

**Effective December 28, 2023, Plc 1502.26 reads as follows and previous Plc 1502.26 is renumbered as Plc 1502.27:**

Plc 1502.26 “Self-directed study program” means a program that is presented via audio, video, or computer programming at a time chosen by the licensee, which requires successful completion of an examination to obtain proof of completing the self-study program.

**Effective December 28, 2023, Plc 1504.01 reads as follows:**

Plc 1504.01 Statutory Qualifications.

(a) As required by RSA 326-E:3, I, to qualify for an initial license to practice respiratory care an applicant shall be of good professional character and:

- (1) Be a graduate of a respiratory care educational program; or
- (2) Have successfully completed and achieved a passing score for the entry level exam administered in English by the NBRC prior to July 31, 1977.

(b) As required by RSA 326-E:3, II and as further explained in Plc 1504.02, an applicant for initial licensure shall also pass a standardized national examination administered in English by the NBRC or by its successor organization.

(c) As required by RSA 326-E:3, III, an applicant for initial licensure shall certify under oath that the applicant is not under investigation by any professional licensing board and that the applicant’s credentials have not been suspended or revoked by any professional licensing board.

(d) As required by RSA 326-E:3, IV, an applicant for initial licensure who has not practiced as a respiratory care practitioner for at least 500 hours per year during the 4 years prior to filing the application shall successfully complete continuing education and continuing competence requirements set forth in Plc 1504.13.

**Effective December 28, 2023, Plc 1504.03 reads as follows:**

Plc 1504.03 Applying for Initial Licensure.

(a) Any individual who meets the statutory qualifications as reiterated in Plc 1504.01 and wishes to engage in the practice of respiratory care who is not already licensed in New Hampshire shall file an application for an initial license in accordance with this section.

(b) Each applicant for initial licensure shall submit to the licensing bureau:

- (1) A “Universal Application for Initial License” dated April 2023, as tailored for respiratory care licenses, that contains the information specified in Plc 304.03 and Plc 1504.04 and is signed and attested to as specified in Plc 304.05;
- (2) The documentation specified in Plc 304.04 and Plc 1504.05 as applicable; and
- (3) The application processing and licensing fee specified in Plc 1002.

**Effective December 28, 2023, Plc 1504.05 reads as follows:**

Plc 1504.05 Documentation Required for Initial License Application. In addition to the information and documentation required by Plc 304.04, the applicant shall provide the following with an application for initial licensure:

- (a) Documentation of current certification by the NBRC; and

(b) If the applicant was previously licensed as a respiratory care practitioner but has not been active in the profession for at least 500 hours per year during the 4 years prior to filing the application, the following proofs of having met the competency requirements of Plc 1504.13:

- (1) For the courses described in Plc 1504.13(a), 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;
- (2) For the additional hours required by Plc 1504.13(b), the documentation specified for the program or activity specified in Plc 1507.07 through Plc 1507.18; and
- (3) For the NBRC self-assessment examination described in Plc 1504.13(c), the applicant's scores sent directly to the licensing bureau by the NBRC.

**Effective December 28, 2023, Plc 1504.08 reads as follows:**

Plc 1504.08 Review of Complete Applications for Initial Licensure; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for a license to practice respiratory care.

(b) Subject to (c), below, the licensing bureau shall approve an application for initial licensure and issue a license if the applicant:

- (1) Has submitted an application that meets the requirements of Plc 1504.03;
- (2) Meets the statutory requirements for licensure reiterated in Plc 1504.01; and
- (3) Has met the competency requirements of Plc 1504.13, if applicable.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain a license are met, then:

- (1) The licensing bureau shall deny the application; and
- (2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall become final in 30 days unless the applicant requests a hearing in writing within 30 days.

(e) If the application is denied in accordance with (d), above, the application processing and licensing fee shall not be refunded.

**Effective December 28, 2023, Plc 1504.10 reads as follows:**

Plc 1504.10 Initial Licenses: Issuance and Duration.

