.07	RSA 328 F:27, II and IV
Rec 405.01	RSA 326 J:6, I(b)
Rec 405.02 – Rec 405.08	RSA 326 J:6, I(b); RSA 328 F:11, I(b)
Rec 405.09	RSA 326 J:6, I(b)
Rec 405.10	RSA 326 J:6, I(b); RSA 328 F:11, I(b)
Rec 406.01 – Rec 406.10	RSA 326 J:6, I(b); RSA 328 F:11, I(g)
Rec 407.01	RSA 328 F:21
Rec 407.02	RSA 326 J3, I; RSA 541 A:16, I(b)
Rec 500	RSA 328 F:11, II(b)

Appendix II
Incorporation by Reference Information

Rec 401.01(g) - -	2014 NCTRC Job Analysis, Job Tasks, and Knowledge Areas for the Certified Therapeutic Recreation Specialist	National Council for Therapeutic Recreation Certification Obtain online http://nctre.org/about-certification/national-job-analysis/ Cost: None Any questions or information requests can be directed to the Office of Licensed Allied Health Professionals by calling 603-271-8389
Rec 502.01	American Therapeutic Recreation Association Code of Ethics - (Revised by the ATRA Board of Directors July 2009) -	Office of Licensed Allied Health Professionals Obtain online www.nh.gov/alliedhealth Click on “Rules and Laws” The American Therapeutic Recreation Association Obtain online http://recreationtherapy.com Cost: None Any questions or information requests can be directed to the Office of Licensed Allied Health Professionals by calling 603-271-8389