

*Repeal Resp 100 and Resp 200, eff. 12-9-20 (doc. #13142), as follows:*

~~CHAPTER Resp 100 ORGANIZATIONAL RULES~~

~~PART Resp 101 DEFINITIONS~~

~~Resp 101.01 “Board” means “board” as defined in RSA 326 E:1, I, namely, “the governing board of respiratory care practitioners established under RSA 328 F.”~~

~~Resp 101.02 “Board of directors” means “board of directors” as defined in RSA 328 F:2, I, namely, “the chairpersons or their appointees of all the governing boards which shall be responsible for the administrative operation of the office of licensed allied health professionals.”~~

~~Resp 101.03 “Certified Pulmonary function technician (CPFT)” means a person having successfully completed and achieved a passing score on the entry level examination in pulmonary function and maintained the related credential issued by the National Board for Respiratory Care, Inc.~~

~~Resp 101.04 “Office of licensed allied health professionals” means “office of licensed allied health professionals” as defined in RSA 328 F:2, IV, namely, “an agency of multiple governing boards in professions of the allied health field.”~~

~~Resp 101.05 “Registered Polysomnographic technologist (RPSGT)” means a person having successfully completed and achieved a passing score on the comprehensive registry examination for polysomnographic technologists administered by the Board of Registered Polysomnographic Technologists or its successor organization.~~

~~Resp 101.06 “Registered pulmonary function technologist (RPFT)” means a person having successfully completed and achieved a passing score on the advanced level examination in pulmonary function and maintained the related credential issued by the National Board for Respiratory Care, Inc.~~

~~Resp 101.07 “Respiratory care” means “respiratory care” as defined in RSA 326 E:1, X, namely, “the treatment, management, diagnostic testing and evaluation of responses to respiratory or medical treatment and care of individuals or groups of individuals either having deficiencies or abnormalities of the cardiopulmonary system or requiring support of the cardiopulmonary system. Respiratory care is given in accordance with the prescription of a physician, nurse practitioner, or physician assistant. Respiratory care includes the implementation of respiratory care strategies and modalities, and the administration of pharmacological, diagnostic, and therapeutic agents necessary to implement a treatment, disease or injury prevention, rehabilitative or diagnostic regimen. Respiratory care includes, but is not limited to: initiating emergency procedures; providing health counseling and teaching; assembly, repair, testing and maintenance of respiratory equipment; and those respiratory care activities that require a substantial amount of scientific knowledge or technical skill.”~~

~~Resp 101.08 “Respiratory care practitioner” means “respiratory care practitioner” as defined in RSA 326 E:1, XII, namely, “a person who is:~~

~~(a) Licensed in the practice or performance of respiratory care who has the knowledge and skill necessary to administer the functions defined in paragraph X of this section~~

~~(b) Capable of serving as a resource in relation to the clinical and technical aspects of respiratory care as to the safe and effective methods for administering respiratory care modalities~~

~~(c) Able to function in situations of unsupervised patient contact requiring individual judgment~~

~~(d) Capable of supervising, directing, and teaching less skilled personnel in the provision of respiratory care services.”~~

~~PART Resp 102 DESCRIPTION OF THE GOVERNING BOARD OF RESPIRATORY CARE PRACTITIONERS~~

~~Resp 102.01 Composition of The Board.~~

~~(a) The board is composed of the following 5 members:~~

- ~~(1) A physician knowledgeable in the current practice of respiratory care;~~
- ~~(2) Three licensed respiratory care practitioners who have been actively engaged in the practice of respiratory care within New Hampshire for at least 3 years; and~~
- ~~(3) A public member as set forth in RSA 328 F:4, III.~~

~~Resp 102.02 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.~~

~~Resp 102.03 Duties of the Board. The duties of the board include:~~

- ~~(a) Fully and conditionally licensing respiratory care practitioners;~~
- ~~(b) Renewing and reinstating the licenses of respiratory care practitioners;~~
- ~~(c) Approving and setting standards for providers of continuing education programs;~~
- ~~(d) Setting standards for the assembly, delivery, maintenance, repair, and testing of respiratory care equipment and supplies;~~
- ~~(e) Regulating the profession of respiratory care;~~
- ~~(f) Setting the scope of practice of polysomnographic technologists;~~
- ~~(g) Investigating complaints of licensee misconduct and taking appropriate disciplinary action; and~~
- ~~(h) Advising the board of directors of the office of licensed allied health professionals of matters regarding respiratory care and polysomnography.~~

~~Resp 102.04 Other Organizational Rules. The board is part of the Office of Licensed Allied Health Professionals. Information such as the board's office location, address, and telephone number can be found at Ahp Part 105.01. Information regarding the public's access to minutes and other board records can be found at Ahp 103.04 and Ahp 103.04, Ahp 104.03, and Ahp 105.04.~~

~~CHAPTER Resp 200 PROCEDURAL RULES~~

~~PART 201 PRACTICE AND PROCEDURE~~

~~Resp 201.01 Rules of Practice and Procedure. The Ahp 200 rules shall govern with regards to all procedures for:~~

- ~~(a) The receipt of misconduct complaints;~~
- ~~(b) The conduct of disciplinary proceedings;~~
- ~~(c) Rulemaking petitions and disposition of rulemaking petitions;~~
- ~~(d) Public comment hearings;~~

- ~~(e) Declaratory rulings;~~
- ~~(f) Explanation of adopted rules; and~~
- ~~(g) Voluntary surrender of licenses.~~

*Repeal the heading for Resp 300 as follows:*

~~CHAPTER Resp 300 REQUIREMENTS FOR LICENSURE~~

*Repeal Resp 301, eff. 10-10-15 (doc. #10947), as follows:*

~~PART Resp 301 DEFINITIONS~~

~~Resp 301.01 "American Association for Respiratory Care (AARC)" means the national voluntary association of professionals interested in respiratory care.~~

~~Resp 301.02 "National Board for Respiratory Care, Inc. (NBRC)" means "National Board for Respiratory Care, Inc." as defined in RSA 326 E:1, IV, namely, "the national voluntary health certifying board that evaluates the professional competence of respiratory therapists and pulmonary function technicians, or its successor organization."~~

*Repeal Resp 302, eff. 12-9-20 (doc. #13143), as follows:*

~~PART Resp 302 APPLICATION PROCEDURE~~

~~Resp 302.01 Processing of Applications.~~

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

- ~~(1) The application form specified in Ahp 601.01;~~
- ~~(2) The required documents specified by Resp 302.02;~~
- ~~(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 packet complying with (a) above requires further information or documents to determine the applicant's qualification for licensure, the board shall:~~

- ~~(1) So notify the applicant in writing within 30 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 38 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 60 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 38 weeks of receipt by the board of the application form part of the application packet; or~~

~~(3) The board denies the application.~~

~~(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.~~

~~Resp 302.02 Required Documents. Applicants for initial licensure to practice respiratory care shall provide, or arrange for the board to receive, the following documents supporting their applications:~~

~~(a) A recent passport size, 2" x 2", original head shot photograph, taken within the immediately preceding 6 months;~~

~~(b) On a separate sheet, a detailed report of the relevant circumstances, if any, of the answers to questions from the application form specified in Ahp 601.01 are in the affirmative;~~

~~(c) An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice stating whether:~~

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

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

~~(d) If the applicant met the educational requirements set forth in Resp 303.02(a) after July 31, 1977, an official transcript from the respiratory care educational program or school:~~

~~(1) Mailed directly to the board by the educational program or school; or~~

~~(2) Submitted by the applicant in an envelope sealed by the educational program or school in such a manner that it would be evident to the board if the envelope had been opened;~~

~~(e) An authenticated copy of one of the following certifications:~~

~~(1) Certification as an inhalation therapy technician, whether by that name or a name later given by NBRC to the same certification; or~~

~~(2) Certification as a registered inhalation therapist, whether by that name or a name later given by NBRC to the same certification;~~

~~(f) Either:~~

- ~~(1) A completed criminal history records check form and fingerprint card, seeking both a New Hampshire and a federal records check, in accordance with the procedure and payment requirements specified by the NH department of safety at Saf C 5700, and if the federal criminal history records check shows the existence of a criminal record in another state, the applicant shall obtain a detailed criminal record check directly from that state and provide it to the board; or~~
- ~~(2) An original, not a photocopy, of a criminal offender record report:~~
- ~~a. Issued by each state where the applicant has resided or been licensed within the past 6 years, providing that such state will:
    - ~~1. Send the report to the board; or~~
    - ~~2. To the applicant for forwarding to the board;~~~~
  - ~~b. Covering the applicant under his or her name and any aliases; and~~
  - ~~c. Dated within 6 months preceding the application for licensure;~~
- ~~(g) A resume presenting a chronologically organized account of the applicant's experience in respiratory care including:~~
- ~~(1) Each separate experience in paid or volunteer work as a direct care provider of respiratory care, an educator in respiratory care, a respiratory care administrator, or a respiratory care consultant and whether the experience was part-time or full-time;~~
  - ~~(2) The period of each separate experience described by its beginning and ending dates; and~~
  - ~~(3) The physical address of each experience.~~
- ~~(h) If subject to conditional licensure pursuant to Resp 305.02, a completed supervision form as described in Ahp 601.06; and~~
- ~~(i) If Resp 305.02(a)(1) is applicable, the following proofs of having met the competency requirements of Resp 305.03:~~
- ~~(1) For the courses described in Resp 305.03(b)(1) and (2), proofs of attendance showing:
    - ~~a. The name of the applicant;~~
    - ~~b. The name or main topic of the course;~~
    - ~~c. The beginning and ending dates of the course;~~
    - ~~d. The duration of the course in hours; and~~
    - ~~e. The signature of a representative of the course sponsor or provider; and~~~~
  - ~~(2) For the NBRC self-assessment examination described in Resp 305.03(b)(3), the applicant's scores shall be sent directly to the board by NBRC.~~

