

CHAPTER 6
SB 684-FN - FINAL VERSION

01/30/2020 0269s
20Feb2020... 0581h
03/05/2020 1115EBA

2020 SESSION

20-2909
06/05

SENATE BILL ***684-FN***

AN ACT relative to Medicaid to schools.

SPONSORS: Sen. Kahn, Dist 10; Sen. Levesque, Dist 12; Sen. Rosenwald, Dist 13; Sen. Fuller Clark, Dist 21; Sen. Chandley, Dist 11; Sen. Watters, Dist 4; Sen. Cavanaugh, Dist 16; Sen. Morgan, Dist 23; Sen. Carson, Dist 14; Sen. Gray, Dist 6; Sen. Starr, Dist 1; Sen. Sherman, Dist 24; Sen. Hennessey, Dist 5; Sen. Soucy, Dist 18; Rep. W. Thomas, Hills. 21; Rep. Luneau, Merr. 10

COMMITTEE: Education and Workforce Development

ANALYSIS

This bill:

I. Authorizes the department of education to adopt rules relative to federal funding available to schools under New Hampshire's Medicaid program.

II. Permits professionals certified by the department of education who are providing medical services in public schools to be licensed by medical and health care boards.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to Medicaid to schools.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 6:1 Statement of Purpose and Intent. The general court acknowledges the critical importance of
2 ensuring the quality, accessibility, and sustainability of Medicaid services provided in the school
3 setting, as well as ensuring that billing under the program meets all state and federal requirements.
4 The purpose of this act is to strengthen the state's Medicaid to schools and Medicaid to schools for
5 Medical services programs consistent with the Social Security Act. Accordingly, this act shall
6 provide the department of health and human services with the additional authority to adopt
7 administrative rules that maximize the availability of federal financial aid to schools under New
8 Hampshire's Medicaid program. This act also provides a more efficient pathway to allow qualified
9 professionals certified and credentialed by the department of education who are currently providing
10 medical services in public schools to be licensed by medical and health care boards. Finally, this act
11 further facilitates the provision of medical services in the school setting to students who are enrolled
12 in participating public schools and Medicaid, thereby furthering the education and health of New
13 Hampshire's students.

14 6:2 Medicaid to Schools Program. RSA 186-C:25, I-III are repealed and reenacted to read as
15 follows:

16 I. The department of health and human services Medicaid reimbursement program shall be
17 known as the "Medicaid to schools" program, providing medical assistance for covered services
18 furnished to children with disabilities who are enrolled in Medicaid. The purpose of the program is
19 to seek any and all Medicaid reimbursement for medical and health-related services provided by
20 local school districts and school administrative units to children with disabilities which are
21 reimbursable under federal law but which were previously fully funded by such districts or
22 administrative units. The program shall be voluntary and is designed to assist children with
23 disabilities by maintaining them in their own homes and communities. The program shall be
24 administered in the same, or similar, manner as the Medicaid to schools for medical services
25 program established in RSA 167:3-k. This subdivision is intended to provide Medicaid funding for
26 services which, in the absence of such funding, nevertheless qualify as special education or related
27 services under this chapter. It is not the intention of this subdivision to increase school district
28 responsibility or liability beyond what is required by other sections of this chapter.

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1 II. A reimbursable service under this section shall be:

2 (a) A covered New Hampshire Medicaid state plan service determined by a Medicaid
3 qualified provider to meet accepted standards of medical practice for the service, or such other
4 necessary health care, diagnostic services, treatment, and other measures described in section
5 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and
6 Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably
7 calculated to prevent, diagnose, correct, cure, alleviate, or prevent the worsening of conditions that
8 endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or
9 cause physical deformity or malfunction, and no other equally effective course of treatment is
10 available or suitable for the student or individual requesting the medically necessary service;

11 (b) Provided to a Medicaid enrolled child after obtaining parental consent;

12 (c) Provided by a Medicaid qualified provider; and

13 (d) Provided in compliance with applicable state and federal law and rules.

14 III. Services provided under this subdivision shall:

15 (a) Offer the least restrictive setting for children receiving the services.

16 (b) Be in addition to any special education program as defined in the New Hampshire
17 rules for the education of children with disabilities.

18 III-a. Any provider who orders, refers, prescribes, renders, or provides services under this
19 section shall do so in accordance with the relevant health professional practice act and regulations
20 including, but not limited to, RSA 137-F, RSA 317-A, RSA 326-B, RSA 326-C, RSA 326-E, RSA 326-
21 F, RSA 326-H, RSA 327, RSA 328-A, RSA 328-D, RSA 328-F, RSA 329, RSA 329-B, RSA 330-A, and
22 RSA 330-C.

23 6:6:3 Medicaid to Schools for Medical Services Program. RSA 167:3-k is repealed and reenacted
24 to read as follows:

25 167:3-k Medicaid to Schools For Medical Services Program.

26 I. The department of health and human services Medicaid reimbursement program shall be
27 known as the "Medicaid to schools for medical services" program, providing medical assistance for
28 covered services furnished to children in public schools who are enrolled in Medicaid. The purpose of
29 the program is to seek any and all Medicaid reimbursement for medical or health-related services
30 provided by local school districts and school administrative units to children which are reimbursable
31 under federal law. General fund dollars allocated to the department of health and human services
32 shall not be used for matching the federal financial participation for Medicaid reimbursement. All
33 matching dollars for Medicaid to schools medical services shall come from the local school districts or
34 school administrative units. The program shall be voluntary and administered by the department in
35 the same, or similar, manner as the Medicaid to schools program established in RSA 186-C:25. This
36 section shall not be construed to increase school district responsibility or liability beyond what is
37 required by other state or federal law.

