

**STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE
LICENSING**

**PERFORMANCE AUDIT REPORT
OCTOBER 2023**



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To The Fiscal Committee Of The General Court:

The purpose of this audit was to determine if there were substantial barriers to entry into the mental health field imposed by State licensing boards during State fiscal year 2022. The audit was to address the recommendation made to you by the joint Legislative Performance Audit and Oversight Committee. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Office of Legislative Budget Assistant

Office Of Legislative Budget Assistant

October 2023

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**STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING**

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ABBREVIATIONS AND GLOSSARY OF TERMS

AMFTRB	Association Of Marriage And Family Therapy Regulatory Boards
APA	American Psychological Association
APRN	Advanced Practice Registered Nurse
ASWB	Association Of Social Work Boards
BMHP	Board Of Mental Health Practice
BoM	Board Of Medicine
BoN	Board Of Nursing
CACREP	Council For Accreditation Of Counseling And Related Educational Programs
CRSW	Certified Recovery Support Worker
EPPP	Examination For Professional Practice In Psychology
IC&RC	International Certification And Reciprocity Consortium
LADC	Licensed Alcohol And Drug Counselor
LADC Board	Board Of Licensing For Alcohol And Other Drug Use Professionals
LCMHC	Licensed Clinical Mental Health Counselor
LICSW	Licensed Independent Clinical Social Worker
LPP	Licensed Pastoral Psychotherapist
LSW	Licensed Social Worker
LSWA	Licensed Social Work Associate
MFT	Marriage And Family Therapist
MLADC	Master Licensed Alcohol And Drug Counselor
MLO	My License Office
NCE	National Counselor Examination
NCMHCE	National Clinical Mental Health Counseling Examination
NHED	New Hampshire Education Department
OPLC	Office Of Professional Licensure And Certification
PHP	Professionals Health Program
PMHNP	Psychiatric Mental Health Nurse Practitioner
Pre-license Practice	Paid or voluntary pre-license work experience. Must be performed under the clinical supervision of someone licensed by the Boards.
PSYPACT	Psychology Interjurisdictional Compact
SFY	State Fiscal Year
SSW	School Social Worker
Supervision	Activities monitored by a supervisor who provides training of specific knowledge and skills necessary to competently perform the tasks inherent to a licensee's job functions.

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EXECUTIVE SUMMARY

To become licensed in New Hampshire as a mental health provider, State laws and administrative rules established specific licensing requirements applicants must meet. While specific requirements could vary across the country, several national professional organizations established minimum licensing standards to guide their professions.

No Substantial Barriers To Licensing

We found New Hampshire's licensing standards generally aligned with requirements established by professional organizations and appeared comparable with most states we examined when reviewed for education, pre-license practice, supervision, and examination requirements. While we found a few states were less stringent in some areas, New Hampshire's pre-license practice and supervision requirements were in the middle or slightly lower compared to other states for most professions. We did not assess whether requirements used in other states were appropriate for New Hampshire. Therefore, Boards would need to further evaluate all requirements and determine their impact on public safety. Comparative information on other states' requirements can be found in Appendix D.

Low-risk Applications Could Require Less Review

While we did not find statutes and rules imposed substantial barriers to entering mental health professions, some Board processes and requirements were not established in their rules, or did not align with controlling statutes. Additionally, some procedures used by Boards during the audit period may have unnecessarily prolonged the application process by requiring a case-by-case review of applications. While Boards mostly met time limits for licensing activities governed by statute, activities occurring outside of statutorily controlled time limits may have contributed to delays. Some activities were out of the Boards' and the Office of Professional Licensure and Certification's control, such as waiting for the applicant to transmit additional documentation, results of criminal background checks, and verification of licenses from other states. However, activities such as requiring Board review of all applications at a monthly Board meeting regardless of the licensing risk posed, and reviewing all criminal convictions regardless of how long ago they occurred or whether they were substantially or directly related to the profession, impeded streamlining and should be reviewed to facilitate faster application processing.

Processes Intended To Expedite Licensing Could Be Improved

Mechanisms intended to expedite the application process did not appear to significantly reduce processing time. Statutes provided Boards with methods to expedite the licensing process, particularly for individuals already licensed in another state, but we found Boards did not adequately take advantage of these processes. State laws generally required Boards establish mechanisms to facilitate license portability. Despite this, Boards did not have processes to identify states which may have equal, substantially equivalent, or higher licensing standards for which alternative processes could be established to further expedite licensing.

Nationally, the growth of interstate compacts has attempted to standardize minimum licensing requirements and enable increased portability. Compacts were intended to facilitate recognition of licenses issued by other states, helping to reduce the time and effort required for professionals to obtain a license in a participating state. In the past several years, interstate compacts have been developed for telepsychology and limited face-to-face psychology services, clinical mental health counselors, social workers, and advanced practice registered nurses. New Hampshire has passed legislation to implement two of these compacts. While rules were in place for the compact addressing psychologists, rules for other compacts have not been formally adopted, making it unclear how licensing processes for these professions will be affected.

While not a national compact, the International Certification and Reciprocity Consortium (IC&RC) was established to facilitate portability through its reciprocity processes for alcohol and drug counselors. Most states, including New Hampshire, were members of the IC&RC. Additionally, several national organizations offered credentials to psychologists meeting specific requirements. New Hampshire recognized individuals holding one of three credentials as being high credentialled. As a member of the IC&RC and by recognizing these psychologist credentials, New Hampshire was poised to take advantage of portability processes already in place through these organizations. However, both Boards overseeing these professions still required individuals follow the same application procedures as those who had never held a license, prolonging the licensing process.

Enacting mechanisms to facilitate license portability and establishing risk-based processes for approving applications could greatly support Boards to speed up application processing. Laws passed during the 2023 legislative session could facilitate a more streamlined approach. However, rules now need to be developed to implement these laws. This report presents opportunities to examine some of those processes, changes to which could potentially improve processing time, and enable qualified mental health professionals to begin practicing sooner in New Hampshire.