(a) Each initial license to practice respiratory care issued by the OPLC shall specify:

- (1) The name of the licensee;
  - (2) The effective date of the license; and
  - (3) The license number.
- (b) An initial license shall:
- (1) Be valid for 2 years from the date of issuance as provided in RSA 310:8, II, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;
  - (2) Expire 2 years from the date the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked in accordance with Plc 1510; and
  - (3) Be subject to renewal.

**Effective December 28, 2023, Plc 1504.13 reads as follows:**

Plc 1504.13 Competence Requirements. An applicant who was previously licensed but who has not been active in the profession for at least 500 hours per year during the 4 years prior to filing the application shall, within the calendar year immediately preceding the submittal of an application for initial licensure:

- (a) Complete 12 contact hours of professional respiratory care courses that are:
  - (1) Described by the course sponsors or providers as review courses; and
  - (2) Approved by:
    - a. The American Medical Association's Committee on Allied Health Education and Accreditation in collaboration with the Joint Review Committee for Respiratory Therapy Education or successor organizations;
    - b. The Committee on Accreditation for Respiratory Care or its successor organization;
    - c. The Commission on Accreditation of Allied Health Education Programs or its successor organization; or
    - d. The American Association for Respiratory Care (AARC) or its successor organization;
- (b) Complete an additional 6 contact hours of continuing education in:
  - (1) Current treatment or management of infectious diseases;
  - (2) Advances in the pharmacologic treatment of the cardio-pulmonary system;
  - (3) New modes of respiratory care; or
  - (4) Any of the topics authorized for continuing competence credit listed in Plc 1507.04(c) and (d); and
- (c) Take and score in the passing range on all parts of the NBRC self-assessment examination designed for the highest NBRC credential the applicant has obtained.

**Effective December 28, 2023, the heading of Plc 1505 reads as follows:**

PART Plc 1505 RESERVED

**Effective December 28, 2023, Plc 1505.01 and Plc 1505.03 through Plc 1505.10 are repealed; Plc 1505.02 has been moved and renumbered as Plc 1504.13**

**Effective December 28, 2023, Plc 1506.01 and Plc 1506.02 read as follows:**

Plc 1506.01 Purpose and Applicability.

(a) The purpose of this part is to formally acknowledge and give effect to the exemption from licensing under RSA 326-E:6, I(a) for students in approved respiratory care programs, to:

- (1) Allow students to satisfy supervised clinical education requirements; and
- (2) Reassure healthcare providers that students are authorized to work without being licensed.

(b) This part shall apply to:

- (1) Any educational institution that offers courses or programs that include clinical rotations to educate and train individuals who wish to become licensed respiratory care practitioners; and
- (2) Any individual who is enrolled in a course or program to be educated and trained in respiratory care.

(c) Nothing in this part shall be construed to prohibit payment to students.

Plc 1506.02 Clinical Rotations Allowed. An individual may engage in activities normally undertaken by a licensed respiratory care practitioner in a clinical rotation, without obtaining a license under RSA 326-E or Plc 1500, if the individual is enrolled in a course or program to be educated and trained in respiratory care that meets the requirements of Plc 1506.03.

**Effective December 28, 2023, Plc 1507.01 and Plc 1507.02 read as follows:**

Plc 1507.01 Licensee Obligations for Notifications and Updates.

(a) Each licensee shall notify the licensing bureau within 10 working days when a change of name occurs.

(b) Each licensee shall update the OPLC's records within 10 working days when a change of personal telephone number or designated email address occurs.

(c) As provided in RSA 326-E:8, VI, each licensee shall update the OPLC's records of any change in home or business address within 30 days of the change.

(d) Each licensee shall notify the licensing bureau within 10 working days of:

- (1) Any disciplinary action, including the imposition of fines or penalties, taken or in process of being taken against the licensee by any jurisdiction in which the licensee is licensed in any profession;
- (2) The commencement of any civil action or insurance claim filed against the licensee that alleges malpractice and any decision(s) made in such civil actions or insurance claims; and
- (3) Conviction without annulment in any jurisdiction of any felony that:
  - a. Constitutes a sexual offense as defined in the convicting jurisdiction;

b. Constitutes a violation of controlled substance law; or

c. Is based on:

1. Injury or the potential for injury to a victim;
2. Any form of theft that would be covered in New Hampshire by RSA 637; or
3. Any form of crime involving dishonesty, including but not limited to fraud, blackmail, extortion, graft, hoax, misrepresentation, or forgery.