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1 II. A reimbursable service under this section shall be:

2 (a) A covered New Hampshire Medicaid state plan service determined by a Medicaid
3 qualified provider to meet accepted standards of medical practice for the service, or such other
4 necessary health care, diagnostic services, treatment, and other measures described in section
5 1905(a) of the Social Security Act through the Early and Periodic Screening Diagnosis and
6 Treatment (EPSDT) benefit if medically necessary, meaning that the item or service is reasonably
7 calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that
8 endanger life, cause pain, result in illness or infirmity, threaten to cause or aggravate a handicap, or
9 cause physical deformity or malfunction, and no other equally effective course of treatment is
10 available or suitable for the student/individual requesting the medically necessary service;

11 (b) Provided to a Medicaid enrolled child after obtaining parental consent;

12 (c) Provided by a Medicaid qualified provider; and

13 (d) Provided in compliance with applicable state and federal law and rules.

14 III. Any provider who orders, refers, prescribes, renders, or provides services under this
15 section shall do so in accordance with the relevant health professional practice act and regulations,
16 including, but not limited to, RSA 137-F, 317-A, 326-B, 326-C, 326-E, 326-F, 326-H, 327, 328-A, 328-
17 D, 328-F, 329, 329-B, 330-A, and 330-C.

18 IV. The commissioner of the department of health and human services, after consultation
19 with the commissioner of the department of education, shall adopt rules, pursuant to RSA 541-A,
20 relative to:

21 (a) Further defining services eligible for Medicaid reimbursement under this section. In
22 defining such services, the commissioner shall, to the extent practicable, seek to maximize the
23 availability of federal financial assistance to local school districts and school administrative units.

24 (b) State plans and reimbursement procedures necessary for local school districts or
25 school administrative units to receive appropriate Medicaid reimbursement for eligible services
26 under paragraph II that are provided or paid for by school districts or school administrative units.

27 (c) Monitoring mechanisms to ensure that services provided under this section meet the
28 requirements of paragraph II. Monitoring responsibilities shall be consistent with the jurisdiction of
29 the different departments.

30 (d) A financial mechanism by which the federal mandatory matching requirement is met
31 through collection, or other means, of 50 percent of the cost of allowable services from local school
32 districts and/or school administrative units.

33 V. New Hampshire local school districts or school administrative units shall be the enrolled
34 Medicaid providers for the purpose of administration and billing.

35 6:4 Nurse Practice Act; Scope of Practice; Licensed Nursing Assistant. Amend RSA 326-B:14, II-
36 a(b) to read as follows:

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1 (b) A licensed nurse delegates the task of medication administration to the LNA who is
2 employed in the home care, hospice, residential care, *public school*, or adult day care setting. The
3 board, in consultation with the commissioner of health and human services or a designee, shall
4 adopt rules under RSA 541-A establishing standards for such delegation of medication
5 administration which include, but are not limited to, limitations on the number of delegations per
6 assistive personnel, training and competency requirements, documentation requirements, and
7 medication administration error reporting requirements.

8 6:5 New Section; Licensed School Psychologist-Doctoral and Licensed School Psychologist-
9 Specialist. Amend RSA 329-B by inserting after section 15 the following new section:

10 329-B:15-a Licensed School Psychologist-Doctoral and Licensed School Psychologist-Specialist.

11 I. The board shall issue a license for the title of licensed school psychologist-doctoral to any
12 person who has a doctoral degree in psychology and:

13 (a) Is certified as a school psychologist by the New Hampshire department of education,
14 bureau of credentialing; and

15 (b) Has completed all of the following requirements:

16 (1) Has passed a satisfactory examination in psychology as determined by the board
17 including a national school psychologists' examination.

18 (2) Has met education and other requirements determined by the board.

19 (3) Is of good professional character.

20 (4) Has submitted a complete set of fingerprints and a criminal history records
21 release form in accordance with RSA 329-B:14-a.

22 (5) Has paid all fees established by the office of professional licensure and
23 certification established under RSA 310-A:1-a and collected by the board.

24 II. The board shall issue a license for the title of licensed school psychologist-specialist to
25 any person who does not have a doctoral degree and:

26 (a) Is certified as a school psychologist by the New Hampshire department of education,
27 bureau of credentialing; and

28 (b) Has completed all of the following requirements:

29 (1) Has passed a satisfactory examination in psychology as determined by the board
30 including a national school psychologists' examination.

31 (2) Has met education and other requirements determined by the board.

32 (3) Is of good professional character.

33 (4) Has submitted a complete set of fingerprints and a criminal history records
34 release form in accordance with RSA 329-B:14-a.

35 (5) Has paid all fees established by the office of professional licensure and
36 certification established under RSA 310-A:1-a and collected by the board.

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1 III. The following shall apply to those school psychologists who are certified by the
2 department of education on the effective date of this section:

3 (a) Each certified school psychologist in good standing who holds a doctoral degree in
4 psychology shall be licensed as licensed school psychologist-doctoral.

5 (b) Each certified school psychologist in good standing who does not hold a doctoral
6 degree in psychology shall be licensed as licensed school psychologist-specialist.

7 (c) Those certified school psychologists who are subject to discipline or are under review,
8 or who are under investigation shall be reviewed by the board which shall grant, deny, or issue a
9 license with conditions as determined by the board.