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RECOMMENDATION SUMMARY

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
1	17	No	<p>Office of Professional Licensure and Certification (OPLC), in consultation with the Boards of Mental Health Practice (BMHP), Licensing for Alcohol and Other Drug Use Professionals (LADC Board), Medicine (BoM), Nursing (BoN), and Psychologists establish a process to identify states with equivalent, substantially equivalent, or greater licensing requirements and publish a list. OPLC and Boards identify requirements for comparison; determine how much risk each requirement imposes considering applicants already hold a license in another state; consider establishing thresholds for how much other states' requirements could deviate from New Hampshire's and still be considered substantially equivalent; and periodically update the list.</p> <p>All Boards address licensure by endorsement to ensure it reduces documentation burden and facilitates a faster process for individuals already licensed in other states.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
2	27	No	<p>OPLC develop a process to identify expedited applications posing higher licensing risk, seek Board input when necessary, and establish a process for Boards to periodically review approved expedited applications to ensure licensing standards are met.</p> <p>The BMHP, LADC Board, and Board of Psychologists review expedited licensure processes to consider if supplemental documents are necessary, processes reduce the time it takes those already licensed in another state to be licensed in New Hampshire, and conduct a risk assessment to determine whether some licensing factors could still require Board expertise during OPLC review.</p>	<p>BMHP: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>
3	32	Yes	<p>The Legislature consider clarifying RSA 310:6, V and remove negated statutory time limits and exclusions in the BMHP, LADC Board, Board of Psychologists, and BoN temporary licensure laws given more recent laws allowing the OPLC to issue temporary licenses.</p> <p>The BMHP, Board of Psychologists, and BoM align their rules accordingly.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
4	36	Yes	<p>All Boards adopt rules defining military education, training, or service that may qualify towards licensure. OPLC, in consultation with Boards, establish processes to facilitate licensure for military spouses and for how military-related applications will be processed.</p> <p>OPLC develop a process to track military-related applications.</p> <p>Legislature consider if military members or their spouses should be required to hold a license in a state with substantially equivalent licensing requirements before a temporary license can be issued.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>
5	41	Yes	<p>The BoM align rules for requesting additional information on applications with the time limit established in law.</p> <p>All Boards in conjunction with OPLC, establish a process for identifying when statutory amendments render Board rules no longer accurate and ensure rulemaking is started timely.</p> <p>The BMHP and OPLC assess if having different time limits than other Boards to act on applications could create confusion in tracking. If different time limits are not needed, seek amendment to align time limits with the other Boards and ensure rules align with statute.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
6	45	No	<p>OPLC and all Boards identify data needed to determine compliance with statutory time limits; establish a process for Boards to assess if applications are processed timely; and ensure all application records are complete and documents are accessible.</p> <p>OPLC establish retention schedules and clear guidance for staff about information that should be stored in the licensing system; ensure accessibility to licensing documents; ensure the new licensing system can capture all data necessary to monitor compliance and has adequate storage.</p> <p>Until a new system is procured, OPLC and the Boards establish alternative methods to monitor compliance with time limits.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>
7	51	Yes	<p>OPLC develop a process to identify applications posing higher licensing risk, seek Board input on applications when necessary, and establish a process for Boards to periodically review approved applications to ensure licensing standards are met.</p> <p>The Board of Psychologists and BMHP conduct a risk assessment to determine which applications may still warrant Board input by identifying licensing risk factors, the complexity of assessing compliance with licensing requirements, assigning a risk rating to each factor, and identifying factors that may not warrant Board input. After conducting a risk assessment, identify the types of applications that could require Board expertise during OPLC review.</p> <p>The Legislature consider removing negated statutory authority regarding approval of license applications in RSA 329:2, II and RSA 326-B:4, III.</p>	<p>BMHP: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
8	56	Yes	<p>OPLC develop a process to identify applications posing higher licensing risk, seek LADC Board input on applications when necessary, and establish a process for the LADC Board to periodically review approved applications to ensure licensing standards are met.</p> <p>The LADC Board conduct a risk assessment to determine which applications may still warrant Peer Review Committee and/or full Board input by identifying licensing risk factors, reviewing the complexity of assessing compliance with each licensing requirement, assigning a risk rating, and identifying factors posing a low enough risk to not warrant additional input. After conducting a risk assessment, identify the types of applications that could require LADC Board expertise during OPLC review.</p> <p>The Legislature consider removing negated statutory authority regarding approval of license applications in RSA 330-C:5, I.</p>	<p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
9	61	No	<p>All Boards and OPLC review rules and application forms to ensure alignment with State policy by determining criminal convictions that may have a substantial and direct relationship to each profession; ensuring only convictions for crimes with a substantial and direct relationship are used to disqualify applicants from licensure; and ensuring application and related forms are designed to collect only information to make licensing decisions.</p> <p>Board of Psychologists, BoM, and BMHP ensure review of past criminal histories only consider convictions.</p> <p>All Boards consider establishing the amount of time each type of criminal conviction, that is substantially and directly related to their profession, could affect licensing decisions in their rules. The Board of Nursing codify in its rules, its practice regarding the amount of time that passes when a criminal conviction will no longer require review by the full Board.</p> <p>The OPLC establish a process for the public to petition for review of whether their criminal history would disqualify them from licensing or certification; track data on petitions received, the petitions approved and denied, and type of criminal offense each board approved and denied; and report data on petitions annually.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
10	68	No	<p>The BMHP adopt rules to establish requirements for Licensed Social Worker, Licensed Social Work Associate, and School Social Worker licenses; waive supervised work experience for applicants licensed in another state for five years or more; and clearly establish the “Fast-track” application process.</p> <p>The LADC Board adopt rules establishing the Peer Review Committee’s duties in the licensing process.</p> <p>The Board of Psychologists adopt rules on requirements for School Psychologist-Doctoral and School Psychologist-Specialist licenses.</p> <p>OPLC, in consultation with Boards, adopt rules to facilitate licensing for military members and their spouses.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>
11	71	No	<p>The OPLC and all Boards determine if all documents must be received before the application is sent for review. If incomplete applications can be reviewed by the Board in some circumstances, develop a policy and ensure consistency for all applicants.</p> <p>All Boards ensure forms and other license guidance clearly and correctly state requirements, including the applicable fees.</p>	<p>BMHP: Concur</p> <p>BoM: Concur</p> <p>BoN: Concur</p> <p>Board of Psychologists: Concur</p> <p>LADC Board: Concur</p> <p>OPLC: Concur</p>

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
12	75	Yes	<p>The Board of Psychologists continue assessing if written essays should be required, evaluate if applicants can take the licensing exam sooner, and amend rules as necessary.</p> <p>The BMHP review if other examinations are comparable for individuals applying for a Licensed Clinical Mental Health Counselor and Marriage and Family Therapist license. If it determines other examinations are comparable, seek legislative amendment to allow more flexibility and amend rules accordingly.</p>	<p>BMHP: Concur</p> <p>Board of Psychologists: Concur</p>

STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING

NEW HAMPSHIRE’S MENTAL HEALTH PROFESSIONS

To become licensed as a mental health provider in New Hampshire, State laws and administrative rules established requirements including minimum education, hours of pre-license practice, and hours of supervision, in addition to requirements for passing an approved examination. Pre-license practice could be either paid or volunteer, and must be performed under the clinical supervision of a practitioner usually licensed in the same discipline. Five boards oversaw licensure and certification of mental health professionals in New Hampshire, the Boards of: Mental Health Practice (BMHP), Psychologists, Licensing for Alcohol and Other Drug Use Professionals (LADC Board), Medicine (BoM), and Nursing (BoN). The Boards provided specialized knowledge for regulating their respective professions and set standards for qualifications, education, pre-license practice, and supervision for those seeking licensure or certification. The following professions were licensed or certified in New Hampshire during State fiscal year (SFY) 2022:

- Licensed Clinical Mental Health Counselor (LCMHC) – Licensed by the BMHP, these professionals used traditional therapy with a problem-solving approach to create a path for change. Applicants must have at least a master’s degree in clinical mental health counseling or related discipline and completed 3,000 hours of pre-license practice, with 100 hours of supervision. LCMHCs practiced independently.
- Marriage And Family Therapist (MFT) – Licensed by the BMHP, these professionals examined a family’s pattern of behavior to develop a brief and solution-focused treatment plan with specific, attainable therapeutic goals. Applicants must have at least a master’s degree in marriage and family therapy; completed a minimum of 3,000 hours of pre-license practice, 1,000 hours of which must be working directly with clients; and completed at least 200 hours of supervision. MFTs practiced independently.
- Licensed Pastoral Psychotherapist (LPP) – Licensed by the BMHP, these professionals had religious or theological training and used spiritual resources and psychological principles to promote clients’ healing and growth. Applicants must have at least a doctoral degree in pastoral psychotherapy from a program focused primarily on psychology, pastoral psychotherapy, clinical studies, or equivalent. Applicants must also have completed 3,000 hours of pre-license practice, 1,375 of which must be in pastoral counseling, and at least 250 hours of supervision. They must also be authorized to exercise religious leadership, have served as a clergy person, and meet other requirements. LPPs practiced independently.
- Licensed Independent Clinical Social Worker (LICSW) – Licensed by the BMHP, these professionals focused on assessing, diagnosing, treating, and preventing mental illness and other behavioral disorders. Applicants must have at least a master's degree in social work, completed 3,000 hours of post-master’s pre-license practice, including 100 hours of supervision. LICSWs practiced independently.
- School Social Worker (SSW) – Prior to March 2020, SSWs were credentialed by the New Hampshire Education Department (NHED) but were not licensed. In March 2020, to be consistent with federal Medicaid changes, the Legislature required licensure for this profession and placed them under the BMHP’s purview. Applicants must have at least a master’s degree in social work and completed pre-license practice under an approved

supervisor. The 2020 amendment authorized SSWs already certified by the NHED to be automatically eligible for a license from the BMHP upon presentation of their credentials. SSWs practiced independently.

- Licensed Social Worker (LSW) – Licensed by the BMHP, this profession was created in October 2021. Applicants for licensure must have a bachelor's degree in social work, completed 4,000 hours of pre-license practice and 300 hours of supervision, and have passed a national examination. LSWs could perform clinical evaluations which must be further assessed and confirmed by another licensed professional, conduct treatment planning, and provide counseling. During the first two years of licensure, an LSW must practice under the supervision of another licensed mental health professional.
- Licensed Social Work Associate (LSWA) – Licensed by the BMHP, this profession was also created in October 2021. Applicants for licensure must have a bachelor's degree in clinical mental health, social work, psychology, behavioral health counseling, or human services discipline; completed 4,000 hours of pre-license practice; and have passed a national examination. Applicants with an associate degree could also apply for licensure but must complete 6,000 hours of pre-license practice. LSWAs could conduct screening, assessment, treatment planning, and treat mental health conditions, but must work under supervision.
- Psychologist – Licensed by the Board of Psychologists, these professionals studied cognitive, emotional, and social processes and behavior by observing and interpreting how individuals relate to one another and to their environments to treat disorders. Applicants must have a doctoral degree in a psychology program accredited by the American Psychological Association or one that meets specific requirements. Applicants must also have completed 3,000 hours of pre-license practice, 1,500 hours of which must be performed post-doctorate, including 50 hours of supervision. Psychologists practiced independently.
- Licensed School Psychologist-Doctoral – Prior to March 2020, school psychologists were credentialled by the NHED, but were not licensed. To align with federal Medicaid requirements, in March 2020, licensed school psychologists were placed under the purview of the Board of Psychologists. Applicants for licensure must obtain certification by the NHED before applying for a license. Licensed school psychologists-doctoral were prohibited from practicing in non-education related settings unless they also held another mental health license. Applicants must have a doctoral degree that includes a 1,200-hour supervised internship in a school setting and must also demonstrate specific skills, competencies, and knowledge to be NHED certified. Those already certified by the NHED were automatically eligible for licensure upon presentation of their credential and verification of their doctoral degree. Licensed school psychologists practiced independently.
- Licensed School Psychologist-Specialist – Like licensed school psychologists at the doctoral level, licensed school psychologists-specialists were added to the Board of Psychologists' purview in March 2020 and required to be licensed. Similarly, they were prohibited from practicing in non-education settings unless they held another mental health license. Applicants must have a master's degree that included a 1,200-hour supervised internship in a school setting, and must demonstrate specific skills, competencies, and

knowledge to be NHED certified. Those already certified by the NHED were automatically eligible for licensure upon presentation of their credential and verification of their master's degree.

- Master Licensed Alcohol and Drug Counselor (MLADC) – Licensed by the LADC Board, these professionals specialized in addiction prevention, intervention, treatment, and recovery. MLADCs screened, assessed, diagnosed, and treated persons with substance use disorders and other mental health illnesses co-occurring with the substance use disorder. MLADCs must have a master's degree, completed 300 hours of alcohol and drug education, and passed a national examination. MLADCs needed 3,000 hours of post-master's pre-license practice and 300 hours of supervision. MLADCs may practice independently only if they participate in clinical supervision or peer collaboration.
- Licensed Alcohol and Drug Counselor (LADC) – Licensed by the LADC Board, these professionals screen, assess, diagnose, and treat persons with substance use disorders. LADCs must practice under clinical supervision and could not treat co-occurring disorders. LADCs may have an associate or bachelor's degree, must complete 300 hours of alcohol and drug education, and pass a national licensing examination. Pre-license practice hours corresponded with the level of education, so those with a bachelor's degree needed 4,000 hours and those with an associate degree needed 6,000 hours. Both needed at least 300 hours of supervision.
- Certified Recovery Support Worker (CRSW) – Certified by the LADC Board, these professionals provided recovery support, mentoring, and education about substance use, community resources, medication, and co-occurring disorders. They conducted screening of persons with substance use and co-occurring disorders for referral and further diagnosis. Applicants must have a high school diploma or equivalent, completed 500 hours of pre-license practice with at least 25 hours of supervision, had 46 hours of drug education, and passed a national examination. CRSWs worked under the supervision of another licensed mental health provider.
- Psychiatrist – Licensed by the BoM, psychiatrists were physicians who held a specialty or board certification in psychiatry. Psychiatrists could order diagnostic laboratory tests, prescribe medications, provide psychotherapy, and provide care for psychiatric issues. To obtain a physician's license with a specialty in psychiatry, applicants must hold a medical degree or a degree in osteopathic medicine, and have completed at least two years of a psychiatry residency program. Applicants who completed a four-year residency program were eligible to take the American Board of Psychiatry and Neurology certification exam and could apply for a physician license and practice psychiatry, even without passing the exam. Those who passed the national exam were considered board-certified psychiatrists. While New Hampshire law did not require board-certification to practice psychiatry, approximately 80 percent of physicians licensed to practice psychiatry were board-certified at the end of SFY 2022.
- Psychiatric Mental Health Nurse Practitioners (PMHNP) – Licensed by the BoN, these professionals were advanced practice registered nurses (APRN) who held a national board certification to practice mental health nursing. Applicants seeking a New Hampshire APRN license must have a graduate degree in nursing, and those seeking national board certification must also have clinical training in psychotherapeutic treatment modalities.