*Repeal the heading for Resp 303 as follows:*

~~PART Resp 303 QUALIFICATIONS FOR LICENSURE~~

*Repeal Resp 303.01, eff. 12-9-20 (doc. #13143), as follows:*

~~Resp 303.01 Eligibility Requirements for Initial Licensure.~~

~~(a) Applicants for initial licensure to practice respiratory care shall:~~

~~(1) Have good professional character as evidenced by:~~

- ~~a. The answers to the questions from the application form specified in Ahp 601.01;~~
- ~~b. Any explanations submitted pursuant to Resp 302.02(b);~~
- ~~c. Any verification information as described in Resp 302.02(c); and~~
- ~~d. The criminal offender record report(s) required by Resp 302.02(f).~~

~~(2) Meet the educational requirements set forth in Resp 303.02; and~~

~~(3) Have passed one of the examinations described in Resp 304.~~

~~(b) Applicants meeting the requirements of (a) above but in the groups described in Resp 305.02(a) shall be issued conditional licenses.~~

~~(c) Based on the board's determination pursuant to RSA 332-G:7 that no military experience is applicable to the education of respiratory care practitioners, no military experience shall be considered when determining whether an applicant meets the educational requirements for licensure.~~

*Repeal Resp 303.02, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 303.02 Educational Requirements. Educational requirements for initial licensure shall be:~~

~~(a) Graduation from a respiratory care educational program or school accredited by:~~

- ~~(1) The American Medical Association's Committee on Allied Health Education and Accreditation in collaboration with the Joint Review Committee for Respiratory Therapy Education or its successor organization;~~
- ~~(2) The Committee on Accreditation for Respiratory Care or its successor organization; or~~
- ~~(3) The Commission on Accreditation of Allied Health Education Programs or its successor organization; or~~

~~(b) Having achieved, prior to July 31, 1977, a passing score on the entry level examination in respiratory care administered in English by the NBRC.~~

*Repeal Resp 304, eff. 10-10-15 (doc. #10947), as follows:*

~~PART Resp 304 EXAMINATION~~

~~Resp. 304.01 Examination Requirement. Applicants shall:~~

~~(a) Pass either the registered respiratory therapist examination administered in English by NBRC or the certified respiratory therapist examination administered in English by NBRC; and~~

~~(b) Arrange for their examination scores to be sent directly to the board by NBRC.~~

*Repeal the heading for Resp 305 as follows:*

~~PART Resp 305 CONDITIONAL LICENSES~~

*Repeal Resp 305.01 and Resp 305.02, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 305.01 Definitions.~~

~~(a) "Active in the profession" means engaging in respiratory care in any of the following ways:~~

- ~~(1) A direct care provider;~~
- ~~(2) An educator;~~
- ~~(3) An administrator; or~~
- ~~(4) A respiratory care consultant.~~

~~(b) "Direct supervision" means supervision through direct and continuous observation of the activities of the person being supervised.~~

~~(c) "Indirect supervision" means supervision through the supervisor's review of the treatment progress notes made by the person supervised, telephone conversations between the supervisor and the person supervised, electronic correspondence between the supervisor and the person supervised or any other form of supervision which is not direct supervision.~~

~~Resp 305.02 Certain Applicants To Be Issued Conditional Licenses.~~

~~(a) The board shall issue conditional licenses to the following 2 groups of applicants otherwise eligible for initial licensure under the standards in Resp 303.01(a):~~

- ~~(1) Applicants who have been active in the profession fewer than 500 hours during each 12-month period for 4 consecutive 12-month periods; and~~
- ~~(2) Applicants who have been active in the profession fewer than 1750 hours after passing one of the examinations described in Resp 304.01(a).~~

~~(b) Applicants described in (a)(1) above shall meet the competency requirements of Resp 305.03, but applicants described in (a)(2) above shall not be required to do so.~~

~~(c) The conditional licenses of all applicants described in (a) above shall be subject to the provisions of Resp 305.04 Resp 305.11.~~

*Repeal Resp 305.03, eff. 12-9-20 (doc. #13143), as follows:*

~~Resp 305.03 Competency Requirements.~~

~~(a) Applicants described in Resp 305.02(a)(1) shall meet the competency requirements set forth in (b) below within the calendar year immediately preceding the submission of their application forms.~~

~~(b) Competency requirements to be met by such applicants shall be:~~

~~(1) Completion of 12 contact hours of professional respiratory care courses which are:~~

~~a. Described by the course sponsors or providers as review courses; and~~

~~b. Approved by:~~

- ~~1. The American Medical Association's Committee on Allied Health Education and Accreditation in collaboration with the Joint Review Committee for Respiratory Therapy Education or its successor organization;~~

~~2. The Committee on Accreditation for Respiratory Care or its successor organization;~~

~~3. The Commission on Accreditation of Allied Health Education Programs or its successor organization; or~~

~~4. AARC;~~

~~(2) Completion of a minimum of 6 contact hours of continuing education in:~~

~~a. Current treatment or management of infectious diseases;~~

~~b. Advances in the pharmacologic treatment of the cardio-pulmonary system;~~

~~c. New modes of respiratory care; or~~

~~d. Any other current topics in respiratory care; and~~

~~(3) Taking and scoring in the passing range on all parts of the NBRC self-assessment examination designed for the highest NBRC credential the applicant has obtained.~~

*Repeal Resp 305.04 and Resp 305.05, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 305.04 Conditional Licenses. Conditional licenses shall:~~

~~(a) Limit practice to practice under the following supervision by one or more licensees of the board:~~

~~(1) Direct supervision for 10 percent of the hours worked each week; and~~

~~(2) Indirect supervision for 10 percent of the hours worked each week; and~~

~~(b) Remain valid for no more than 26 weeks unless validity is extended pursuant to Resp 305.08 or Resp 305.09.~~

~~Resp 305.05 Full Initial Licensure of Conditional Licensees.~~

~~(a) To achieve full licensure conditional licensees shall, within the period of validity of their conditional licenses:~~

~~(1) Practice under the supervision required by Resp 305.04(a) for at least 12 weeks if practicing 32 hours each week or for at least 24 weeks if practicing fewer than 32 hours each week; and~~

~~(2) Demonstrate competency as documented by at least one supervisory letter complying with (b) below.~~

~~(b) The supervisory letter(s) demonstrating competency shall:~~

~~(1) Be on business stationery, dated and signed by the supervisor;~~

~~(2) Be submitted to the board by the supervisor;~~

~~(3) Include the statement that the rules in Resp 305.05(a)(1) were followed; and~~

~~(4) Include the statement that, in the opinion of the supervisor, the conditional licensee is competent to practice under full licensure.~~



*Repeal Resp 305.06 through Resp 305.10, eff. 12-9-20 (doc. #13143), as follows:*

~~Resp 305.06 Administrative Obligations of Conditional Licensees.~~

~~(a) Before the beginning of supervision by each individual who will provide some or all of the weeks of supervision, conditional licensees shall:~~

- ~~(1) Give the individual a copy of Resp 305 and the supervision form specified in Ahp 601.06 provided by the board;~~
- ~~(2) Discuss the required supervision with the individual; and~~
- ~~(3) Submit to the board the completed supervision form described in Ahp 601.06.~~

~~(b) Whenever an individual providing supervision is replaced by other individual(s), conditional licensees shall:~~

- ~~(1) Notify the board of that fact; and~~
- ~~(2) Take the actions required by (a) above.~~

~~Resp 305.07 Extension of Conditional License When Supervised Practice is Incomplete or Supervisory Letter is Unavailable. The board shall extend a conditional license for an additional period of no more than 26 weeks when:~~

- ~~(a) The conditional license is currently valid;~~
- ~~(b) The conditional licensee:
  - ~~(1) Is unable to complete the practice required by Resp 305.05(a)(1) because of loss of employment for any reason other than being terminated for cause or terminated during probationary employment because of incompetence; or~~
  - ~~(2) Is unable to submit the supervisory letter required by Resp 305.05(b) for a reason unrelated to the supervisor's belief that the licensee is not competent to practice under full licensure; and~~~~
- ~~(c) The conditional licensee submits to the board a written request for the extension explaining the details of one of the reasons in (b) above.~~

~~Resp 305.08 Extension of Conditional License in Accordance with Supervisor's Request. The board shall extend a conditional license for an additional period of not more than 12 weeks when:~~

- ~~(a) The conditional license is currently valid; and~~
- ~~(b) The individual supervising the conditional licensee requests the extension to allow the conditional licensee to establish competence sufficient for full licensure.~~

~~Resp 305.09 Professional Obligations of Conditional Licensees. Conditional licensees shall at all times be subject to the same disciplinary sanctions as are holders of other licenses issued by the board.~~

~~Resp 305.10 Expiration, Suspension, and Emergency Suspension of Conditional Licenses.~~

~~(a) A conditional license not expired by date shall expire when the board approves or denies full initial licensure.~~

~~(b) The conditional licensee shall have the right to challenge the board's denial of full licensure through an adjudicative hearing.~~

~~(c) The board shall suspend a conditional license under the following circumstances:~~

~~(1) Practice by the conditional licensee without supervision;~~

~~(2) The conditional licensee's for cause termination from employment as a practitioner;~~

~~(3) The conditional licensee's termination from employment for incompetence during a probationary period; or~~

~~(4) Violation by the conditional licensee of RSA 328-F, RSA 326-E, or the administrative rules of the board.~~

~~(d) The board shall suspend a conditional license on the bases set forth in (c) above only after:~~

~~(1) Giving the conditional licensee notice containing:~~

~~a. A statement of the board's intention to suspend the conditional license;~~

~~b. The grounds of the intended suspension;~~

~~c. The date of the intended suspension; and~~

~~d. A statement that the conditional licensee has the right to request an adjudicative hearing to challenge the intended suspension; and~~

~~(2) Providing the conditional licensee the opportunity to challenge the intended suspension at an adjudicative hearing.~~

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

*Repeal Resp 306, eff. 12-9-20 (doc. #13143), as follows:*

#### ~~PART Resp 306 TEMPORARY LICENSES~~

~~Resp 306.01 The Nature of Temporary Licenses. Temporary licenses shall:~~

~~(a) Be available only to individuals currently licensed as a respiratory care practitioner and in good standing in either Connecticut, Rhode Island, Massachusetts, Maine, New York, or Vermont who has applied for full licensure or certification from the board; and~~