10 (d) Those school psychologists granted licenses under this paragraph shall be exempt
11 from fees for the initial license period which shall extend beyond that individual's certification in
12 school psychology by 3 months and shall include an additional year for those whose certifications
13 from the department of education would expire in June of 2020. Following that time, such
14 individual shall be eligible for renewal under the rules established by the board and upon payment
15 of the applicable fee.

16 IV. Examinations for applicants under this section shall be held by the board at least once
17 each year. The board shall determine the subject and scope of the examination, which may be
18 written, oral, or both. If an applicant fails the examination, the board shall deny the license or
19 specify conditions under which the applicant may be admitted to a future examination according to
20 board rules.

21 V. Unless otherwise licensed under another provision, a licensed school psychologist-doctoral
22 or licensed school psychologist-specialist licensure is for services provided in those settings that are
23 provided in an educational institution. No persons licensed under this section may provide services
24 outside such settings if the services are directly related to the client's improvement of school
25 functioning including but not limited to learning, development, social and emotional functioning, and
26 behavior, but any services provided outside of the school shall relate to such person's students and
27 his or her employment in a school. No persons licensed under this section shall hold themselves out
28 as psychologists, psychological examiners, or by any business name incorporating variations of those
29 titles other than school psychologists or nationally certified school psychologists unless they are
30 otherwise licensed under another provision.

31 VI. The board shall provide materials and information concerning licensed school
32 psychologists-doctoral and licensed school psychologists-specialist to the department of education
33 bureau of credentialing that will further the proper administration of the credentials of each
34 department.

35 6:6 New Paragraphs; Psychologists; Definitions; Licensed School Psychologist-Doctoral and
36 Licensed School Psychologist-Specialist. Amend RSA 329-B:2 by inserting after paragraph IV the
37 following new paragraphs:

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1 IV-a. "Licensed school psychologist-doctoral" means any person licensed as a licensed school
2 psychologist-doctoral under RSA 329-B:15-a.

3 IV-b. "Licensed school psychologist-specialist" means any person licensed as a licensed
4 school psychologist-specialist under RSA 329-B:15-a.

5 6:7 Psychologists; Board; Definitions. Amend RSA 329-B:2, VI-XI to read as follows:

6 VI. "Professional conduct investigator" means a trained psychologist, ***licensed school***
7 ***psychologist-doctoral, or licensed school psychologist-specialist*** licensed by the board who
8 acts as the agent of the board under the guidance of the board investigator and is authorized to
9 discover facts and make reports to the board.

10 VII. "Psychology practice ***by a licensed psychologist***" means:

11 (a) The observation, description, evaluation, interpretation, prediction, and modification
12 of human behavior by the application of psychological principles, methods, and procedures, for the
13 purposes of:

14 (1) Preventing, eliminating, evaluating, assessing, or predicting symptomatic,
15 maladaptive, or undesired behavior;

16 (2) Evaluating, assessing, or facilitating the enhancement of individual, group, or
17 organizational effectiveness, including personal effectiveness, adaptive behavior, interpersonal
18 relationships, work and life adjustment, health, and individual, group, or organizational
19 performance; or

20 (3) Assisting in legal decision-making.

21 (b) Psychological testing and the evaluation or assessment of personal characteristics,
22 such as intelligence; personality; cognitive, physical, and emotional abilities; skills; interests;
23 aptitudes; and neuropsychological functioning;

24 (c) Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, and
25 behavior analysis and therapy;

26 (d) Diagnosis, treatment, and management of mental and emotional disorder or
27 disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological and
28 behavioral aspects of medical/physical illness, accident, injury, or disability;

29 (e) Psycho-educational evaluation, therapy, and remediation;

30 (f) Consultation ***and coordination*** with other psychologists, physicians, other health
31 care professionals, and patients regarding all available treatment options, including medication,
32 with respect to provision of care for a specific client or patient or group;

33 (g) Provision of direct services to individuals or groups for the purpose of enhancing
34 individual and organizational effectiveness, or using psychological principles, methods, or procedures
35 to assess and evaluate individuals on personal characteristics for individual development or behavior
36 change, or for making decisions about the individual, such as selection;

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1 (h) Provision of any of these services or activities by any means, including electronic or
2 telephonic; and

3 (i) The supervision, **ordering, referring, and prescribing** of any of these services or
4 activities;

5 The practice of psychology shall be construed within the meaning of this definition without regard to
6 whether payment is received for services rendered.

7 VIII. "Psychology services **by a licensed psychologist**" means the observation, description,
8 evaluation, interpretation, diagnosis, and modification of human behavior by the application of
9 psychological and systems principles, methods, and procedures for the purpose of preventing or
10 eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal
11 relationships, work and life adjustments, personal effectiveness, behavioral health, and mental
12 health, as well as the diagnosis and treatment of the psychological and social aspects of physical
13 illness, accident, injury, or disability. Psychology services may include, but shall not be limited to,
14 those services based on diagnosis and treatment of mental and emotional disorders and psycho-
15 educational or consultative techniques integral to the treatment of such disorders when diagnosis is
16 specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders,
17 published by the American Psychiatric Association, The International Classification of Disease
18 Manual (ICD), or an equivalent of such manual as determined by the board. Psychological services
19 may be rendered to individuals, families, groups, systems, or organizations.

20 IX. "Psychologist" means any person licensed as a psychologist under **RSA 329-B:15**.

21 X. "Psychology intern, resident, or fellow" means a person in training as a psychologist,
22 subject to the provisions of this chapter and regulation by the board.