PMHNPs could assess, diagnose and treat mental health illnesses, and prescribe medication, including scheduled drugs. APRNs were required to maintain an active Registered Nurse license. Unlike some states, PMHNPs in New Hampshire could manage their own caseloads and work independently without supervision from a licensed physician.

Table 1 shows the number of mental health professionals with a license or certification in State fiscal year (SFY) 2022.

Table 1

**Mental Health Professionals By License Type,
SFY 2022**

Type Of Mental Health Professional	New Licenses In SFY 2022	Total Licensed
Clinical Mental Health Counselor	153	1,264
Marriage And Family Therapist	21	172
Licensed Pastoral Psychotherapist	1	16
Licensed Independent Clinical Social Worker	248	1,600
Licensed School Social Worker	0	53
Psychologist	65	660
School Psychologist-Doctoral	3	36
School Psychologist-Specialist	2	285
Master Licensed Alcohol And Drug Counselor	34	399
Licensed Alcohol And Drug Counselor	18	153
Certified Recovery Support Worker	54	250
Psychiatrist	51	471
Psychiatric Mental Health Nurse Practitioner	114	455
Total	764	5,814

Source: LBA analysis of Office of Professional Licensing and Certification and Boards' data.

STATE OF NEW HAMPSHIRE
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LICENSE PORTABILITY

License portability has recently become an increasingly important topic for states considering national workforce shortages. Portability was generally defined as the ability of individuals qualified to practice in one state to transfer their qualifications to another. States have taken a closer look at licensing practices and reformed licensing processes to bolster their workforce by reducing burdens on professionals moving between states and for military personnel and their spouses. Portability reforms would allow professionals who were qualified in one state options to enhance portability and reduce the time it takes to become licensed in another state. These reforms included reciprocity agreements, endorsement laws, expedited licenses, and temporary licenses. States also looked to multi-state compacts to standardize requirements and approaches, while ensuring the safety and quality of services. Most people responding to our survey of individuals receiving their initial New Hampshire license during State fiscal year (SFY) 2022, stated portability was an important issue for them. Laws passed during the 2023 legislative session were intended to increase portability. They required licenses to be issued to applicants holding an active license in good standing from a state with licensing requirements that were substantially similar to those in New Hampshire.

- Reciprocity generally meant a state would consider an applicant’s previous license and qualifications when considering them for a similar license. Reciprocity was typically implemented through formal agreements between neighboring states where movement between states was more likely. Reciprocity agreements outlined a formal process and understanding of how participating states would recognize specific licenses, essentially reducing the time for licensed professionals to be granted a license in a participating state. Nationwide, states have utilized reciprocity agreements to reduce barriers for out-of-state applicants. New Hampshire laws required boards to identify states with which they had reciprocal agreements; however, none of the Boards we reviewed had developed reciprocal agreements for any of the professions under their purview.
- Licensure by endorsement allowed states to consider the qualifications of an applicant already licensed in another state with respect to their own requirements. Typically, endorsement processes allowed states to identify where other state’s requirements were substantially equivalent or higher than their own, reducing the amount of time it takes to obtain a license in a different state. State law required Boards establish criteria for licensure by endorsement and required them to identify states with equivalent or greater licensing requirements. However, Boards we reviewed did not have a process to do this. As a result, an applicant with an out-of-state license was reviewed on a case-by-case basis like all other applicants.
- Expedited and temporary licensure processes were implemented by most states to reduce the time to obtain a license in a different state. Expedited processes typically prioritized applicants already licensed in another state, while temporary licenses allowed them to continue practicing while awaiting a new license. While some Boards developed expedited licensure processes, we did not find these processes significantly reduced the time it took for applicants to get licensed. Additionally, Boards’ temporary license rules did not align with broader State policy, and processes were not well publicized.

- Four national compacts were developed for psychologists, licensed clinical mental health counselors (LCMHC), advanced practice registered nurses (APRN), and social workers. As of the end of the 2023 legislative session:
 - Psychology Interjurisdictional Compact (PSYPACT) – Thirty-five states and territories, including New Hampshire, participated in the PSYPACT, which oversaw telepsychology services across state lines and encouraged cooperation in licensure and regulation. Five additional states passed legislation to participate that will be effective within the next year.
 - Counseling Compact – Twenty-eight states, including New Hampshire, participated in the Counseling Compact, while an additional ten states introduced legislation to implement it. The Compact encompassed LCMHCs was intended to facilitate interstate practice, support uniform license requirements, and support active-duty military personnel and their spouses.
 - APRN Compact – The APRN Compact is not yet effective; however, three states enacted legislation with another seven states considering legislation. The Compact was intended to encourage cooperation in licensure and regulation, promote uniform license requirements, and decrease redundancies in issuing licenses. New Hampshire has not introduced legislation to implement the APRN Compact.
 - Social Work Compact – Language for the Social Work Compact was finalized in December 2022. The Compact was intended to facilitate interstate practice of social workers, reduce burdensome and duplicative licensing requirements, promote portability to address workforce shortages through mutual recognition of licenses, and support military families. As of July 2023, no states have enacted the Compact, but eight states, including New Hampshire, introduced legislation to implement the Compact. The bill did not pass the New Hampshire Legislature at the end of the 2023 legislative session.

Comparison Of States' Basic License Requirements

We reviewed license requirements for mental health professions in 15 other states and compared them to New Hampshire for psychologist, LCMHC, marriage and family therapist (MFT), licensed independent clinical social worker (LICSW), licensed social worker (LSW), master licensed alcohol and drug counselor (MLADC), licensed alcohol and drug counselor (LADC), certified recovery support worker (CRSW), psychiatrist, and psychiatric mental health nurse practitioner (PMHNP). Only four states recognized Licensed Pastoral Psychotherapists (LPP) as a separate licensed profession and, of the eight states that had a profession like New Hampshire's CRSW, requirements varied too widely, making comparisons difficult. A summary of requirements for each profession by state can be found in Appendix D. We could not find enough commonalities in the states we reviewed for licensed social work associates, school psychologists, and school social workers to warrant a sufficient analysis of comparability.