~~(b) Remain valid for no more than 120 days.~~

~~Resp 306.02 Restriction on Temporary Licenses~~

~~(a) If an applicant has previously received a temporary license from the board, the applicant is ineligible for a second temporary license.~~

~~Resp 306.03 Basic Eligibility Requirements for Temporary Licenses.~~

~~(a) Applicants for temporary licensure as respiratory care practitioners shall:~~

~~(1) Have submitted a completed application form for full licensure and the appropriate fee, pursuant to Resp 302.01(a)(1);~~

- ~~(2) Pay the temporary initial license fee required by Ahp 301.02;~~
- ~~(3) Hold an active, unencumbered license from one or more of the states listed in Resp 306.01(a), as evidenced by a letter of good standing sent by that state;~~
- ~~(4) Have committed no acts or omissions which are grounds for disciplinary action in another jurisdiction, or, if such acts have been committed, would be grounds for disciplinary action; and~~
- ~~(5) Complete and submit Form “Application for Initial Temporary Licensure and Certification,” as adopted on 4/1/2019, as set forth in Ahp 601.04.~~

~~(b) Applicants shall place their notarized signature, printed full name, and date of signing on an attestation on the form below the following preprinted statement:~~

~~“By Signing this application before the Notary Public/Justice of the Peace I attest to the following:~~

~~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. Based on the statute and rules governing the profession for which I am applying I have not committed any acts that would be grounds for disciplinary action in this or any other State.~~

~~If I am given a “Temporary License” to practice in the State of New Hampshire I attest to the fact that I am eligible for full licensure meeting all requirements set forth in the Board’s Administrative rules including any active in the profession requirements.”~~

~~(c) The effect of the applicant’s notarized signature on the form shall be:~~

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

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

~~i. The information provided on all 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~~

~~ii. 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.~~

#### ~~Resp 306.04 Issuance and Expiration of Temporary Licenses:~~

~~(a) The board shall issue temporary licenses to applicants who meet the basic eligibility requirements of Resp 306.03.~~

~~(b) Temporary licenses shall expire either at the conclusion of 120 days after issuance or after the board takes action on the applicant’s application for full licensure or certification, whichever occurs sooner.~~

*Repeal the heading for Resp 400 as follows:*

~~CHAPTER Resp 400 CONTINUED STATUS~~

*Repeal Resp 401, eff. 10-14-16 (doc. #12002) as follows:*

~~PART Resp 401 DEFINITIONS~~

~~Resp 401.01 Definitions of Terms. The following terms shall have the following meanings:~~

- ~~(a) “Active in the profession” means working at least 500 hours a year as:~~
- ~~(1) A direct provider of respiratory care;~~
  - ~~(2) A respiratory care educator;~~
  - ~~(3) An respiratory care administrator; or~~
  - ~~(4) A respiratory care consultant;~~
- ~~(b) “Advanced cardiac life support (ACLS)” means a course sponsored by the American Heart Association in the therapeutic interventions used in cases of cardiac arrest;~~
- ~~(c) “American Academy of Sleep Medicine (AASM)” means the national voluntary association of professionals interested in sleep medicine;~~
- ~~(d) “American Association for Respiratory Care (AARC)” means the national voluntary association of professionals interested in respiratory care;~~
- ~~(e) “Basic life support for health care providers (BLS)” means a course for health care providers sponsored by the American Heart Association in the techniques of cardio pulmonary resuscitation;~~
- ~~(f) “Certified pulmonary function technologist examination” means the NBRC specialty examination in pulmonary diagnostics which, when passed, leads to specialty certification as a pulmonary function technologist;~~
- ~~(g) “Contact hour” means a unit of measure of continuing professional education;~~
- ~~(h) “Continuing professional education” means structured courses, activities and experiences that are beyond entry level preparation for professional licensing and designed to provide advanced or enhanced knowledge in the field of respiratory care;~~
- ~~(i) “Correspondence course” means a non-electronic course without an instructor which:~~
- ~~(1) Meets the requirements of Resp 406.04(a);~~
  - ~~(2) Involves the learner by requiring the learner to respond to materials;~~
  - ~~(3) Provides feedback to the learner;~~
  - ~~(4) Requires taking a test; and~~
  - ~~(5) Provides a certificate of completion;~~
- ~~(j) “Distance learning” means electronic participation in continuing professional education so long as the participation can be proven with the appropriate documentation described in Resp 407;~~
- ~~(k) “National Board for Respiratory Care, Inc. (NBRC)” means “National Board for Respiratory Care, Inc.” as defined in RSA 326 E:1, IV, namely, “the national voluntary health certifying board that~~

~~evaluates the professional competence of respiratory therapists and pulmonary function technicians, or its successor organization;”~~

~~(l) “Neonatal/pediatric specialty examination” means the NBRC examination which, when passed, leads to credentialing as a neonatal/pediatric respiratory specialist;~~

~~(m) “Neonatal resuscitation program (NRP)” means a course sponsored by the American Academy of Pediatrics in the techniques of resuscitation of new born babies;~~

~~(n) “Pediatric advanced life support (PALS)” means a course in advanced techniques in the resuscitation of children sponsored by the American Academy of Pediatrics;~~

~~(o) “Registered pulmonary function technologist examination” means the NBRC specialty examination in pulmonary diagnostics which, when passed, leads to specialty registration as a pulmonary function technologist;~~

~~(p) “Registered respiratory therapist examination” means the NBRC specialty examination which, when passed, establishes an individual as an advanced practitioner of respiratory therapy;~~

~~(q) “Renewal year” means any odd numbered year which is not the year of initial licensure;~~

~~(r) “Seminar” means an educational opportunity that:~~

~~(1) Is presented by one or more individuals:~~

~~a. Holding an academic degree in a field which includes the seminar topic; or~~

~~b. Certified or licensed in a practice area which includes the seminar topic; and~~

~~(2) Provides a certificate of completion; and~~

~~(s) “Workshop” means an educational opportunity that:~~

~~(1) Is presented by one or more individuals:~~

~~a. Holding an academic degree in a field which includes the workshop topic; or~~

~~b. Certified or licensed in a practice area which includes the workshop topic;~~

~~(2) Involves the learner by requiring the learner's response or demonstration and gives feedback to the learner;~~

~~(3) Includes a written or practical examination; and~~

~~(4) Provides a certificate of completion.~~

*Repeal the heading for Resp 402 as follows:*

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

*Repeal Resp 402.01 and Resp 402.02, eff. 8-30-13 (doc. #10406), as follows:*

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

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

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

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

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

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

~~b. The date of signing.~~

~~Resp 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 Resp 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; and~~

~~(3) Have completed 24 hours of maintenance of continuing competence as described in Resp 406.01.~~

~~(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 respiratory care until their licenses have been reinstated by the board.~~

*Repeal Resp 402.03, eff. 10-10-15 (doc. #10947), as follows:*

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

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

~~(b) The documents described in Resp 402.06; and~~

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

*Repeal Resp 402.04, eff. 8-30-13 (doc. #10406), as amended eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 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) and (d) 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 home mailing address.~~

~~(d) Also on part one of the form the renewal applicant shall list the jurisdictions 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:~~

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

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

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

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

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

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

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

- ~~(1) Full name;~~
- ~~(2) Home physical address;~~
- ~~(3) Home phone number or personal cell phone number;~~
- ~~(4) Home mailing address;~~
- ~~(5) Place of employment name, if any;~~
- ~~(6) Place of employment mailing address;~~
- ~~(7) Place of employment phone number; and~~
- ~~(8) E-mail address at which the applicant wishes to receive correspondence from the board.~~

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

- ~~(1) Home mailing;~~
- ~~{no (2)}~~
- ~~(3) Place of employment mailing address; and~~
- ~~(4) None.~~

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

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

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

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

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

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

~~a. Hospital;~~



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

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

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

~~(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.~~

~~(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 application form the renewal applicant shall use the designated columns to report the following information about each continuing professional education course or professional activity constituting maintenance of continuing education completed since the issuance of the initial license or the last licensure renewal:~~

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

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

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

*Repeal Resp 402.05 through Resp 402.08, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 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's promise to abide by the statutes and administrative rules of the board.~~

~~Resp 402.06 Required Documents. Applicants for renewal of their licenses shall include in their application packets:~~

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

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

~~Resp 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 considered to be completed 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.~~

~~(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 active duty, whichever occurs later.~~

~~Resp 402.08 Renewal of Licensure. The board shall renew the licenses of licensees who:~~

~~(a) Have timely submitted the completed renewal application packet;~~

~~(b) Have reported on the renewal application form their compliance with the continuing professional education obligations set forth in Resp 406.01; and~~

~~(c) Have good professional character as evidenced by:~~

~~(1) The answers to the questions in Resp 402.04(e)(2) and Resp 402.04(m); and~~

~~(2) Any related documents submitted pursuant to Resp 402.06(a) or (b).~~

*Repeal Resp 402.09, eff. 8-30-13 (doc. #10406), as follows:*

~~Resp 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 foreclosed by cancellation, provide proof of the cancellation.~~

*Repeal Resp 402.10, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 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 completion of the continuing professional education required by Resp 406.01 and Resp 604.01.~~

~~(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 Resp 407; and~~

~~(2) 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)(1) above do not support the renewal applicant's claim of completion of requirements for continuing professional education, the board shall review the possibility that the renewal applicant made an error on 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, but did not intentionally falsely report completion of continuing professional education, 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 to be suspended pursuant to Resp 405.01.~~

~~(f) If, having completed the review required by (d) above, the board believes that the renewal applicant has intentionally falsely reported completion of continuing professional education, the board shall commence a disciplinary adjudicative proceeding in the manner required by Ahp 209.01.~~

*Repeal the heading for Resp 403 as follows:*

~~PART Resp 403 REINSTATEMENT OF LICENSES~~

*Repeal Resp 403.01, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 403.01 Licenses Subject to Reinstatement; Board Procedure Related to Reinstatement of Licensure.~~

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

~~(1) Licenses suspended pursuant to Resp 402.09(f)(2);~~

~~(2) Licenses suspended for disciplinary reasons as part of a settlement pursuant to Ahp 214 or as part of an order of the board; and~~