(e) Each licensee shall know, and have available in the licensee's office or other place of business, information regarding how complaints can be filed with the OPLC.

Plc 1507.02 Licensee Responsibilities for Renewal. Each licensee shall:

(a) Know when the licensee's license is due to expire; and

(b) Except for holders of a temporary license or conditional license, file an application for renewal prior to the expiration of the current license in accordance with Plc 1508 if the licensee wishes to continue to practice in New Hampshire.

**Effective December 28, 2023, Plc 1507.04 reads as follows:**

Plc 1507.04 Continuing Professional Competence Requirements.

(a) Unless receiving a waiver pursuant to Plc 1507.06 based on active military service, a licensee intending to renew licensure shall engage in continuing professional education by completing 12 contact hours of continuing competence activities for the 2-year license period in accordance with (b) through (d), below.

(b) At least 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;
- (7) Extracorporeal membrane oxygenation (ECMO); or
- (8) Other continuing professional education similarly not related directly and primarily to the clinical application of respiratory care, including but not limited to development of leadership skills and training in emergency management.

(d) Continuing competence credit shall be accumulated through participating in any continuing competence program accepted by the NBRC and any of the following activities:

- (1) Successful completion of a college-level course related to respiratory care, as further described in Plc 1507.07;

- (2) Successful completion of live programming such as courses, programs, workshops, and seminars, as further described in Plc 1507.08;
- (3) Passing specialty examinations, as further described in Plc 1507.09;
- (4) Public professional presentations relating to respiratory care, as further described in Plc 1507.10;
- (5) Participation in a respiratory care research project, as further described in Plc 1507.11;
- (6) Taking and passing courses for initial or renewal certification, as further described in Plc 1507.12;
- (7) Participation as an instructor or instructor trainee in one of the courses for initial or renewal certification that qualify under (6), above, as further described in Plc 1507.13;
- (8) Teaching a college-level course relating to respiratory care, as further described in Plc 1507.14;
- (9) Facility-based respiratory care in-service training, as further described in Plc 1507.15;
- (10) Publication of writing related to respiratory care, as further described in Plc 1507.16;
- (11) Participation in the work of professional boards and committees, as further described in Plc 1507.17; and
- (12) Completing a self-directed study program, as further described in Plc 1507.18.

**Effective December 28, 2023, Plc 1507.05 reads as follows:**

Plc 1507.05 Documentation Requirements; Audits.

- (a) Upon being notified by the OPLC that an on-line system administered by a third-party organization is available to manage continuing competence compliance, each licensee shall use the on-line system to track and report the completion of continuing competence activities.
- (b) Each licensee shall retain documentation of participating in continuing competence activities as described for the specific course or activity for not less than the current license period and most recent renewal period, provided that documentation may be retained in the on-line system once available.
- (c) The executive director shall audit licensee participation in continuing competence activities by:
  - (1) Randomly selecting 10% of licensees each year to be audited; and
  - (2) Notifying each selected licensee of the audit by email sent to the licensee's designated email address.
- (d) The notice sent pursuant to (c)(2), above, shall direct the licensee to submit documentation to support the continuing competence activities claimed by the licensee for the most recent renewal period to the executive director by a specified date, which shall be no sooner than 30 days from the date of the notice.
- (e) In response to the notice, a licensee selected for audit shall submit the following to the executive director no later than the date specified in the notice:
  - (1) The documentation required by Plc 1507.07 through Plc 1507.18, as applicable to the type of activity; or

(2) For any time period covered by the on-line system, a copy of the on-line records, subject to (f), below.

(f) In lieu of submitting a copy of the on-line records, a licensee selected for audit may provide the executive director with direct access to the on-line records.

(g) Failure to submit documentation when directed to do so shall constitute a violation of these rules.

**Effective December 28, 2023, Plc 1507.07 and Plc 1507.08 read as follows:**

**Plc 1507.07 College-Level Courses Relating to Respiratory Care.**

(a) A licensee may claim credit towards the continuing competence requirement for successfully completing a college-level course relating to the topics listed in Plc 1507.04(b) and (c), provided 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 on a 4-point scale, or the equivalent on any other point scale.