While we did not review every specific licensure requirement, we found New Hampshire's requirements were either less stringent or at the same level as most states for most professions when reviewed for minimum education, pre-license practice and supervision hours, and examination requirements. The requirements we reviewed were limited to these areas, and Boards

should still evaluate other requirements they deem important based on its impact on public safety when assessing equivalency. Data presented on comparisons to other states is used in this report for informational purposes only. This report does not assess whether requirements used by other states are the appropriate requirements to apply or the correct standard for New Hampshire.

Observation No. 1

Improve License Portability

Neither the Boards nor the Office of Professional Licensure and Certification (OPLC) had a comprehensive approach to license portability, resulting in sometimes lengthy processing for practitioners from other jurisdictions. State laws broadly required Boards to facilitate license portability and Boards should have incorporated approaches to increase portability into their licensing processes. License requirements could vary across jurisdictions; however, the Boards did not have processes to identify states with similar requirements as New Hampshire's.

We received completed surveys from 203 individuals who received an initial license in New Hampshire during SFY 2022. Ninety-six percent of those responding to our survey reported license portability was important or somewhat important to them. Processes implemented by Boards affected the ability of some individuals deemed competent in other jurisdictions to transfer their qualifications to New Hampshire quickly. In fact, 33 respondents commented the application process for those already licensed in another state should be improved. One hundred and three respondents reported holding a license in another state when they applied in New Hampshire, with 40 percent of those reporting having a license for five years or more. However, 38 percent of respondents reported having difficulty producing documents to satisfy some requirements, particularly transcripts and documents related to their supervised practice experience that may have taken place years ago. Our survey results can be found in Appendix C.

No Process To Identify States With “Equal” Or “Substantially Equivalent” Requirements

State law in effect during the audit period required Boards to publish information on their website to facilitate portability, including publishing a list of states whose requirements were “equal to, or greater than” New Hampshire. This information must clearly identify the terms and criteria under which an individual licensed in other states could obtain a license or certification in New Hampshire. Finally, it required Boards to list the states for which New Hampshire had entered into reciprocity agreements or multistate compacts. In addition to general State policy, laws governing the Board of Mental Health Practice (BMHP) and the Board of Licensing for Alcohol and Other Drug Use Professionals (LADC Board) required them to issue a license if the licensing requirements were “substantially equivalent” to or greater than those in New Hampshire, further reinforcing license portability for professions under those Boards. Effective at the end of August 2023, Chapter 111, Laws of 2023 required the OPLC to issue licenses to individuals licensed in good standing in another state if those “requirements are substantially similar to New Hampshire’s licensing requirements, as determined by the executive director in consultation with the boards....”

None of the Boards' websites contained this required information. Nor did Boards review, or have a process to review, other states' requirements to identify states with substantially equivalent,

equal, or greater licensing requirements. Board members and licensees we interviewed acknowledged education, pre-license practice hours, and examination requirements in New Hampshire generally aligned with requirements nationwide and with relevant national professional associations. However, Boards did not define “substantially equivalent,” or establish, for example, a tolerance level for how many hours pre-license practice or supervision time could vary to be considered substantially equivalent. The applicants these standards would apply to were already licensed and practicing in other states, in some cases for decades.

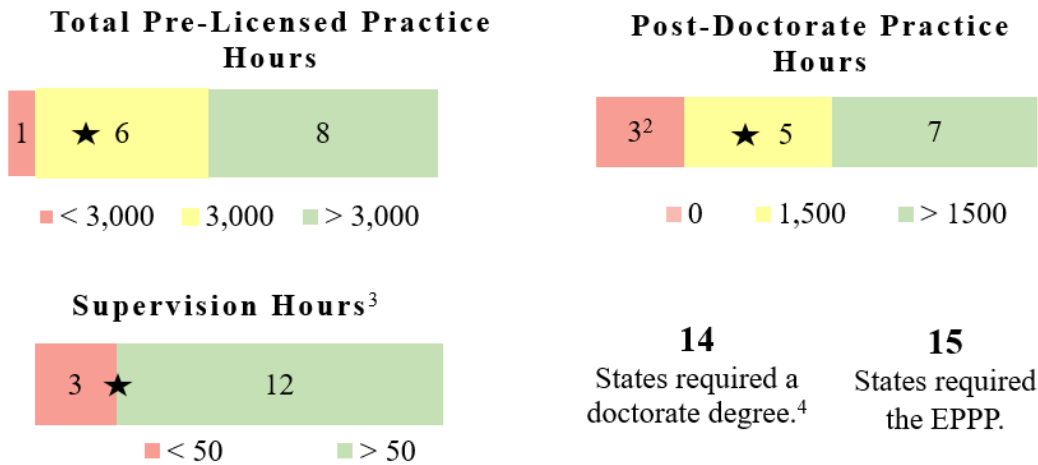
While we did not review every specific requirement, we found New Hampshire’s license requirements for the following mental health disciplines generally appeared comparable to the 15 states we reviewed for scope of practice, education, pre-license practice hours, and examination requirements. For example, requirements for psychiatrists and PMHNP were generally equivalent as all states required these applicants meet requirements for the base license (i.e., physician or doctors of osteopathic medicine for psychiatrists and APRN for PMHNP), and pass the examination of the national board that awarded these designations.

Psychologist

New Hampshire’s psychologist requirements generally aligned with American Psychological Association (APA) standards and as shown in Figure 1, requirements in the 15 states we reviewed. Fourteen of the states we reviewed required at least 3,000 hours of pre-license practice, with 12 states requiring at least 1,500 hours be performed post-doctorate. Two states which did not require post-doctoral practice, still required at least 3,000 hours of practice like New Hampshire, but allowed flexibility for these hours to be completed either during or post-doctorate. Allowing the flexibility to accept pre-license hours be performed while completing the doctoral degree could align New Hampshire with 14 other states’ requirements. Additionally, three states required two hours less supervision time than New Hampshire. If the Board established a threshold at a very conservative rate of 90 percent of New Hampshire’s requirements, all states could be considered “substantially equivalent” for supervision requirements.

Figure 1

Comparison Of Psychologist Requirements In Other States¹



Notes:

¹ Sections in red show number of states with lower requirements than New Hampshire, yellow show states with the same requirement, and green show states with more stringent requirements. New Hampshire is noted as a star to indicate where its requirements fall.

² All pre-license hours can be done during doctorate program in these states.

³ NH's supervision requirement was 50 hours which fell in between all other states.

⁴ One required a master's but also licensed at the doctoral level with the same exam, pre-license practice, and supervision requirements.

Source: LBA analysis of other states' requirements.

Clinical Mental Health Counselor

While no national association had established minimum standards for LCMHC licensing, the national Counseling Compact was finalized in December 2020. New Hampshire's education requirements aligned with the Compact's minimum requirements; however, the Compact had not yet established minimum pre-license practice and supervision requirements. As shown in Figure 2, New Hampshire's LCMHC requirements license generally aligned with requirements in the 15 states we reviewed.