~~(3) Licenses lapsed pursuant to Resp 402.02(b).~~

~~(b) The reinstatement of licenses suspended pursuant to Resp 402.09(f)(2) shall require:~~

~~(1) Compliance with the application procedures set forth in Resp 403.02; and~~

~~(2) Meeting the eligibility requirements of Resp 403.04.~~

~~(c) The reinstatement of licenses suspended for disciplinary reasons shall be in accordance with the terms of the settlement agreement or the disciplinary order of the board, as applicable.~~

~~(d) The reinstatement of licenses lapsed pursuant to Resp 402.02(b) shall require:~~

~~(1) Compliance with the application procedures set forth in Resp 403.02; and~~

~~(2) Meeting the eligibility requirements for the applicable reinstatement category among the reinstatement categories set forth in Resp 404.~~

*Repeal Resp 403.02, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 403.02 Application Procedures For Reinstatement of Suspended or Lapsed Licenses. All applicants for reinstatement of licensure shall apply by:~~

~~(a) Submitting to the board a completed reinstatement application form dated June 25, 2015;~~

~~(b) Paying the reinstatement fee set forth in Ahp 301.02(a); and~~

~~(e) Submitting, or arranging for the submission of, the following:~~

- ~~(1) An original recent passport size, 2" x 2", head shot photograph;~~
- ~~(2) A detailed report of the relevant circumstances if any of the answers to the starred questions on the reinstatement application form are in the affirmative;~~
- ~~(3) A written statement that the reinstatement applicant has not engaged in respiratory care in New Hampshire on a volunteer or paid basis since the date that his or her license ceased to be valid;~~
- ~~(4) If applying for reinstatement of a lapsed license pursuant to Resp 404.01 through Resp 404.05, a current, original criminal offender record report from each state where the applicant has been licensed or has resided within the past 6 years, provided that such state(s) will release such report(s):
  - ~~a. Dated within the 6 months preceding the application for licensure; and~~
  - ~~b. Sent:
    - ~~1. Directly to the board; or~~
    - ~~2. To the applicant to be forwarded to the board;~~~~~~
- ~~(5) Transcripts as described in Resp 302.04(e), if not previously provided; and~~
- ~~(6) Any additional materials specified for the applicable license reinstatement category from the list of reinstatement categories set forth in Resp 404.~~

*Repeal Resp 403.03, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 403.03 Board Procedures for Processing Reinstatement Applications.~~

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

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

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

~~(c) The board shall refund the reinstatement fee if:~~

- ~~(1) The applicant withdraws the application for reinstatement of licensure; or~~
- ~~(2) The board denies the application.~~

~~(d) If the board denies an application for license reinstatement, the board shall include in its notice of denial the information stated in (e) below.~~

~~(e) An applicant wishing to challenge the board's denial of an application for license 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 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 Resp 403.04, eff. 10-17-12 (doc. #10200), as follows:*

~~Resp 403.04 Reinstatement of Licenses Suspended Pursuant to Resp 402.09(f)(2). The board shall reinstate licenses suspended pursuant to Resp 402.09(f)(2) if the affected individuals:~~

~~(a) Apply for reinstatement in accordance with the procedures set forth in Resp 403.02 within 70 days of the date on which their licenses were suspended;~~

~~(b) Are of good professional character, as evidenced by:~~

~~(1) Answers to the questions on the reinstatement application form;~~

~~(2) Any reports submitted pursuant to Resp 403.02(c)(2); and~~

~~(3) The written statement required by Resp 403.02(c)(3);~~

~~(c) Have completed any continuing professional education due to have been completed at the time their licenses were suspended; and~~

~~(d) Have been active in the profession as defined in Resp 401.01(a).~~

*Repeal Resp 403.05, eff. 8-30-13 (doc. #10406), as follows:*

~~Resp 403.05 Reinstatement of Licenses Suspended Pursuant to Resp 402.09(f)(2) When the Applicant Has Not Been Active in the Profession. The board shall reinstate licenses suspended pursuant to Resp 402.09(f)(2) for applicants who have not been active in the profession, as defined in Resp 401.01(a), if they:~~

~~(a) Meet the requirements set forth in Resp 403.04; and~~

~~(b) If the applicants have not been active in the profession:~~

~~(1) Between 2 and 6 years, take a refresher course as described in Resp 404.04; or~~

~~(2) For more than 6 years, complete the requirements as set forth in Resp 404.06.~~

*Repeal the heading for Resp 404 as follows:*

~~PART Resp 404 ELIGIBILITY CATEGORIES FOR REINSTATEMENT OF LAPSED LICENSES~~

*Repeal Resp 404.01, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 404.01 Eligibility Requirements for Reinstatement of Licenses Lapsed for No More Than 2 Years. The board shall reinstate licenses lapsed for no more than 2 years if the affected individuals:~~

~~(a) Are of good professional character, as evidenced by:~~

~~(1) Answers to the questions on the reinstatement application form;~~

~~(2) Any reports submitted pursuant to Resp 403.02(c)(2);~~

~~(3) The written statement required by Resp 403.02(c)(3); and~~

~~(4) Any reports described in Resp 403.02(c)(4);~~

~~(b) Have, within the 12 months just preceding their reinstatement applications, completed 12 contact hours of continuing professional education as described in Resp 406.01(b) through (e);~~

~~(c) Have submitted the following materials in addition to those listed in Resp 403.02(c)(1) through (c)(3):~~

~~(1) Documentation in accordance with Resp 407 of completion of 12 contact hours of continuing professional education;~~

~~(2) An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice during the time that the New Hampshire license was lapsed, stating whether:~~

~~a. The license or other authorization is or was, during its period of validity, in good standing; and~~

~~b. Whether any disciplinary action was taken against the license or other authorization to practice;~~

~~(3) Two letters of reference as described in Resp 302.04(h) and Resp 302.05;~~

~~(4) A resume presenting a chronologically organized account of the applicant's experience in respiratory care including:~~

~~a. Each separate experience in paid or volunteer work as a direct care provider, a respiratory care educator, a respiratory care administrator or a respiratory care consultant and whether it was part-time or full-time; and~~

~~b. The period of each separate experience described by its beginning and ending dates;~~

~~(d) Have been active in the profession as described in Resp 401.01(a); and~~

~~(e) Transcripts as described in Resp 302.04(e), if not previously provided.~~

*Repeal Resp 404.02, eff. 10-17-12 (doc. #10200), as follows:*

~~Resp 404.02 Eligibility Requirements for Reinstatement of Licenses Lapsed for No More Than 2 Years When the Individual Affected Has Not Been Active in the Profession. The board shall reinstate licenses lapsed for no more than 2 years for applicants who have not been active in the profession, as defined in Resp 401.01(a), for 2 years or less if they:~~

~~(a) Meet the requirements set forth in Resp 404.01; and~~

~~(b) If the applicants have not been active in the profession:~~

~~(1) Between 2 and 6 years, take a refresher course as described in Resp 404.03(b) and (c); or~~

~~(2) For more than 6 years, complete the requirements as set forth in Resp 404.05(b) and (c)(1).~~

*Repeal Resp 404.03, eff. 8-30-13 (doc. #10406), as follows:*

~~Resp 404.03 Supervisors.~~

~~(a) The practice of a licensee holding a conditionally reinstated license shall be supervised by at least one respiratory care practitioner currently licensed in New Hampshire who:~~

~~(1) Has been practicing clinically for a period of at least one year;~~

- ~~(2) Is a non-probationary employee where the supervision is to take place and has not had disciplinary action taken against them in any state within the past 5 years;~~
- ~~(3) Is not under disciplinary investigation or pending disciplinary charges by the facility or in any state; and~~
- ~~(4) Is not related in any of the following ways to the conditionally reinstated licensee to be supervised:~~
- ~~a. Spouse or civil union partner;~~
  - ~~b. Parent, step parent, parent in law, or step parent in law;~~
  - ~~c. Natural, foster or adopted child, or stepchild; or~~
  - ~~d. Sibling, brother in law, or sister in law.~~
- ~~(e) A respiratory care practitioner supervising a conditionally reinstated licensee shall delegate supervisory duties only:~~
- ~~(1) To a respiratory care practitioner currently licensed in New Hampshire who meets the standards in (a)(1) through (a)(4) above;~~
  - ~~(2) When the respiratory care practitioner believes based on knowledge about the delegate that the delegate is competent to carry out the duties being delegated; and~~
  - ~~(3) When the proposed delegate voluntarily accepts the duties.~~
- ~~(d) If, as a result of the sharing or the delegation of supervisory duties, there is more than one individual supervising a conditionally reinstated licensee at any one time, a single respiratory care practitioner shall:~~
- ~~(1) Bear responsibility for compliance with Resp 305.05; and~~
  - ~~(2) Complete and sign the supervision form described in Resp 305.07.~~

*Repeal Resp 404.04, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 404.04 Reinstatement of Licenses Lapsed for More Than 2 Years But Not More Than 6 Years When Licensees Have Been Active in the Profession in Another State. The board shall reinstate licenses lapsed for more than 2 years but not more than 6 years if the affected individuals:~~

- ~~(a) Have been active in the profession as defined by Resp 401.01 in another state since their New Hampshire licenses ceased to be valid;~~
- ~~(b) Are of good professional character, as evidenced by:~~
  - ~~(1) Answers to the questions on the reinstatement application form;~~
  - ~~(2) Any reports submitted pursuant to Resp 403.02(c)(2);~~
  - ~~(3) The written statement required by Resp 403.02(c)(3); and~~
  - ~~(4) Any reports described in Resp 403.02(c)(4);~~
- ~~(c) Have, within the 12 months just preceding their reinstatement applications, completed 12 contact hours of continuing professional education as described in Resp 406.01(b) through (e); and~~



~~(d) Have submitted the following materials in addition to those listed in Resp 403.02(c)(1) through (e)(3):~~

~~(1) Documentation in accordance with Resp 407 of completion of 12 contact hours of continuing professional education;~~

~~(2) An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice during the time that the New Hampshire license was lapsed, stating whether:~~

~~a. The license or other authorization is or was, during its period of validity, in good standing; and~~

~~b. Whether any disciplinary action was taken against the license or other authorization to practice;~~