23 XI. "Psychotherapist" means a psychologist, **licensed school psychologist-doctoral, or**
24 **licensed school psychologist-specialist** licensed under this chapter who performs or purports to
25 perform psychotherapy.

26 6:8 New Paragraphs; Psychologists; Board; Definitions. Amend RSA 329-B:2 by inserting after
27 paragraph XII the following new paragraphs:

28 XII-a. "School psychology practice" by a licensed school psychologist-doctoral or licensed
29 school psychologist-specialist" means:

30 (a) Practices that permeate all aspects of service delivery through:

31 (1) Data-based decision making and accountability; and

32 (2) Consultation, coordination, and collaboration;

33 (b) Direct and indirect services for children, families, and schools which include:

34 (1) Student-level services including;

35 (A) Conducting, interpreting, and communicating the findings of assessments of
36 students, including but not limited to their:

37 (i) Intellectual ability.

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- 1 (ii) Cognitive processing.
- 2 (iii) Academic achievement.
- 3 (iv) Behavior.
- 4 (v) Social and emotional functioning.
- 5 (vi) Learning environments.
- 6 (vii) Adaptive functioning.
- 7 (B) Designing, implementing, monitoring, and adapting instructional and
- 8 behavioral supports and interventions;
- 9 (C) Creating, implementing, evaluating, ordering, referring, and prescribing
- 10 mental health interventions and direct services to develop social/emotional and life skills;
- 11 (2) Systems-level services including:
- 12 (A) Interacting effectively in a school setting by understanding systems, roles,
- 13 curriculum, instruction, and assessment to promote socialization, learning, and mental health; and
- 14 (B) Implementing and evaluating school wide practices that promote learning;
- 15 and
- 16 (3) Preventative and responsive services including:
- 17 (A) Applying principles of resilience and risk factors in learning and mental
- 18 health;
- 19 (B) Promoting multi-tiered systems of support; and
- 20 (C) Formulating evidence-based strategies for effective crisis preparation,
- 21 response, and recovery; and
- 22 (4) Foundations of professional school psychological services which include:
- 23 (A) Understanding and analyzing the diversity in human development and
- 24 learning including culture, context, and individual differences;
- 25 (B) Explaining typical and atypical psychological and educational development
- 26 in children and youth;
- 27 (C) Synthesizing, evaluating, and applying theories and models of research,
- 28 empirical findings, and techniques related to student learning;
- 29 (D) Utilizing research design, statistics, measurement, and varied data collection
- 30 and analysis techniques;
- 31 (E) Designing and implementing program evaluation to support evidence-based
- 32 practices at the individual, group, and/or systems levels;
- 33 (F) Integrating the history and foundations of psychology into a professional
- 34 identity and practice as a school psychologist; and
- 35 (G) Adhering to ethical, legal, and professional standards including:
- 36 (i) Ethical and professional decision making; and

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1 (ii) Professional work characteristics and disposition that reflect personal
2 integrity.

3 XII-b. "School psychology services" by a licensed school psychologist-doctoral or licensed
4 psychologist-specialist" means the provision of services related only to functioning at school and
5 transition to post-secondary goals, including: the observation, description, evaluation, interpretation,
6 diagnosis, and modification of human behavior by the application of psychological and systems
7 principles, methods, and procedures for the purpose of preventing or eliminating symptomatic,
8 maladapted, or undesirable behavior and of enhancing interpersonal relationships, school and life
9 adjustments, personal effectiveness, behavioral health, and mental health, as well as the diagnosis
10 and treatment of the psychological and social aspects of physical illness, accident, injury, or
11 disability. School psychology services may include, but shall not be limited to, those services based
12 on diagnosis and treatment of mental and emotional disorders and psycho-educational or
13 consultative techniques integral to the treatment of such disorders when diagnosis is specified in the
14 most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the
15 American Psychiatric Association, The International Classification of Disease Manual (ICD), or an
16 equivalent of such manual as determined by the board. School psychological services may be
17 rendered to individuals, families, groups, systems, or organizations within school settings and other
18 locations as provided in RSA 329-B:15-a, V.

19 6:9 Board of Psychologists. Amend RSA 329-B:3, I to read as follows:

20 I. There shall be a board of psychologists composed of 5 licensed psychologists, **one licensed**
21 **school psychologist-doctoral or licensed school psychologist-specialist**, and 3 public members.
22 The members shall be appointed to a term of 3 years by the governor with the approval of the
23 council. The members of the board shall elect a chairperson on an annual basis. Chairperson terms
24 shall alternate between [psychologist] **licensees** and public members.

25 6:10 New Paragraph; Board of Psychologists. Amend RSA 329-B:3 by inserting after paragraph
26 III the following new paragraph:

27 IV. On occasions when the licensed school psychologist board member is recused on a
28 matter, inquiry, or case concerning a licensed school psychologist-doctoral, licensed school
29 psychologist-specialist, or application for such before the board, then a licensed school psychologist-
30 doctoral or licensed school psychologist-specialist from the school psychologist advisory committee
31 shall be allowed to stand in to address the board business for the licensed school psychologist-
32 doctoral or licensed school psychologist-specialist board member for that matter only.

33 6:11 Psychologists; Board; Committees Established; Duties. RSA 329-B:4, I-III are repealed and
34 reenacted to read as follows:

35 I. The board shall create 2 advisory committees for the purpose of assisting the board in its
36 responsibilities under this chapter, including rulemaking under RSA 329-B:10.