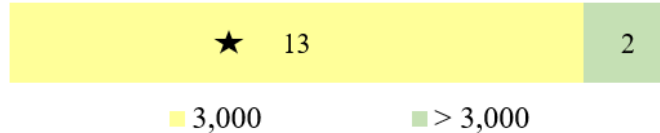
Two states required 75 hours of supervision, which was 25 hours less than New Hampshire. BMHP laws required it waive pre-license practice and supervision requirements if an applicant was licensed in another state for at least five years; therefore, these two states could be deemed substantially equivalent to New Hampshire for applicants licensed for five years or more. Additionally, as discussed in Observation No. 12, seven states which accepted the National Clinical Mental Health Counselor Examination also accepted the National Counselor Exam. If

New Hampshire allowed flexibility, especially for those already licensed in another state, it would be aligned with all states reviewed.

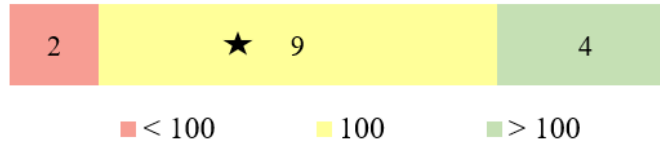
Figure 2

Comparison Of LCMHC Requirements In Other States¹

Pre-Licensed Practice Hours



Supervision Hours



15 States required a master's degree.
13 States accepted the NCMHCE.²
2 States required the NCE.

Notes:

¹ Sections in red show number of states with lower requirements than New Hampshire, yellow show states with the same requirement, and green show states with more stringent requirements. New Hampshire is noted as a star to indicate where its requirements fall.

² Seven of these states also accepted the NCE.

Source: LBA analysis of other states' requirements.

Marriage And Family Therapist

New Hampshire's MFT requirements aligned with the American Association of Marriage and Family Therapy's Clinical Fellow membership standards and as shown in Figure 3, generally aligned with requirements in the 15 states we reviewed.

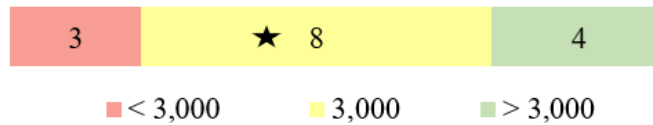
New Hampshire required at least 3,000 hours of pre-license practice, while three states required half that amount or less. The BMHP was required to waive supervision and pre-license practice requirements for those licensed in other states for five years or more, therefore these three states

could be deemed substantially equivalent to New Hampshire for those applicants. Additionally, six states required at least 50 percent of New Hampshire’s supervision standard. These states could be considered substantially equivalent for those licensed for five years or more, given the BMHP’s requirement to waive the requirement for these applicants.

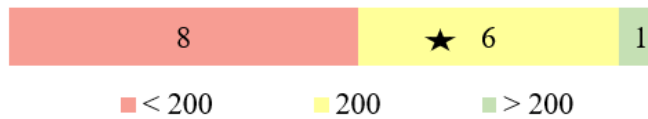
Figure 3

Comparison Of MFT Requirements In Other States¹

Pre-Licensed Practice Hours



Supervision Hours



15

States required a master’s degree.

15

States required the AMFTRB² exam.

Note:

¹ Sections in red show number of states with lower requirements than New Hampshire, yellow show states with the same requirement, and green show states with more stringent requirements. New Hampshire is noted as a star to indicate where its requirements fall.

² Association of Marriage and Family Therapy Regulatory Boards (AMFTRB).

Source: LBA analysis of other states’ requirements.

Licensed Independent Clinical Social Worker

Although the National Association of Social Workers did not establish the minimum number of hours for supervision time, New Hampshire’s LICSW standards aligned with its education and pre-license practice standards. Additionally, as shown in Figure 4, New Hampshire was generally aligned with requirements in the 15 states we reviewed.

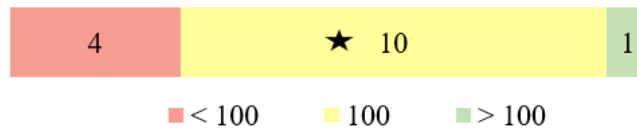
Figure 4

Comparison Of LICSW Requirements In Other States¹

Pre-Licensed Practice Hours



Supervision Hours



15
States required a
master's degree.

15
States required the
ASWB² Clinical exam.

Note:

¹ Sections in red show number of states with lower requirements than New Hampshire, yellow show states with the same requirement, and green show states with more stringent requirements. New Hampshire is noted as a star to indicate where its requirements fall.

² Association of Social Work Boards (ASWB).

Source: LBA analysis of other states' requirements.

Two states required four hours less supervision than New Hampshire and two states required 25 hours fewer. If the BMHP established a threshold at a very conservative rate of 90 percent of New Hampshire's requirements, two states could be considered "substantially equivalent" for supervision requirements for all applicants already licensed in that state. Additionally, the other two states could be considered substantially equivalent for those licensed for five years or more, given the BMHP's requirement to waive the supervised practice requirement for these applicants.

We found fewer similarities in the scope of practice for alcohol and drug counselors; however, some commonalities did exist.

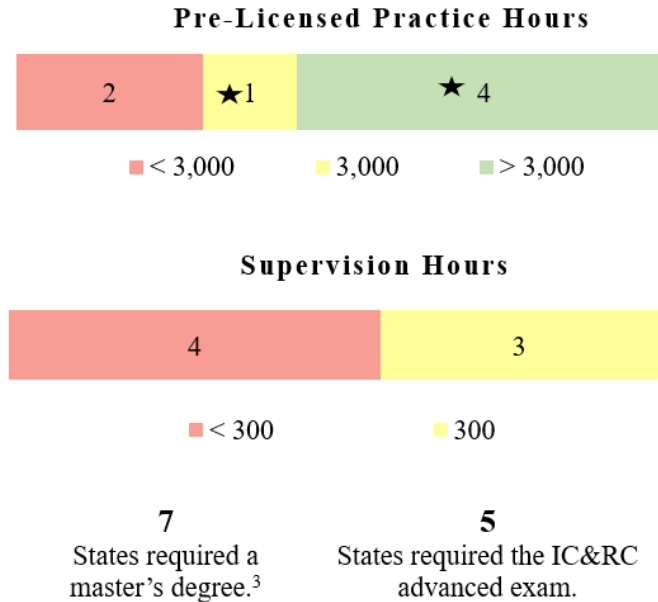
Master Licensed Alcohol And Drug Counselor

Some states did not allow MLADCs to treat mental health disorders co-occurring with a substance use disorder. We compared New Hampshire with the eight states we reviewed that appeared to allow MLADCs to treat co-occurring disorders. As shown in Figure 5, these eight states had some

similarities with New Hampshire. The number of alcohol and drug-related education required by states ranged from 180 hours to 270 hours, all of which were less stringent than New Hampshire. However, if the LADC Board applied a substantially equivalent threshold of 90 percent, three states would meet that threshold.