~~(3) Two letters of reference:~~

~~a. From individuals currently holding a license in a regulated health care profession and who are familiar with the applicant's professional abilities;~~

~~b. Written on the professional letterhead of the writer and signed by the writer;~~

~~c. Attesting to the good professional character of the applicant; and~~

~~d. Written within 6 months of the date of submission of the application for reinstatement;~~

~~(4) A resume presenting a chronologically organized account of the applicant's experience in respiratory care including:~~

~~a. Each separate experience in paid or volunteer work as a direct care provider, a respiratory care educator, a respiratory care administrator or a respiratory care consultant and whether it was part-time or full-time;~~

~~b. The physical address of each separate experience; and~~

~~c. The period of each separate experience described by its beginning and ending dates; and~~

~~(5) Transcripts as described in Resp 302.04(e) if not previously provided.~~

*Repeal Resp 404.05 and Resp 404.06, eff. 10-17-12 (doc. #10200), renumbered eff. 8-30-13 (doc. #10406), as follows:*

~~Resp 404.05 Reinstatement of Licenses Lapsed for More Than 2 Years But Not More Than 6 Years When Licensees Have Not Been Active in the Profession in Another State. The board shall reinstate licenses lapsed for more than 2 years but not more than 6 years for individuals who have not been active in the profession as defined in Resp 401.01(a) in another state since their New Hampshire licenses ceased to be valid if such individuals:~~

~~(a) Meet the eligibility requirements set forth in Resp 404.01(a) and (b);~~

~~(b) Have successfully completed a refresher course designated as such, which:~~

~~(1) Is at least 16 hours in duration; and~~

~~(2) Has a course outline submitted to the board for preapproval; and~~

~~(e) Have submitted the following materials:~~

- ~~(1) The materials set forth in Resp 404.01(c); and~~
- ~~(2) Documentation in accordance with Resp 407.04 of successful completion of the board approved refresher course.~~

~~Resp 404.06 Reinstatement of Licenses Lapsed for More Than 6 Years When Licensees Have Been Active in the Profession in Another State. The board shall reinstate licenses lapsed for more than 6 years for individuals who have been active in the profession as defined in Resp 401.01 in another state since their New Hampshire licenses ceased to be valid if such individuals meet the requirements of Resp 404.01.~~

*Repeal Resp 404.07, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 404.07 Reinstatement of Licenses Lapsed for More Than 6 Years When Licensees Have Not Been Active in the Profession in Another State. The board shall reinstate licenses lapsed for more than 6 years for individuals who have not been active in the profession as defined in Resp 401.01 in another state since their New Hampshire licenses ceased to be valid if such individuals:~~

~~(a) Are of good professional character, as evidenced by:~~

- ~~(1) Answers to the questions on the reinstatement application form;~~
- ~~(2) Any reports submitted pursuant to Resp 403.02(c)(2);~~
- ~~(3) The written statement required by Resp 403.02(c)(3); and~~
- ~~(4) Any reports described in Resp 403.02(c)(4);~~

~~(b) Have retaken and passed:~~

- ~~(1) The registered respiratory therapist examination administered in English by NBRC; or~~
- ~~(2) The certified respiratory therapist examination administered in English by NBRC; and~~

~~(c) Have submitted, or arranged for the submission of, the following materials:~~

- ~~(1) Their new NBRC examination scores sent directly to the board by NBRC;~~
- ~~(2) The materials listed in Resp 403.02(c)(1) through (c)(4);~~
- ~~(3) An official letter of verification sent directly to the board from every state which has issued a license or other authorization to practice during the time that the New Hampshire license was lapsed, stating whether:~~

~~a. The license or other authorization is or was, during its period of validity, in good standing, and~~

~~b. Whether any disciplinary action was taken against the license or other authorization to practice;~~

~~(4) Two letters of reference:~~

~~a. From individuals currently holding a license in a regulated health care profession and who are familiar with the applicant's professional abilities;~~

~~b. Written on the professional letterhead of the writer and signed by the writer;~~

- ~~e. Attesting to the good professional character of the applicant; and~~
- ~~d. Written within 6 months of the date of submission of the application for reinstatement;~~

~~(5) A resume presenting a chronologically organized account of the applicant's experience in respiratory care including:~~

- ~~a. Each separate experience in paid or volunteer work as a direct care provider, a respiratory care educator, a respiratory care administrator or a respiratory care consultant and whether it was part time or full time;~~
- ~~b. The physical address of each separate experience; and~~
- ~~c. The period of each separate experience described by its beginning and ending dates; and~~

~~(6) Transcripts as described in Resp 302.04(c) if not previously provided.~~

*Repeal the heading for Resp 405 as follows:*

~~PART Resp 405 REVOCATION, SUSPENSION AND OTHER SANCTIONS~~

*Repeal Resp 405.01 through Resp 405.03, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 405.01 Misconduct. Pursuant to RSA 328 F:23, II 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) Any criminal conviction in any jurisdiction, excluding traffic violations and misdemeanors, or failure to report such conviction within 30 days;~~
- ~~(c) Violation of the ethical standards adopted by the board;~~
- ~~(d) Sexual relations with, or sexual harassment of, a patient;~~
- ~~(e) Failure to provide care with reasonable skill, safety and regard for patient rights;~~
- ~~(f) Actual or potential inability to render care with reasonable skill and safety by reason of illness, by reason of use of alcohol or drugs or any other material, or by reason of mental or physical condition;~~
- ~~(g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;~~
- ~~(h) Failure to take appropriate action to safeguard individuals from incompetent counselors and health care practitioners, whether or not they are licensed in this state;~~
- ~~(i) Practice without a currently valid license; and~~
- ~~(j) Violation of:~~
  - ~~(1) Any provision of RSA 328 F;~~
  - ~~(2) Any provision of RSA 326 E;~~
  - ~~(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.~~

~~Resp 405.02 Sanctions.~~

~~(a) Pursuant to RSA 328 F:23, IV(a) through (f), disciplinary measures available to the board to sanction misconduct shall be:~~

~~(1) License revocation;~~

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

~~(3) License suspension conditioned on the achievement of specified continuing competency requirements or continuing education, clinical experience or training;~~

~~(4) License suspension conditioned on successful participation in specified mental or physical health treatment, a rehabilitative program, counseling, a professional assistance program or in any other program designed to overcome the deficiency or condition in the licensee which appears to have caused the misconduct;~~

~~(5) A requirement that the licensee's practice be supervised for a specified period of time by a licensed respiratory care practitioner; and~~

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

~~a. Misconduct as described in Resp 404.01; or~~

~~b. The practice of respiratory care by a person who was once licensed to practice such profession but does not currently hold a valid license, or 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.~~

~~Resp 405.03 Procedure for 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.~~

~~Repeal Resp 405.04 and Resp 405.05, eff. 10-14-16 (doc. #12002) as follows:~~

~~Resp 405.04 Determinations Required for Sanctions.~~

~~(a) The board shall revoke a license only when the revocation is agreed upon by the board and the licensee in a settlement made pursuant to Ahp 214.~~

~~(b) In determining which sanction or combination of sanctions other than license revocation to impose, the board shall:~~

- ~~(1) First determine the nature of the act or omission constituting the misconduct done by the licensee;~~
  - ~~(2) Next determine whether the misconduct has one or more of the characteristics listed in (c) below; and~~
  - ~~(3) Finally, apply the standards in (d) below.~~
- ~~(c) The characteristics shall be:~~
- ~~a. The misconduct actually caused physical or mental harm to the patient or another person;~~
  - ~~b. The misconduct had the potential to cause physical or mental harm to the patient or another person;~~
  - ~~c. The misconduct repeated earlier misconduct done by the licensee, as determined by:~~
    - ~~1. An earlier hearing;~~
    - ~~2. An earlier settlement agreement predicated on the same misconduct by the licensee;~~  
~~or~~
    - ~~3. An admission by the licensee;~~
  - ~~d. The misconduct was not the first misconduct by the licensee, as determined by:~~
    - ~~1. An earlier hearing;~~
    - ~~2. An earlier settlement agreement predicated on misconduct by the licensee; or~~
    - ~~3. An admission by the licensee; and~~
  - ~~e. The misconduct was intentional rather than the result of negligence or inadvertence.~~
- ~~(d) The board shall select appropriate sanction(s):~~
- ~~(1) From the list in Resp 405.02;~~
  - ~~(2) By choosing, in light of the characteristics determined pursuant to (c) above, the sanction or combination of sanctions most likely to:~~
    - ~~a. Protect public health and safety;~~
    - ~~b. Prevent future misconduct by the licensee;~~
    - ~~c. Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;~~
    - ~~d. Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;~~
    - ~~e. Encourage the responsible practice of respiratory care or polysomnography; and~~
    - ~~f. 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.~~

~~Resp 405.05 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, H, 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.~~

*Repeal the heading for Resp 406 as follows:*

~~PART Resp 406 CONTINUING PROFESSIONAL EDUCATION~~

*Repeal Resp 406.01 and Resp 406.02, eff. 10-14-16 (doc. #12002) as follows:*

~~Resp 406.01 Continuing Professional Education Requirements.~~

~~(a) Unless receiving a waiver pursuant to Resp 406.02, licensees intending to renew their licensure shall engage in continuing professional education by:~~

~~(1) Completing 12 contact hours of continuing professional education in each 2-year renewal cycle in accordance with (d) below if they are renewing:~~

- ~~a. An initial license issued in an even-numbered year; or~~
- ~~b. A license already renewed at least once; or~~

~~(2) Completing 6 contact hours of continuing professional education in accordance (d) below if they are renewing an initial license issued between January 1 and August 31 in an odd-numbered year.~~

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

~~(c) The balance of the contact hours required by (a) above shall relate to:~~

- ~~(1) How to teach respiratory care;~~
- ~~(2) Respiratory care supervision and consultation skills;~~
- ~~(3) Respiratory care curriculum development;~~
- ~~(4) Trans-disciplinary issues or skills applicable to respiratory care;~~
- ~~(5) Respiratory care administration and management;~~
- ~~(6) Respiratory care research; and~~
- ~~(7) Other continuing professional education similarly not related directly and primarily to the clinical application of respiratory care.~~