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1 (a) The psychologists advisory committee shall be chaired by a psychologist board
2 member appointed by the board which shall have a maximum of 12 members, including up to 9
3 psychologists and up to 3 consumers appointed by the board.

4 (b) Members of the licensed school psychology advisory committee shall be appointed by
5 the board and shall include: A licensed school psychologist-doctoral board member who shall be the
6 chairperson of the committee, up to 9 licensed school psychologist-doctoral or licensed school
7 psychologist-specialist members, and up to 3 consumer members who shall be school administrative
8 personnel and/or parents of students, and one representative from the department of education
9 bureau of credentialing. There shall be a maximum of 13 members.

10 II. The board shall create 2 committees for professional conduct investigations, one for
11 licensed psychologists, and one for licensed school psychologist-doctoral and licensed school
12 psychologist-specialists, for the purpose of assisting the board in its responsibilities under RSA 329-
13 B:22 and RSA 329-B:23. A board investigator, appointed by the chairperson of the board with the
14 advice and consent of the board, shall chair the professional conduct investigation committees. The
15 balance of the membership of the professional conduct investigation committees shall be composed of
16 persons licensed by the board for the committee's respective profession to a maximum of 12
17 members.

18 III. The board shall create a professional's health committee to administer the professional's
19 health program which shall address issues that may impinge on a practitioner's ability to practice.
20 A board member, appointed by the chairperson of the board with the advice and consent of the
21 board, shall chair the professional's health committee. The balance of the membership of the
22 professional's health committee shall be composed of persons licensed by the board to a maximum of
23 12 members.

24 6:12 New Paragraph; Board of Psychologists; Qualifications; Administrative Members. Amend
25 RSA 329-B:6 by inserting after paragraph III the following new paragraph:

26 IV. Each public member of the board and the advisory committees shall be a resident of this
27 state.

28 6:13 Psychologists; Board; Organization and Meetings. Amend RSA 329-B:9, I-II to read as
29 follows:

30 I. The board shall hold regular annual meetings. Other meetings of the board shall be held
31 at such times and upon such notice as the rules of the board provide. ~~[Five members]~~ ***A majority of***
32 ***the members of the board who have been approved by the governor and council*** shall
33 constitute a quorum.

34 II. When a quorum is not available for just and timely resolution of a specific matter, former
35 board members ***or members of the advisory committees*** may be appointed by the board to serve
36 as acting board members for purposes of obtaining the minimum quorum in the resolution of that

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1 specific matter or in an adjudicatory hearing. ***Advisory committee members shall have the same***
2 ***qualification as the missing or recused board member.***

3 6:14 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10,
4 VII to read as follows:

5 VII.(a) Ethical standards, as promulgated by the American Psychological Association,
6 required to be met by each psychologist licensed under this chapter, and how a ***psychologist*** license
7 may be revoked for violation of these standards.

8 (b) ***Ethical standards, as promulgated by the National Association of School***
9 ***Psychologists, required to be met by each licensed school psychologist-doctoral and***
10 ***licensed school psychologist-specialist licensed under this chapter, and how a licensed***
11 ***school psychologist-doctoral or licensed school psychologist-specialist license may be***
12 ***revoked for violation of these standards.***

13 (c) ***Competence standards for licensees under this chapter.***

14 6:15 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10,
15 IX-X to read as follows:

16 IX. Establishment of the scope of practice for psychologists, ***licensed school psychologist-***
17 ***doctoral, and licensed school psychologist-specialist.***

18 X. Procedures for assuring the continuing competence of psychologists, ***licensed school***
19 ***psychologists-doctoral, and licensed school psychologists-specialist*** licensed under this
20 chapter including, but not limited to, continuing education requirements, and the professional's
21 health program.

22 6:16 Psychologists; Board; Responsibilities and Rulemaking Authority. Amend RSA 329-B:10,
23 XIV to read as follows:

24 XIV. Requirements to be met by licensees relative to the disclosure of information to ***clients,***
25 ***patients and the general public concerning the nature of psychological and school psychological***
26 ***services*** and the responsibilities of psychologists, ***licensed school psychologists-doctoral, and***
27 ***licensed school psychologists-specialist*** to clients or patients in RSA 329-B:32.

28 6:17 Psychologists; Board; Unlawful Practice; Penalty. Amend RSA 329-B:17 to read as follows:
29 329-B:17 Unlawful Practice; Penalty.

30 I. Except as provided in RSA 329-B:20 and RSA 329-B:28, it shall be unlawful for any person
31 to be engaged in psychology, ***licensed school psychology-doctoral, or licensed school***
32 ***psychology-specialist*** practice unless that person is licensed by the board or working under the
33 direct supervision of a person licensed by the board. The license of such person shall be current and
34 valid. It shall be unlawful for any person to practice as or to refer to oneself as a psychologist,
35 ***licensed school psychology-doctoral, or licensed school psychology-specialist*** or use the word
36 "psychology" or "psychological" in such person's title or in the title of such person's work products

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1 unless that person is licensed by the board or working under the direct supervision of a person
2 licensed by the board.

3 II. Except as otherwise provided in this chapter, any person who violates paragraph I or
4 paragraph III of this section or who violates any of the other provisions of this chapter relating to
5 psychology, or, having had his or her license suspended or revoked, shall continue to represent
6 himself or herself as a licensed psychologist, ***licensed school psychology-doctoral, or licensed***
7 ***school psychology-specialist***, shall be guilty of a class A misdemeanor if a natural person, and a
8 felony if any other person, and each violation shall be deemed a separate offense.