Figure 5

Comparison Of MLADC Requirements In Other States^{1,2}



Notes:

¹ Sections in red show number of states with lower requirements than New Hampshire, yellow show states with the same requirement, and green show states with more stringent requirements. New Hampshire is noted as a star to indicate where its requirements fall.

² Only eight states appeared to allow MLADCs to treat co-occurring disorders.

³ Only one state specified a 60-semester hour degree like New Hampshire.

Source: LBA analysis of other states' requirements.

Licensed Alcohol And Drug Counselor

Minimum education requirements for LADCs varied across the country, with ten states only requiring a high school diploma. Three states required a comparable minimum education level with New Hampshire, with all states requiring a bachelor's degree. Even though New Hampshire allowed a minimum education of an associate degree with differing pre-license and supervision

requirements, we compared New Hampshire's LADC requirements at the bachelor's degree level to these three states. Like New Hampshire:

- All three states required 4,000 hours of pre-license practice.
- Two states required applicants pass the IC&RC examination, and one state accepted it for those applying through reciprocity.
- One state required at least 300 hours of alcohol and drug related education, while two states required less. If the LADC Board applied a substantially equivalent threshold of 90 percent, one state would meet that threshold.

No Meaningful Distinction Between Endorsement And Other License Processes

No Boards entered into formal reciprocity agreements with other states and there was no evidence agreements were being considered or pursued. As a result, applicants licensed in others state were reviewed on a case-by-case basis. RSA 332-G:12 required Boards identify states which they had established criteria for licensure by endorsement and required they clearly identify and describe the terms and criteria for how individuals licensed elsewhere could obtain a license in New Hampshire. No Boards identified the states which they had established these criteria for, even though all Boards established rules for those already licensed in another state. In practice, there was no meaningful distinction between processes for initial licensure by examination or by endorsement for most Boards. While some Boards established expedited processes for applicants meeting specific requirements, as discussed in Observation No. 2, psychologist, LCMHC, LICSW, and MFT endorsement applicants were required to submit the same application forms and supplemental materials, and undergo a similar review process regardless of how they applied.

- Psychologist – Regardless of how long they had been licensed, unless the applicant held a credential from one of three national organizations, they were required to submit the same documents as those who had never been licensed before, including official graduate and undergraduate transcripts, and exam scores directly from the source of those documents. As discussed in Observation No. 7, all psychologist applications went through the same review process. All states required the same minimum score on the Examination for Professional Practice in Psychology and education through an APA-accredited program, or meet certain education requirements. The benefit of these documents was unclear if the applicant was licensed in a state with the same requirements.
- LCMHC, LICSW, and MFT – Individuals practicing in another state for less than five years were required to submit all the same materials as individuals who had never been licensed before, including both official graduate and undergraduate transcripts, and examination scores directly from the source. Those licensed for five years or more in another state could apply through the Fast Track process; however, we did not find this process significantly reduced the amount of documentation or processing time. While New Hampshire required graduate programs to be in a counseling related field, undergraduate degrees were not. Additionally, depending on the license sought, most states required applicants complete a master's degree in programs accredited by either the Council on Social Work Education, Council for Accreditation of Counseling and Related Educational Programs, or American Association for Marriage and Family Therapy, or show their program met the state's

education requirements. Undergraduate transcripts appeared unnecessary, and it is unclear why graduate transcripts were required for states with similar education requirements as New Hampshire.

- LADC, MLADC, and CRSW – The LADC Board was a member of the IC&RC, an organization which was intended to facilitate reciprocity. The IC&RC recognized New Hampshire’s LADC and MLADC credentials, which it also recognized for 39 and 32 other states, respectively. Applicants needed IC&RC approval for reciprocity. However, despite these arrangements, both MLADCs and LADCs applying for reciprocity were still required to provide official transcripts directly from their educational institution, and LADC applicants were required to provide evidence of supervision and pre-license practice. Additionally, while not effective during the audit period, the reciprocity-based process for CRSW applicants would require them to submit the same documents as those applying for an initial CRSW license. As discussed in Observation No. 8, all LADC and MLADC applications went through the same review process.

Recommendations:

- 1. We recommend OPLC, in consultation with all Boards, establish a process to identify states which have equivalent, substantially equivalent, or greater licensing requirements and publish a list of these states as required by law. In establishing a process, Boards should:**
 - (1.1) identify licensing requirements for comparison to other states;**
 - (1.2) determine how much risk each requirement imposes when considering applications from individuals already licensed in another state;**
 - (1.3) consider establishing a threshold for how much a requirement could deviate from New Hampshire’s standard and still be considered substantially equivalent; and**
 - (1.4) establish a process for periodically reviewing other states’ requirements and updating the list.**
- 2. We also recommend Boards address licensure by endorsement requirements and processes to ensure there is a meaningful distinction from licensure by examination, and that it facilitates faster State licensure for individuals already licensed in other jurisdictions. In addressing this, we recommend:**
 - (2.1) the Board of Psychologists and BMHP review documentation required to be submitted by applicants already licensed in another state and determine whether all supplemental documents are necessary for all states; and**
 - (2.2) the LADC Board determine whether other national processes could fulfill some documentation requirements.**

BMHP Response:

Recommendation 1.1: The board concurs with this recommendation and will need to establish a process with OPLC to gather data on licensing requirements in other states in order to determine

states with equal, substantially equivalent, or high standards for comparison purposes. This process is already underway with the passing of HB 594.

Recommendation 1.2: The board concurs with this recommendation and will work to establish a process with OPLC to gather data on risk factors and how to identify them in order to have this information available when licensure applications are submitted. Steps will be determined in the next 6 - 12 months.

Recommendation 1.3: The board concurs with this recommendation and will work to establish a process with OPLC to use the data gathered on licensing requirements in other states (Recommendation 1.1) to determine deviancy thresholds for substantial equivalency. Steps will be determined in the next 6 – 12 months.

Recommendation 1.4: The board concurs with this recommendation and will need to establish a process with OPLC to review requirements in other states for comparison purposes periodically. Steps will be determined in the next 6 - 12 months.

Recommendation 2.1: The board concurs with this recommendation and will work with OPLC to review documents required for licensure to determine whether all current documents are required. Steps will be determined in the next 6 - 12 months.

Board Of Medicine (BoM) Response:

Recommendations 1.1 through 1.4: The Board concurs. The OPLC is in the process of developing a list of States that have substantially similar licensing requirements.

Board Of Nursing (BoN) Response:

Recommendations 1.1 through 1.3: We concur, OPLC is in the process of developing a list of States that have substantially similar licensing requirements.

Recommendation 1.4: We concur, OPLC will partner with the Board of Nursing to develop a process for publishing a list and periodic review.