~~(d) Continuing professional education credit shall be accumulated through the following kinds of participation, as applicable, in the activities listed in (e) below:~~

- ~~(1) On-site participation in courses, workshops and seminars;~~
- ~~(2) Distance learning; or~~
- ~~(3) Participation through correspondence courses provided that the licensee has passed the test that is part of the course.~~

~~(e) The following activities shall qualify as continuing professional education:~~

- ~~(1) Passing the NBRC re-credentialing examination, as further described in Resp 406.03;~~

- ~~(2) Successful completion of a college level course related to respiratory care, as further described in Resp 406.04;~~
- ~~(3) Successful completion of courses, programs, workshops and seminars, as further described in Resp 406.05;~~
- ~~(4) Passing specialty examinations, as further described in Resp 406.06;~~
- ~~(5) Public professional presentations relating to respiratory care, as further described in Resp 406.07;~~
- ~~(6) Participation in a respiratory care research project, as further described in Resp 406.08;~~
- ~~(7) Informal independent study in respiratory care, as further described in Resp 406.09;~~
- ~~(8) Taking and passing courses for either initial or renewal certification, as further described in Resp 406.10;~~
- ~~(9) Participation as an instructor or instructor trainee in one of the courses for either initial or renewal certification mentioned in (8) above, as further described in Resp 406.11;~~
- ~~(10) Teaching a college level course relating to respiratory care, as further described in Resp 406.12;~~
- ~~(11) Facility based respiratory care in service training, as further described in Resp 406.13;~~
- ~~(12) Publication of writing related to respiratory care, as further described in Resp 406.14; and~~
- ~~(13) Participation in the work of professional boards, committees and agencies, as further described in Resp 406.15.~~

~~Resp 406.02 Full and Partial Waivers of Continuing Professional Education Requirements.~~

~~(a) The board shall issue the following waivers of the obligation set forth in Resp 406.01(a) and Resp 604.01(a) to licensees on active military duty or ordered to perform active military duty:~~

~~(1) A full waiver of all of the obligation set forth in Resp 406.01(a) and Resp 604.01(a) for a licensee who:~~

- ~~a. Is on, or ordered to perform, active military duty before March first of the calendar year preceding the renewal year; and~~
- ~~b. Submits a request for the waiver and a photocopy of an official document establishing the obligation to do active military duty; and~~

~~(2) A waiver of half of the obligation set forth in Resp 406.01(a) and Resp 604.01(a) for a licensee who:~~

- ~~a. Is on, or ordered to perform, active military duty before January first of the renewal year; and~~
- ~~b. Submits a request for the waiver and a photocopy of an official document establishing the obligation to do active military duty.~~

~~(b) The board shall issue a partial waiver of the obligation set forth in Resp 406.01(a) and Resp 604.01(a) when:~~

- ~~(1) The licensee is unable both to practice respiratory care or as polysomnographic technician and to engage in continuing professional education for at least 90 days as a result of:~~
- ~~a. The licensee's extended illness or disability;~~
  - ~~b. The licensee's need to take care of any of the following people during an extended illness:~~
    - ~~i. Child, whether adopted, natural or foster;~~
    - ~~ii. Parent, whether adopted, natural or foster;~~
    - ~~iii. Sibling, whether adopted, natural or foster;~~
    - ~~iv. Spouse; or~~
    - ~~v. Spousal equivalent;~~
  - ~~c. The destruction by fire, flood or other accidental or natural disaster of the licensee's home; or~~
  - ~~d. Other equally severe exigencies; and~~
- ~~(2) The licensee makes a written request for such a partial waiver:~~
- ~~a. As soon as the licensee becomes aware of the need for the waiver but in no event later than November 20 of the renewal year;~~
  - ~~b. Stating as a reason for the request one of the reasons in (1) above; and~~
  - ~~c. Giving a detailed account of the circumstances.~~
- ~~(c) The partial waiver shall be of a sufficient number of hours of continuing professional education to:~~
- ~~(1) Fairly recognize the exigency encountered by the licensee; and~~
  - ~~(2) Maintain the board's objective to insure through renewal licensure that its licensees maintain their professional knowledge and reasoning, clinical skills and ethics.~~

*Repeal Resp 406.03 through Resp 406.15, eff. 10-10-15 (doc. #10947), as follows:*

~~Resp 406.03 Passing the NBRC Re-Credentialing Examination. The board shall credit a licensee with 12 contact hours for passing the NBRC recredentialing examination covering those areas in which a credential has been previously earned.~~

~~Resp 406.04 Successful Completion of a College Level Course Relating to Respiratory Care.~~

~~(a) The board shall recognize as continuing professional education the successful completion of a college level course relating to respiratory care, providing that:~~

- ~~(1) The course is given as part of a program or curriculum with the potential to lead to an academic degree higher than that held by the licensee at the time of first eligibility for initial licensure;~~
- ~~(2) The course adds to the professional knowledge or skill of the licensee as shown in a written summary of the new information or skill the licensee acquired during the course; and~~



- ~~(3) The licensee achieves in the course a letter grade of C or better or a numerical grade of 2.00 or better.~~
- ~~(b) The board shall credit a licensee successfully completing a college level course described in (a) above with one contact hour for each course credit awarded by the college or university.~~

~~Resp 406.05 Successful Completion of Courses, Programs, Workshops and Seminars.~~

~~(a) The board shall recognize as continuing professional education successful completion of the following courses, programs, workshops and seminars:~~

- ~~(1) Courses and other programs approved or sponsored by AARC;~~
- ~~(2) Non AARC courses, workshops and seminars which are:~~
- ~~a. Related to respiratory care or related to diseases and conditions calling for respiratory care; and~~
  - ~~b. Sponsored or provided by any statewide professional respiratory care organization; and~~
- ~~(3) Non AARC courses which are:~~
- ~~a. Related to respiratory care or related to diseases and conditions calling for respiratory care; and~~
  - ~~b. Approved by the accreditation council for continuing education of the American Medical Association.~~

~~(b) The board shall credit a licensee successfully completing a course, program, workshop or seminar described in (a) above with the contact hours attributed to it by the provider or sponsor.~~

~~Resp 406.06 Passing Specialty Examinations.~~

~~(a) The board shall recognize as continuing professional education passing any of the following specialty examinations:~~

- ~~(1) Registered respiratory therapist examination;~~
- ~~(2) Pulmonary function technologist examination;~~
- ~~(3) Neonatal and pediatric respiratory care specialty examination;~~
- ~~(4) Sleep disorders testing and therapeutic intervention respiratory care specialist examination; and~~
- ~~(4) Adult critical care specialist examination.~~

~~(b) The board shall credit a licensee with 12 contact hours for each specialty examination passed.~~

~~Resp 406.07 Public Professional Presentations Relating to Respiratory Care.~~

~~(a) The board shall recognize public professional presentations relating to respiratory care, including workshops, lectures and in-service trainings, as continuing professional education.~~

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

~~Resp 406.08 Participation in a Respiratory Care Research Project.~~

~~(a) The board shall recognize as continuing professional education a licensee's participation in a respiratory care research project.~~

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

~~Resp 406.09 Informal Independent Study in Respiratory Care.~~

~~(a) The board shall recognize informal independent study in respiratory care as continuing professional education.~~

~~(b) Informal independent study shall include but not be limited to:~~

~~(1) Reading respiratory care related books and journals; and~~

~~(2) Viewing respiratory care related videotapes and digital video discs (DVDs).~~

~~(c) The board shall credit a licensee with one contact hour for every 2 clock hours of informal independent study, to a maximum of 4 contact hours, provided that the licensee writes a report of the major theses of the book or journal read, the videotape or the DVD.~~

~~Resp 406.10 As a Student, Taking and Passing Courses for Either Initial or Renewal Certification.~~

~~(a) The board shall recognize as continuing professional education a licensee's taking and passing one or more courses for either initial or renewal certification in:~~

~~(1) BLS;~~

~~(2) ACLS;~~

~~(3) PALS; and~~

~~(4) NRP.~~

~~(b) The board shall credit the licensee as follows:~~

~~(1) For taking and passing a BLS initial certification course, 8 contact hours;~~

~~(2) For taking and passing a BLS renewal certification course, 4 contact hours;~~

~~(3) For taking and passing an ACLS initial certification course, 16 contact hours;~~

~~(4) For taking and passing an ACLS renewal certification course, 8 contact hours;~~

~~(5) For taking and passing a PALS initial certification course, 16 contact hours;~~

~~(6) For taking and passing a PALS renewal certification course, 8 contact hours;~~

~~(7) For taking and passing an NRP initial certification course, 8 contact hours; and~~

~~(8) For taking and passing an NRP renewal certification course, 4 contact hours.~~

~~Resp 406.11 Participation as an Instructor or Instructor Trainee in Courses for Either Initial or Renewal Certification.~~

~~(a) The board shall recognize as continuing professional education participation as an instructor or instructor trainee in courses for either initial or renewal certification in:~~

- ~~(1) BLS;~~
  - ~~(2) ACLS;~~
  - ~~(3) PALS; and~~
  - ~~(4) NRP.~~
- ~~(b) The board shall credit a licensee as follows:~~
- ~~(1) For participation as an instructor or instructor trainee in a BLS initial certification course, 8 contact hours;~~
  - ~~(2) For participation as an instructor or instructor trainee in a BLS renewal certification course, 4 contact hours;~~
  - ~~(3) For participation as an instructor or instructor trainee in an ACLS initial certification course, 16 contact hours;~~
  - ~~(4) For participation as an instructor or instructor trainee in an ACLS renewal certification course, 8 contact hours;~~
  - ~~(5) For participation as an instructor or instructor trainee in a PALS initial certification course, 16 contact hours;~~
  - ~~(6) For participation as an instructor or instructor trainee in a PALS renewal certification course, 8 contact hours;~~
  - ~~(7) For participation as an instructor or instructor trainee in an NRP initial certification course, 8 contact hours; and~~
  - ~~(8) For participation as an instructor or instructor trainee in an NRP renewal certification course, 4 contact hours.~~