9 III. Any person whose license under this chapter has been suspended or revoked by the
10 board for disciplinary action under RSA 329-B:21 or sexual misconduct under RSA 329-B:30 shall
11 not engage in psychology, ***licensed school psychology-doctoral, or licensed school psychology-***
12 ***specialist*** practice as defined in RSA 329-B:2, VII and VIII unless and until the suspension or
13 revocation of the license has been lifted.

14 6:18 Psychologists; Board; Definitions. Amend RSA 329-B:18 to read as follows:

15 329-B:18 Injunction. The board may request the attorney general to commence an action to
16 enjoin the operation of any person engaged in practicing unlicensed psychology, ***licensed school***
17 ***psychology-doctoral, or licensed school psychology-specialist*** in violation of this chapter. Said
18 action shall be filed in the superior court.

19 6:19 Psychologists; Board; Civil Claims. Amend RSA 329-B:19 to read as follows:

20 329-B:19 Civil Claims. Any person injured by the actions of a person engaged in the practice of
21 unlicensed psychology, ***licensed school psychology-doctoral, or licensed school psychology-***
22 ***specialist*** in violation of any of the provisions of this chapter may bring a civil action to recover
23 damages suffered by reason of the violations.

24 6:20 Psychologists; Board; Temporary and Emergency Applicants from Other States. Amend
25 RSA 329-B:20 to read as follows:

26 329-B:20 Temporary and Emergency Applicants From Other States. Any psychologist, ***licensed***
27 ***school psychologist-doctoral, or licensed school psychologist-specialist*** practicing pursuant to
28 this section shall conform his or her practice to the mandates of this chapter and the rules of the
29 board. Any psychologist, ***licensed school psychologist-doctoral, or licensed school***
30 ***psychologist-specialist*** seeking to practice under this section shall register with the board in a
31 manner determined by the board.

32 I. An individual licensed to practice psychology ***or school psychology*** in another
33 jurisdiction may practice psychology, ***licensed school psychology-doctoral, or licensed school***
34 ***psychology-specialist in accordance with this chapter*** in New Hampshire [without] **by applying**
35 **for a license, if:**

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1 (a) The psychologist, *licensed school psychologist-doctoral, or licensed school*
2 *psychologist-specialist* limits her or his practice in New Hampshire to **no more than 30 days** per
3 year; and

4 (b) The psychologist, *licensed school psychologist-doctoral, or licensed school*
5 *psychologist-specialist* is not the subject of a past or pending disciplinary action in another
6 jurisdiction; and

7 (c) At least one of the following is true:

8 (1) ~~The requirements for a license in the former jurisdiction are equal to, or exceed,~~
9 ~~the requirements for licensure in New Hampshire; or~~

10 (2) **The psychologist is the holder of one of the following credentials:**

11 (A) The Association of State and Provincial Psychology Boards (ASPPB)
12 Certificate of Professional Qualification in Psychology (CPQ);

13 (B) The ASPPB Interjurisdictional Practice Certificate (IPC);

14 (C) The American Board of Professional Psychology (ABPP) certification;

15 (D) The National Register of Health Providers in Psychology certification; or

16 (E) Other equivalent qualifications determined by the board.

17 (2) *The school psychologist is:*

18 (A) *The holder of the Nationally Certified School Psychologist (NCSP),*
19 *credentialed by the National Association of School Psychologists, or other equivalent*
20 *qualifications determined by the board; and*

21 (B) *Approved by the board to be knowledgeable in state practice as*
22 *determined by the board.*

23 (d) **An individual licensed to practice psychology in another jurisdiction**
24 **seeking to perform an evaluation under a court order may be allowed a temporary license**
25 **for no more than 30 days which may be non-consecutive during a 12 month period,**
26 **providing he or she qualifies under subparagraphs (b) and (c)(1).**

27 (e) *An individual seeking temporary licensure shall* **submit the application and**
28 **pay the fee determined** *by the office of professional licensure and certification.*

29 II. An individual licensed to practice psychology *or school psychology* in another
30 jurisdiction who is providing services in response to a declared disaster, under the American Red
31 Cross or the American Psychological Association's Disaster Response Network, or other such agency
32 so designated by the board, may practice psychology in New Hampshire for no more than 60 days per
33 year without applying for a state license. Any psychologist practicing pursuant to this paragraph
34 shall conform his or her practice to the mandates of this chapter and rules of the board. Any
35 psychologist seeking to practice under this paragraph shall register with the board or cause said
36 organization to make such registration in a manner determined by the board.

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1 III. The board may issue a **temporary license to practice for not more than 90 days** in a 12-
2 month period to a psychologist who is licensed in another jurisdiction and who has applied for a
3 temporary license to practice psychology in New Hampshire, provided that:

4 (a) The requirements for licensure in the licensing jurisdiction are equal to or exceed the
5 requirements for licensure in New Hampshire; [~~and~~]

6 (b) The applying psychologist meets the requirements for admission to the examination
7 process in New Hampshire; [~~and~~]

8 (c) The psychologist is not the subject of a past or pending disciplinary action in another
9 jurisdiction[-] **and**

10 (d) ***The individual submits an application and pays the fee determined by the***
11 ***office of professional licensure and certification.***

12 6:21 Psychologists; Board; Investigations and Complaints. Amend RSA 329-B:22, III to read as
13 follows:

14 III. After determining the nature and scope of an investigation or hearing, the board may
15 employ or retain hearing officers, legal counsel, medical advisors, psychologist ***or school***
16 ***psychology*** advisors, or investigators through the office of professional licensure and certification to
17 assist with that investigation or hearing. Members of the board are not eligible for retention.