(b) The licensee may claim one contact hour for each course credit awarded by the college or university.

(c) Documentation of successful completion of a college-level course relating to the topics listed in Plc 1507.04(b) and (c) shall be:

(1) An official transcript showing:

- a. The name of the course;
- b. The date of the course; and
- c. The grade assigned to the licensee;

(2) One of the following descriptions of the course:

- a. The description of the course copied from the college or university catalogue; or
- b. The course syllabus; and

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

**Plc 1507.08 Courses, Programs, Workshops, and Seminars.**

(a) A licensee may claim credit towards the continuing competence requirement for successfully completing live programming such as courses, programs, workshops, and seminars that are:

(1) Any course or program approved or sponsored by AARC;

(2) Non-AARC courses, workshops, and seminars that are:

- a. Related to the topics listed in Plc 1507.04(b) and (c); and

b. Sponsored or provided by any statewide, regional, or national professional respiratory care organization or any federal agency, including but not limited to the Federal Emergency Management Agency; or

(3) Non-AARC courses that are:

a. Related to the topics listed in Plc 1507.04(b) and (c); and

b. Approved by the accreditation council for continuing education of the American Medical Association, the American Heart Association, or the American Academy of Pediatrics.

(b) The licensee may claim as credit for completing a course, program, workshop, or seminar described in (a), above, the same number of contact hours attributed to it by the provider or sponsor.

(c) Documentation of successful completion of a course or program described in (a), above, 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 each speaker or instructor;

(6) The number of hours credited by the provider or sponsoring entity; and

(7) The printed name and signature of the speaker, instructor, or representative of the provider or sponsoring entity.

(d) Documentation of successful completion of a workshop or seminar described in (a), above, shall be the licensee's certificate of completion.

**Effective December 28, 2023, Plc 1507.09 reads as follows:**

Plc 1507.09 Specialty Examinations.

(a) A licensee may claim credit towards the continuing competence requirement for passing any of the following specialty examinations that the licensee has not previously passed, provided the examination is for credentials that are a more advanced category than the licensee currently holds:

(1) NBRC registered respiratory therapist examination;

(2) NBRC pulmonary function technologist examination;

(3) NBRC neonatal and pediatric respiratory care specialty examination;

(4) NBRC sleep disorders testing and therapeutic intervention respiratory care specialist examination;

(5) NBRC adult critical care specialist examination;

(6) Extracorporeal Life Support Organization (ELSO) Adult ECMO Certification (E-AEC) examination; and

(7) National Certification Corporation Certified in Neonatal Pediatric Transport (C-NPT) examination.



(b) The licensee may claim 12 contact hours for each specialty examination passed.

(c) Documentation of passing one of the specialty examination described in (a), above, shall be the certifying organization's notification stating that the licensee passed the examination.

**Effective December 28, 2023, Plc 1507.12 reads as follows:**

Plc 1507.12 Taking and Passing Courses for Initial or Renewal Certification.

(a) A licensee may claim credit towards the continuing competence requirement for taking and passing one or more courses for initial or renewal certification in:

- (1) Basic life support for health care providers (BLS), comprising a course for health care providers sponsored by the American Heart Association in the techniques of cardio pulmonary resuscitation;
- (2) Advanced cardiac life support (ACLS), comprising a course sponsored by the American Heart Association in the therapeutic interventions used in cases of cardiac arrest;
- (3) Pediatric advanced life support (PALS), comprising a course in advanced techniques in the resuscitation of children sponsored by the American Academy of Pediatrics; or
- (4) Neonatal resuscitation program (NRP), comprising a course sponsored by the American Academy of Pediatrics in the techniques of resuscitation of newborn babies.

(b) The licensee may claim the following:

- (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, 16 contact hours; and
- (8) For taking and passing an NRP renewal certification course, 8 contact hours.

(c) Documentation of taking and passing one of the courses listed in (a), above, shall be:

- (1) The certification card showing that the licensee has taken and passed the course; or
- (2) A certificate of course completion issued by the course sponsor.