~~Resp 406.12 Teaching A College Level Course Relating to Respiratory Care.~~

- ~~(a) The board shall recognize preparing to teach and teaching a college level course relating to respiratory care as continuing professional education.~~
- ~~(b) The board shall credit a licensee with 2 contact hours for each hour of credit which would be awarded to a licensee taking the course for continuing professional education credit pursuant to Resp 406.03, provided that, unless the licensee substantially revises the course for later presentations, the board shall credit the licensee only once for preparing and teaching the course.~~

~~Resp 406.13 Facility Based Respiratory Care In Service Training.~~

- ~~(a) The board shall recognize as continuing professional education a licensee's participation in, or attendance at, a facility based respiratory care in service training consisting in an informal exchange of information at a staff meeting.~~
- ~~(b) The board shall credit the licensee with one contact hour for each clock hour of participation or attendance, to a maximum of 4 contact hour.~~

~~Resp 406.14 Publication of Writing Related to Respiratory Care.~~

~~(a) The board shall recognize publication of writing related to respiratory care, including books, peer reviewed and non peer reviewed chapters of books and peer reviewed and non peer reviewed articles, as continuing professional education.~~

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

~~(1) For a book, 12 contact hours;~~

~~(2) For a peer reviewed chapter of a book or a peer reviewed article, 6 contact hours; and~~

~~(3) For a non peer reviewed chapter or article, 4 contact hours.~~

~~Resp 406.15 Participation in the Work of Professional Respiratory Care Boards, Committees and Agencies.~~

~~(a) The board shall recognize as continuing professional education the participation by a licensee in the work of a board or committee of a professional respiratory care organization or government agency.~~

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

*Repeal Resp 407, eff. 10-10-15 (doc. #10947), as follows:*

~~PART Resp 407 DOCUMENTATION OF CONTINUING PROFESSIONAL EDUCATION~~

~~Resp 407.01 Documentation Requirements.~~

~~(a) A licensee shall retain documentation of completed continuing professional education.~~

~~(b) The renewal applicant shall furnish the documentation of completed continuing professional education described in Resp 406.03 through Resp 406.15 only when requested to do so by the board.~~

~~Resp 407.02 Passing the NBRC Re-credentialing Examination. Documentation of passing the NBRC re-credentialing examination shall be a statement of the passing score sent directly to the board by NBRC.~~

~~Resp 407.03 Successful Completion of a College Level Course Relating to Respiratory Care. Documentation of successful completion of a college level course relating to respiratory care shall be:~~

~~(a) An official transcript showing:~~

~~(1) The name of the course;~~

~~(2) The date of the course; and~~

~~(3) The grade assigned to the licensee;~~

~~(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; and~~

~~(c) The licensee's written summary of the new information or skill that the licensee acquired by taking the course.~~

~~Resp 407.04 Successful Completion of Courses, Programs, Workshops and Seminars.~~

~~(a) Documentation of successful completion of a course or program described in Resp 406.05 shall be a document showing:~~

- ~~(1) The licensee's name;~~
- ~~(2) The name and location of the course or program;~~
- ~~(3) The name of the provider or sponsoring entity;~~
- ~~(4) The beginning and ending date(s) of the course or program;~~
- ~~(5) The name of the speaker or instructor;~~
- ~~(6) The number of hours credited by the provider or sponsoring entity; and~~
- ~~(7) The signature of the speaker, the instructor or a representative of the provider or sponsoring entity.~~

~~(b) Documentation of successful completion of a workshop or seminar described in Resp 406.05 shall be a photocopy of the licensee's certificate of completion.~~

~~Resp 407.05 Passing Specialty Examinations. Documentation of passing one of the NBRC specialty examination described in Resp 406.06 shall be a copy of the NBRC letter stating that the examination was passed.~~

~~Resp 407.06 Public Professional Presentations Relating to Respiratory Care. Documentation of a public professional presentation relating to respiratory care shall be:~~

- ~~(a) A copy of the official program of the presentation; or~~
- ~~(b) Written verification signed by a representative of the program's sponsor showing:~~
  - ~~(1) The title of the presentation;~~
  - ~~(2) The name of the licensee as presenter;~~
  - ~~(3) The date of the presentation;~~
  - ~~(4) The hours during which the presentation took place; and~~
  - ~~(5) The type of audience attending the presentation.~~

~~Resp 407.07 Participation in a Respiratory Care Research Project. Documentation of participation in a respiratory care research project shall be a statement signed by either the principal investigator or a representative of the grant sponsor showing:~~

- ~~(a) The name of the research project;~~
- ~~(b) The licensee's role in the research project;~~
- ~~(c) The beginning and ending dates of the licensee's participation; and~~
- ~~(d) The number of hours spent by the licensee in project participation.~~

~~Resp 407.08 Informal Independent Study in Respiratory Care. Documentation of informal independent study in respiratory care shall be:~~

~~(a) The licensee's signed written statement setting forth, for each item read or videotape or DVD viewed:~~

- ~~(1) The title of the item read or video viewed;~~
- ~~(2) The author and publisher of the item read or video viewed;~~
- ~~(3) The clock hours spent in reading or viewing; and~~
- ~~(4) The date of completion of the reading or viewing; and~~

~~(b) The licensee's report of the major thesis of the item read, the videotape or the DVD.~~

~~Resp. 407.09 As a Student, Taking and Passing Courses for Either Initial or Renewal Certification. Documentation of taking and passing one of the courses listed in Resp 406.10 shall be a copy of:~~

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

~~Resp 407.10 Participation as an Instructor or Instructor Trainee in Courses for Either Initial or Renewal Certification.~~

~~(a) Documentation of participation as an instructor in one of the courses listed in Resp 406.11 shall be the course roster showing:~~

- ~~(1) The dates the course was given;~~
- ~~(2) Total number of hours of the course;~~
- ~~(3) The names of student participants;~~
- ~~(4) The name of the sponsoring organization; and~~
- ~~(5) The instructor's signature.~~

~~(b) Documentation of participation as an instructor trainee in one of the courses listed in Resp 406.11 shall be:~~

- ~~(1) The materials described in (a) above; and~~
- ~~(2) A copy of one of the following documents issued by the sponsoring organization:~~
  - ~~a. The certification card; or~~
  - ~~b. The certificate of completion as a trainee.~~

~~Resp 407.11 Teaching A College Level Course Relating to Respiratory Care. Documentation of teaching a college level course relating to respiratory care shall be:~~

- ~~(a) A statement signed by an administrative official of the college or university that reports:~~
  - ~~(1) The name of the course;~~
  - ~~(2) Verification that the course was prepared and taught by the licensee; and~~
  - ~~(3) The credit hours given by the college or university to students successfully completing the course; 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.~~

~~Resp 407.12 Facility Based Respiratory Care In Service Training. Documentation of participation in facility based respiratory care in service training shall be a memo from the respiratory care supervisor or general supervisor of the facility showing:~~

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

~~Resp 407.13 Publication of Writing Related to Respiratory Care. Documentation of the publication of a writing related to respiratory care shall be any item showing:~~

- ~~(a) The title of the writing;~~
- ~~(b) The date of publication; and~~
- ~~(c) The licensee's part or full authorship of the published writing.~~

~~Resp 407.14 Participation in the Work of Professional Respiratory Care Boards, Committees and Agencies.~~

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

- ~~(1) The authority appointing the licensee to the board, committee or agency; or~~
- ~~(2) The board, committee or agency served by the licensee.~~

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

- ~~(1) The appointment of the licensee to the board, committee or agency; or~~
- ~~(2) The fact of the licensee's participation and the beginning and ending dates of the licensee's service.~~

*Repeal Resp 408, eff. 10-14-16 (doc. #12002) as follows:*

#### ~~PART Resp 408 ONGOING REQUIREMENTS~~

~~Resp 408.01 Obligation to Update Information.~~

- ~~(a) Licensees shall send to the board's office within 30 days any changes in:~~
  - ~~(1) Their names;~~
  - ~~(2) Home addresses;~~
  - ~~(3) Mailing and business addresses; and~~

~~(4) Home and business telephone numbers.~~

~~(b) Licensees shall notify the board's office if a license or other proof of licensure is lost or stolen.~~

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

*Repeal Resp 409, eff. 9-13-14 (doc. #10669), as follows:*

~~PART Resp 409 MATERIEL MANAGEMENT~~

~~Resp 409.01 Assignment of Routine Tasks.~~

~~(a) Activities which a licensed respiratory care practitioner may delegate to individuals employed as respiratory assistants, respiratory aides or equipment technicians shall be limited to the following routine tasks relating to the assembly, cleanliness, and maintenance of equipment:~~

~~(1) Assembly of equipment in accordance with Resp 409.01(b);~~

~~(2) Disassembling equipment;~~

~~(3) Cleaning equipment;~~

~~(4) Preparing equipment for sterilization; and~~

~~(5) Maintaining oxygen cylinder and other specialty gas cylinders.~~

~~(b) A New Hampshire licensed respiratory care practitioner may authorize or permit equipment to be assembled and tested, or repaired and tested, by a respiratory assistant, respiratory aide, or equipment technician, but the equipment shall be inspected and approved by the licensee before the patient or client begins using the equipment.~~

~~(c) Individuals engaging in the activities set forth in (a) above may use titles such as "respiratory aide" and "equipment technician."~~

~~(d) A licensee shall not authorize or permit an unlicensed person to engage in respiratory care as defined in Resp 101.07 except for those tasks stated in Resp 409.01(a)(1) through (a)(5).~~

~~(e) Respiratory care equipment may be delivered to a recipient by any individual or company, so long as the individual delivering the equipment leaves the equipment at the point of delivery and does not set up the equipment or provide calibration or instruction.~~

*Repeal Resp 410, eff. 9-13-14 (doc. #10670), as follows:*

~~PART Resp 410 POLYSOMNOGRAPHIC TECHNOLOGIST~~

~~Resp 410.01 Definitions.~~

~~(a) "Direct supervision" means that the physician is physically present and immediately available for direction and supervision, and that the physician has direct contact with the client at least once during each 24 hour period in which the client receives polysomnographic services.~~

~~(b) "Indirect supervision" means supervision through the supervisor's review of the treatment progress notes made by the person supervised, telephone conversations between the supervisor and the person supervised, or electronic correspondence between the supervisor and the person supervised.~~

~~(c) "Registered polysomnographic technologist" or "RPSGT" means "registered polysomnographic technologist" or "RPSGT" defined in RSA 326-E:1, VIII, namely, "a person having~~



successfully completed and achieved a passing score on the comprehensive registry examination for polysomnographic technologists administered by the Board of Registered Polysomnographic Technologists or its successor organization.”