18 6:22 Psychologists; Board; Expirations, Renewals, Reinstatements, and Inactive Status. RSA
19 329-B:25 is repealed and reenacted to read as follows:

20 I. It shall be the duty of the board to notify every person licensed by the board under this
21 chapter of the date of expiration of the license and the amount of the fee that shall be required for its
22 renewal period. Such notice shall be mailed at least 2 months in advance of the date of expiration of
23 such license. Renewal shall be conditional upon filing a timely and complete renewal application
24 and payment of the renewal fee.

25 (a) Psychologist licenses shall be valid for a period of 2 years and shall become invalid on
26 the expiration date unless renewed or reinstated, which shall be for a 2-year period.

27 (b) Licensed school psychologist-doctoral and licensed school psychologist-specialist
28 licenses shall be valid for a period of 3 years and shall become invalid on the expiration date unless
29 renewed or reinstated, which shall be for a 3-year period.

30 II. If a license is not renewed it may be reinstated not later than 6 months after the date of
31 license expiration upon compliance with rules adopted by the board and payment of the
32 reinstatement fee. A license may be placed on inactive status pursuant to rules adopted by the
33 board.

34 III. Upon the request of a person licensed by the board who is a member of any reserve
35 component of the armed forces of the United States or the national guard and is called to active duty,
36 the board shall place such person's license on inactive status. The license may be reactivated, after
37 notification to the board, within one year of the person's release from active duty by application to

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1 the board of psychologists providing that no more than 4 years has passed since the change to
2 inactive status.

3 6:23 Psychologists; Board; Expirations, Renewals, Reinstatements, and Inactive Status. Amend
4 RSA 329-B:27, IV to read as follows:

5 IV. Except for administrative rules relating to establishing and collecting fees for
6 psychologists, administrative rules pertaining to psychologists adopted under RSA 330-A that are in
7 effect on June 30, 2012, shall remain in effect and be administered by the board of psychologists
8 under RSA 329-B until such rules are amended, repealed, superseded, or expired. [~~The board of~~
9 ~~mental health practice shall continue to have responsibility to establish and collect fees for~~
10 ~~psychologists.]~~

11 6:24 New Paragraphs; Psychologists; Board; Expirations, Renewals, Reinstatements, and
12 Inactive Status. Amend RSA 329-B:27 by inserting after paragraph V the following new paragraphs:

13 VI. All complaints in process pertaining to school psychologists or their trainees under
14 certificate consideration, investigation, supervision, discipline, settlement, consent decree, and all
15 other like matters under RSA 21-N on the effective date of this paragraph shall be communicated to
16 the board under this chapter.

17 VII. All corrective supervision agreements pertaining to school psychologists, associate
18 school psychologists, and school psychology students in effect or under consideration under RSA 21-
19 N on effective date of this paragraph shall be communicated to the board under this chapter.

20 VIII. Any doctoral level school psychologist who served on the board established under RSA
21 21-N prior to the effective date of this paragraph shall be considered a former member of the board
22 established under this chapter.

23 6:25 Psychologists; Board; Persons Exempted. Amend RSA 329-B:28, II to read as follows:

24 II. Nothing in this chapter shall be construed to prevent the New Hampshire department of
25 education from credentialing individuals with the title ***certified*** school psychologist or ***certified***
26 associate school psychologists to provide school psychological services in those settings that are
27 under the purview of the New Hampshire department of education. In addition, nothing in this
28 chapter shall be construed to limit the ability of an educator in the field of psychology in a duly
29 chartered educational institution to use his or her appropriate title.

30 6:26 Psychologists; Board; Psychology Client-Patient Bill of Rights. Amend RSA 329-B:32 to
31 read as follows:

32 329-B:32 Psychology Client-Patient Bill of Rights. The board shall provide guidance for the
33 provision of informed consent for client or patient rights, based on the professional codes of ethics as
34 they apply in the variety of settings in which psychologists, ***licensed school psychologist-***
35 ***doctoral, or licensed school psychologist-specialists*** practice. When addressing the patient or
36 client rights, reasonable accommodations shall be made for those persons who cannot read or who
37 have communication impairments and those who do not understand English.

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1 6:27 New Subparagraph; Department of Education; Division of Educator Support and Higher
2 Education. Amend RSA 21-N:8-a, I by inserting after subparagraph (c) the following new
3 subparagraph:

4 (d) Provide materials and information concerning certificate holders to boards providing
5 licenses relative to Medicaid to schools.

6 6:28 New Section; School Social Workers. Amend RSA 330-A by inserting after section 18 the
7 following new section:

8 330-A:18-a School Social Workers.

9 I. The board shall issue a school social worker license to any person who:

10 (a) Is currently certified as a school social worker by the department of education,
11 bureau of credentialing, and was certified as of the effective date of this section; or

12 (b) Has completed all of the following requirements or their equivalent:

13 (1) Has received a college undergraduate degree.

14 (2) Has received a 2-year master's degree or doctorate degree in social work from a
15 school approved by the Council on Social Work Education.