**Effective December 28, 2023, Plc 1507.18 reads as follows:**

Plc 1507.18 Completing Self-Directed Study Programs.

(a) A licensee may claim credit towards the continuing competence requirement for successfully completing a self-directed study program relating to the topics listed in Plc 1507.04(b) and (c), provided that:

- (1) The program adds to the professional knowledge or skill of the licensee; and
- (2) The licensee passes the examination given at the end of the program.

(b) The licensee may claim as credit for completing a self-directed study program the same number of contact hours attributed to it by the provider or sponsor.

(c) Documentation of successful completion of a self-directed study program shall be a document showing:

- (1) The licensee's name;
- (2) The name of the course or program and the standard duration of the program, in hours;
- (3) The name of the provider or sponsoring entity;
- (4) The date the licensee completed the program;
- (5) The number of hours credited by the provider or sponsoring entity; and
- (7) Confirmation that the licensee passed the examination at the end of the program.

**Effective December 28, 2023, Plc 1508.01 through Plc 1508.03 read as follows:**

Plc 1508.01 Eligibility for License Renewal. To be eligible for renewal of a license to practice respiratory care, an individual shall have:

- (a) Maintained NBRC credential(s);
- (b) Accrued the hours of continuing education required by Plc 1507.04;
- (c) Paid all monetary penalties imposed in New Hampshire, if any;
- (d) Not been determined through an adjudicative process of having violated this chapter or the licensure requirements of any other jurisdiction in which the licensee is currently licensed;
- (e) Not been convicted in the prior 27 months of any misdemeanor or felony arising from circumstances that demonstrate poor professional character; and
- (f) Meet the eligibility for renewal criteria specified in Plc 308.02.

Plc 1508.02 Notification of Pending License Expiration.

(a) At least 60 days prior to the expiration of a license issued pursuant to RSA 326-E and Plc 1500 or rules of the predecessor board, the licensing bureau shall:

- (1) Notify, in writing to the licensee's designated email address, each licensee whose license is expiring that:
  - a. The license is due to expire; and
  - b. Failure to file a complete and timely application for renewal shall result in the license expiring; and
- (2) Include with the notice a copy of the renewal application identified in Plc 1508.03(a) or, when the application becomes available on-line, a registration code for the licensee to use to renew on-line, if a code is necessary for on-line renewal.

(b) A licensee who wishes to renew the license who does not receive an application or registration code shall contact OPLC customer support at [CustomerSupport@oplc.nh.gov](mailto:CustomerSupport@oplc.nh.gov) to obtain an application or code, as applicable.

(c) As provided in RSA 541-A:30, I and RSA 310:8, II, if a timely and complete renewal application is filed, the license shall continue as valid until final action is taken on the application for renewal.

(d) A licensee whose license has expired shall not practice respiratory care in New Hampshire until the license has been reinstated.

Plc 1508.03 Application for License Renewal. A licensee who wishes to renew the license shall submit to the licensing bureau:

(a) A completed “Universal Application to Renew License” dated April 2023, as tailored for respiratory care licenses, that provides the information required by Plc 308.06 and is signed and attested to as specified in Plc 308.08;

(b) The information and documentation required by Plc 308.07 and Plc 1508.04;

(c) The information and attestation relative to meeting continuing competence requirements, as specified in Plc 1508.05; and

(d) The application processing and licensing fee specified in Plc 1002, provided that active duty military and military spouses shall not pay the renewal application fee.

**APPENDIX A: STATE STATUTES IMPLEMENTED**

<b>Rule</b>	<b>State Statute(s) Implemented</b>
Plc 1502.26	RSA 326-E:10, II; RSA 326-E:11
Plc 1504.01, 1504.03, 1504.05, 1504.08, 1504.10, 1504.13 [formerly 1505.02]	RSA 326-E:3
Plc 1506.01, 1506.02	RSA 326-E:6, I(a)
Plc 1507.01, 1507.02, 1507.04, 1507.05, 1507.07, 1507.08, 1507.09, 1507.12, 1507.18	RSA 326-E:10, II; RSA 326-E:11
Plc 1508.01 - 1508.03	RSA 326-E:10