~~Resp 410.02 Practice Locations.~~ Pursuant to RSA 326-E:6, I(e) a registered polysomnographic technologist shall only practice the limited scope of practice described in Resp 410.03 in a diagnostic laboratory or research setting.

~~Resp 410.03 Registered Polysomnographic Technologist Limited Scope of Practice.~~

~~(a) Registered polysomnographic technologists shall monitor and record physiologic data during the evaluation of sleep related disorders only in a diagnostic laboratory or research setting for the tasks described in paragraph (b) below.~~

~~(b) Registered polysomnographic technologists shall monitor and record physiologic data using the following tasks under the direct or indirect supervision of a New Hampshire licensed physician:~~

- ~~(1) Supplemental oxygen therapy, less than 10 liters per minute utilizing nasal cannula, positive airway pressure (PAP), or bi-level positive airway pressure (BiPAP) during a polysomnogram;~~
- ~~(2) Capnography or other measures of carbon dioxide during a polysomnogram;~~
- ~~(3) Cardiopulmonary resuscitation;~~
- ~~(4) Pulse oximetry;~~
- ~~(5) Gastroesophageal pH monitoring;~~
- ~~(6) Esophageal pressure monitoring;~~
- ~~(7) Sleep staging, including surface electroencephalography, surface electrooculography, and surface submental electromyography;~~
- ~~(8) Surface electromyography;~~
- ~~(9) Electrocardiography;~~
- ~~(10) Respiratory effort monitoring, including thoracic and abdominal movement;~~
- ~~(11) Plethysmography blood flow;~~
- ~~(12) Snore monitoring;~~
- ~~(13) Audio or video monitoring of movement and behavior during sleep;~~
- ~~(14) Nasal and oral airflow monitoring;~~
- ~~(15) Body temperature monitoring;~~
- ~~(16) Monitoring the effects that a mask or oral appliance used to treat sleep disorders has on sleep patterns; provided that the mask or oral appliance does not extend into the trachea or attach to an artificial airway;~~
- ~~(17) Observing and monitoring physical signs and symptoms, general behavior, and general physical response to polysomnographic evaluation and determining whether initiation, modification, or discontinuation of a treatment regimen is warranted;~~

~~(18) Analyzing and scoring data collected during the monitoring described in subparagraph (17) for the purpose of assisting a licensed physician in the diagnosis and treatment of sleep and wake disorders which result from developmental defects, the aging process, physical injury, disease, or actual or anticipated somatic dysfunction;~~

~~(19) Implementing a written or verbal order from a licensed physician in a sleep lab or sleep center which requires the practice of polysomnography; and~~

~~(20) Educating and training a patient regarding the treatment regimen which assists the patient in improving the patient's sleep.~~

*Repeal Resp 500, eff. 10-14-16 (doc. #12004) as follows:*

#### ~~CHAPTER Resp 500 ETHICAL STANDARDS~~

#### ~~PART Resp 501 DEFINITIONS~~

~~Resp 501.01 Definitions. The following terms shall have the following meanings:~~

~~(a) "American Association for Respiratory Care (AARC)" means the entity recognized as the national professional organization of respiratory care practitioners; and~~

~~(b) "Statement of Ethics and Professional Conduct" means a document setting forth ethical principles for respiratory care practitioners issued by the American Association for Respiratory Care in December of 1994 and last amended in April of 2015, available as noted in appendix II.~~

#### ~~PART Resp 502 BINDING ETHICAL STANDARDS~~

~~Resp 502.01 Ethical Standards for Respiratory Care Practitioners. The ethical standards for respiratory care practitioners shall be the AARC Statement of Ethics and Professional Conduct, available as noted in Appendix II.~~

~~Resp 502.02 Violation of Ethical Standards as Misconduct. Pursuant to RSA 328 F:23, II (c), a violation of the ethical standards shall constitute misconduct.~~

**APPENDIX I**

<b>Rule</b>	<b>Statute Implemented</b>
Resp 101.01	RSA 326 E:1, I, RSA 541 A:7
Resp 101.02	RSA 328 F:2, I, RSA 541 A:7
Resp 101.03	RSA 326 E:1, II, RSA 541 A:7
Resp 101.04	RSA 328 F:2, IV, RSA 541 A:7
Resp 101.05	RSA 326 E:1, VIII, RSA 541 A:7
Resp 101.0	RSA 326 E:1, IX, RSA 541 A:7
Resp 101.07	RSA 326 E:1, X, RSA 541 A:7
Resp 101.08	RSA 326 E:1, XII, RSA 541 A:7
Resp 102.01(a)(1) and (2)	RSA 328 F:4, VII
Resp 102.01(a)(3)	RSA 328 F:4, III and VII
Resp 102.02	RSA 328 F:3, II
Resp 102.03 (formerly Resp 102.05)	RSA 328 F:5, I, RSA 326 E:2, IV, and RSA 326 E:11, II, III, IV
Resp 102.04	RSA 91 A:2, II; RSA 541 A:16(b); RSA 328 F:13
Resp 201.01	RSA 328 F:13
Resp 302.01	RSA 328 F:11, I(a), (h)
Resp 302.02	RSA 328 F:11, I(a); RSA 328 F:5, I
Resp 303.01	RSA 326 E:3, I; RSA 328 F:11 (a)
Resp 305.03	RSA 328 F:11 (e)
Resp 305.06	RSA 328 F:11 (e)
Resp 305.07	RSA 328 F:11 (e)
Resp 305.08	RSA 328 F:11 (e)
Resp 305.09	RSA 328 F:11 (e)
Resp 305.10	RSA 328 F:11 (e)
Resp 306.01	RSA 328 F:18, VI
Resp 306.02	RSA 328 F:18, VI
Resp 306.03	RSA 328 F:18, VI
Resp 306.04	RSA 328 F:18, VI
Resp 401	RSA 541 A:7
Resp 402.01	RSA 328 F:11, I (f)
Resp 402.02	RSA 328 F:11, I (b)
Resp 402.03	RSA 328 F:19, II; RSA 328 F:1, I (g)
Resp 402.04	RSA 328 F:11, I (f)
Resp 402.05	RSA 541 A:7
Resp 402.06	RSA 328 F:19, II; RSA 328 F:11, I (g)
Resp 402.07	RSA 541 A:16, I (b)
Resp 402.08	RSA 326 E:10
Resp 402.09	RSA 328 F:11, I (b)
Resp 402.10	RSA 328 F:11, I (b)
Resp 403.01	RSA 328 F:11 (d) & (e); RSA 541 A:16(b)
Resp 403.02	RSA 328 F:11, I (d) and (e); RSA 541 A:16, I (b)
Resp 403.03 and 403.04	RSA 541 A:16, I (b)
Resp 403.05	RSA 328 F:11, I (e)
Resp 404	RSA 328 F:11, I (e)
Resp 404.01	RSA 328 F:11, I (e)
Resp 404.02	RSA 328 F:11, I (e)
Resp 404.03	RSA 328 F:11, I (e)
Resp 404.04	RSA 328 F:11, I (h)

<del>Resp 404.07</del>	<del>RSA 328 F:11, I(h)</del>
<del>Resp 405.01</del>	<del>RSA 328 F:23, IV (a) through (f)</del>
<del>Resp 405.02</del>	<del>RSA 328 F:23, VI (a) through (f)</del>
<del>Resp 405.03</del>	<del>RSA 541 A:16, I(b)</del>
<del>Resp 405.02(b)</del>	<del>RSA 328 F:23, IV.(g)</del>
<del>Resp 405.02(e)</del>	<del>RSA 328 F:23, V.</del>
<del>Resp 405.03</del>	<del>RSA 541 A:16, I.(b)</del>
<del>Resp 405.04</del>	<del>RSA 541 A:16, I(b)</del>
<del>Resp 405.05</del>	<del>RSA 328 F:27, II and IV</del>
<del>Resp 406.01</del>	<del>RSA 328 F:11, I(b); RSA 326 E:10, II</del>
<del>Resp 406.02</del>	<del>RSA 328 F:11, I(b), (d), and (e)</del>
<del>Resp 406.03 through Resp 406.04</del>	<del>RSA 328 F:11, I(b); RSA 326 E:10, II</del>
<del>Resp 406.05(a)(1)</del>	<del>RSA 326 E:11, I(a)</del>
<del>Resp 406.05(a)(2) and (a)(3)</del>	<del>RSA 326 E:11, I(b)</del>
<del>Resp 406.05(b)</del>	<del>RSA 541 A:16, I(b)</del>
<del>Resp 406.06 through Resp 406.15</del>	<del>RSA 328 F:11, I(b); RSA 326 E:10, II</del>
<del>Resp 407</del>	<del>RSA 541 A:16, I(b)</del>
<del>Resp 408</del>	<del>RSA 328 F:11, I(b), (d), and (e)</del>
<del>Resp 409</del>	<del>RSA 326 E:9</del>
<del>Resp 410</del>	<del>RSA 326 E:2, I</del>
<del>Resp 500</del>	<del>RSA 328 F:11, I(b) and RSA 326 E:10, I</del>

**Appendix II**  
**Incorporation by Reference Information**

<b>Rule</b>	<b>Title</b>	<b>Obtain at:</b>
<del>Resp 501.01(b)</del> <del>Resp 502.01</del>	<del>American Association for Respiratory Care Statement of Ethics and Professional Conduct</del>  <del>(Effective December, 1994 as amended April, 2015)</del>	<del>Office of Licensed Allied Health Professionals  Obtain online <a href="http://www.nh.gov/alliedhealth">www.nh.gov/alliedhealth</a> –Click on “Rules and Laws”  American Association for Respiratory Care  Obtain online <a href="http://www.aarc.org">www.aarc.org</a>  Cost: None  Any questions or information requests can be directed to the Office of Licensed Allied Health Professionals by calling 603-271-8389</del>