16 (3) Has completed a minimum of 2 years of post-masters experience including
17 completion of a minimum of 3,000 hours of post-masters, supervised school social work experience by
18 a board approved licensed independent school social worker or licensed clinical mental health
19 counselor supervisor, or any other supervisor based on reasonable and specific criteria established in
20 rules adopted under RSA 330-A:10.

21 (4) Has passed a national proctored examination approved by the board.

22 II. Any school social worker who chooses to seek licensure under RSA 330-A:18-a, I, shall
23 notify the office of licensure and certification in writing of his or her intent to be licensed. The office
24 of licensure and certification shall grant licenses under RSA 330-A:18-a, I, within 10 days of receipt
25 of notification.

26 III. The office of licensure and certification shall exempt licensees licensed in accordance
27 with paragraph II from fees for the initial license period which shall extend beyond that individual's
28 certification as a school social worker by 3 months and shall include an additional year for those
29 whose certifications from the department of education would expire prior to July 1, 2020. Following
30 that time, that individual shall be eligible for renewal under the rules established by the board and
31 upon payment of the applicable fee.

32 6:29 Mental Health Practice; Board; Responsibilities and Rulemaking Authority. Amend RSA
33 330-A:10, II to read as follows:

34 II. The qualifications of applicants in addition to those requirements set by statute. ***This***
35 ***provision shall not apply to applicants under RSA 330-A:18-a, I.***

36 6:30 Mental Health Practice; Definitions; Mental Health Discipline. Amend RSA 330-A:2, V to
37 read as follows:

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1 V. "Mental health discipline" means the disciplines of those licensed as pastoral
2 psychotherapists, clinical social workers, ***school social workers***, clinical mental health counselors,
3 and marriage and family therapists.

4 6:31 Mental Health Practice; Definitions; Mental Health Practitioner. Amend RSA 330-A:2, VII
5 to read as follows:

6 VII. "Mental health practitioner" means persons licensed under this chapter as pastoral
7 psychotherapists, clinical social workers, ***school social workers***, clinical mental health counselors,
8 or marriage and family therapists. For purposes of this chapter, the term clinical social worker shall
9 include independent clinical social worker.

10 6:32 Mental Health Practice; Definitions; Psychotherapist. Amend RSA 330-A:2, VIII to read as
11 follows:

12 VIII. "Psychotherapist" means a clinical social worker, ***school social worker***, pastoral
13 psychotherapist, clinical mental health counselor, or marriage and family therapist licensed under
14 this chapter who performs or purports to perform psychotherapy. This definition shall include
15 psychiatrists licensed as physicians under RSA 329 and advanced registered nurse practitioners
16 licensed under RSA 326-B:18 as psychiatric nurse practitioners.

17 6:33 Mental Health Practice; Board. Amend RSA 330-A:3, I to read as follows:

18 I. There shall be a board of mental health practice composed of the following members: one
19 licensed pastoral psychotherapist, one licensed clinical social worker, ***one licensed school social***
20 ***worker***, one licensed marriage and family therapist, one licensed clinical mental health counselor,
21 one member from a community mental health center, one member from a community health center,
22 and 3 public members. The members shall be appointed to a term of 3 years by the governor with
23 the approval of the council. The members of the board shall elect a chairperson on an annual basis.
24 No discipline's representative and no individual public member shall serve as chairperson for more
25 than 2 years consecutively.

26 6:34 New Paragraph; Mental Health Practice; Board; Responsibilities and Rulemaking
27 Authority. Amend RSA 330-A:10 by inserting after paragraph X the following new paragraph:

28 X-a. Ethical standards, as promulgated by the School Social Work Association of America,
29 required to be met by each licensed school social worker, and how a license may be revoked for
30 violation of these standards.

31 6:35 Mental Health Practice; Fees. Amend RSA 330-A:12, I to read as follows:

32 I. The board shall establish fees pursuant to RSA 541-A for [~~review of applicants for~~
33 ~~licensure~~]; supervisory agreements; applications for licensed pastoral psychotherapist, independent
34 clinical social worker, ***school social worker***, clinical mental health counselor, and marriage and
35 family therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license
36 status; reactivation of an inactive license; examination of applicants; transcribing and transferring
37 records; and other services, including investigations and hearings conducted under this chapter.

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1 6:36 New Section; Speech Language Specialist Eligibility for Licensure. Amend RSA 326-F by
2 inserting after section 3 the following new section:

3 326-F:3-a Speech Language Specialist Eligibility for Initial Licensure.

4 I. The board shall issue a speech-language pathologist license to any person who:

5 (a) Is currently certified as a speech-language specialist by the department of education,
6 bureau of credentialing, and was certified as of the effective date of this section; and

7 (b) Possesses a master's degree or higher academic degree in speech-language pathology,
8 communications sciences and disorders, or communications disorders.

9 II. Any speech-language pathologist who chooses to seek licensure under RSA 326-F:3-a,
10 shall notify the office of professional licensure in writing of his or her intent to be licensed. The
11 office of professional licensure and certification shall grant licenses under RSA 326-F:3-a within 10
12 days of receipt of notification.

13 III. The office of professional licensure and certification shall exempt licensees licensed in
14 accordance with paragraph II from fees for the initial license period which shall extend beyond that
15 individual's certification as a speech-language pathologist by 3 months and shall include an
16 additional year for those whose certifications from the department of education would expire prior to
17 July 1, 2020. Following that time, that individual shall be eligible for renewal under the rules
18 established by the board and upon payment of the applicable fee.

19 6:37 Effective Date. This act shall take effect upon its passage.

Approved: March 09, 2020
Effective Date: March 09, 2020

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