Board Of Psychologists Response:

Recommendations 1.1, 1.2, 1.3, 1.4, 2.1, 2.2: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan. The Board of Psychologists will establish a process to identify States with equal, equivalent, or high standards and publish such list and (1) Identify how much risk each licensing requirement poses, (2) Establish thresholds for how much each requirement can deviate from NH and still be considered substantially equivalent, and (3) Establish a process to review other states requirements.

The Board of Psychologists will review whether all supplemental documents should be required for licensure by endorsement and/or high credentialled applications.

Timeline: Over the next twenty-four months.

LADC Board Response:

Recommendation 1.1: We concur with the recommendation. Of note, the NH Alcohol and Drug Abuse Counselors Association (NHADACA), conducted a comparative analysis 6 years ago. The Executive Director listed the licensing credential for the New England states, New York, New Jersey, and Pennsylvania. The LADC Board Chair, is in possession of this document.

Plan: OPLC staff (or some other entity) will implement the above observation, providing the LADC Board and Peer Review committee with a complete list by 12/31/2025.

Recommendation 1.2: We concur with the recommendation.

Plan: The LADC Board will implement the above observation and complete it by 12/31/2025.

Recommendation 1.3: We concur with the recommendation. Plan: The LADC Board will implement the above observation and complete it by 12/31/2025.

Recommendation 1.4: We concur with the recommendation.

Plan: OPLC staff will implement the above observation, conducting a review every 6 months effective 1/1/25, providing Peer Review and the Board with any updates.

Recommendation 2.2: We concur with the recommendation.

Plan: The LADC Board will conduct a comparative analysis of national processes, in particular ICRC, to determine if they are in line with NH processes by 12/31/25.

OPLC Response:

OPLC concurs with the recommendations. OPLC is currently working to implement HB 594 (2023), with concurrence of the boards. OPLC presented interim rules to JLCAR (Plc 313), which were approved on September 21, 2023. OPLC is working to adopt and implement these rules. OPLC will update its website accordingly to reflect the states from which licensees may seek endorsement.

Observation No. 2

Improve Expedited Licensure Processes

State policy broadly required licensure portability, while some Boards' laws further required they establish expedited licensure processes. Boards' expedited licensure processes should have integrated approaches to enhance portability. However, some applicants were required to provide

most of the same supplemental materials regardless of how they applied. From the small samples we analyzed, we did not find indications individuals already licensed in other states applying through the BMHP “Fast Track” or through the Board of Psychologists “high credentials” expedited licensing processes were issued a license significantly sooner than those applying for a license for the first time.

Both the BMHP and the Board of Psychologists were required by law to establish an expedited process for applicants who held a license in another state. The BMHP established the “Fast Track” process for applicants who held a similar license in another state for five years or more. The BMHP did not have adequate rules establishing this process though. The Board of Psychologists had a “high credentialled” process for applicants who held a license in another state and held a professional qualification credential in psychology. Although it was not required to by law, the LADC Board’s rules described a “reciprocity-based” process for LADCs, MLADCs, and CRSWs. However, some of these processes did not reduce the amount of documentation an applicant must submit, and only the LADC Board’s reciprocity process appeared to significantly reduce the amount of time to obtain a license.

Effective at the end of August 2023, Chapter 111, Laws of 2023 required the *OPLC* to issue reciprocal licenses to individuals licensed in good standing in another state if that state’s requirements were substantially similar to those in New Hampshire. However, it is unclear whether some applications could still require Board input, as comprehensive rules regarding this process have not been developed.

No Significant Reduction In Documents Applicants Needed To Submit

Despite an expedited process, BMHP applicants were required to submit almost the same amount of documentation as those applying for a license for the first time. LADC, MLADC, and Psychologist processes reduced some documentation requirements; however, applicants still needed to produce some documentation directly from the source. In addition to applying, verifying their out-of-state license, completing a criminal background check, and paying the license fee, individuals who applied through expedited licensure processes had to submit additional documentation.

Thirty-three newly licensed applicants in our survey commented the process for those already licensed in another state should be improved. Of the 103 respondents who were licensed in another state when they applied for a license in New Hampshire, 39 reported they had difficulty producing some documentation to satisfy New Hampshire’s requirements, including supervision documents and educational transcripts.

BMHP Fast Track Process

Individuals applying for a LICSW, LCMHC, MFT, or LPP license through the BMHP’s Fast Track process needed to provide: a photo, official undergraduate and graduate transcripts directly from the educational institution, verification the graduate program was accredited, examination scores sent directly from the testing institution, a resume, and three professional references. The three

professional references, both the graduate and undergraduate transcripts, and examination scores all needed to be signed and sealed before being submitted to the Board.

The Fast Track process did not appear to significantly reduce the documents needed to accompany an application. An individual applying for a license for the first time needed to submit all of these same documents, plus pre-license practice and supervision documents. Additionally, the benefit of individuals submitting some documents is unclear. For example, except for some specific courses, education requirements for LICSW, LCMHC, and MFTs were generally similar, with all states we reviewed requiring a master's degree. Requiring both graduate and undergraduate transcripts appeared unnecessary given the similarities in education requirements among states. Additionally, some documents would have already been verified by other states when the applicant was first licensed, appearing to make documents such as official examination scores unnecessary.

LADC Board “Reciprocity-based” Process

The LADC Board, along with 47 other states' boards, was a member of the IC&RC, a goal of which was to facilitate reciprocity. The IC&RC offered licensees who held eligible certifications the ability to “transfer their credentials between jurisdictions” and sought to ease the process of moving “their credential or license from one jurisdiction to another through its reciprocity process.” The IC&RC recognized New Hampshire's LADC and MLADC credentials, which it also recognized for 39 and 32 other states, respectively. To transfer their credentials, applicants needed to obtain reciprocity approval sent directly from the IC&RC. Despite this, both reciprocity-based MLADC and LADC applicants were required to provide official transcripts directly from their educational institution, and LADC applicants were also required to provide evidence of supervision and pre-license practice.

While not in effect during the audit period, the reciprocity-based process for CRSW applicants went into effect in March 2023. Reciprocity-based applicants were required to provide: exam scores sent directly from the testing institution, a high school diploma or official college transcripts directly from the educational institution, supervision and pre-license practice documents, and documentation of training. Applicants for an initial CRSW license had to provide all the same documents.

Psychologist High Credentialed Process

Psychologists holding a credential accepted by the Board were required to submit a photo, resume, and evidence of their professional credential sent directly from the credentialing institution. This reduced the documentation requirements for high credentialed applicants. By comparison, psychologists applying for a license for the first time were also required to submit a resume, answers to the essay questions, as well as supervision documents, exam scores sent directly from the testing institution, confirmation of courses taken during their graduate program, official transcripts directly from the educational institution, an internship confirmation, and three professional references.

Some Expedited Licenses Were Not Issued Significantly Faster

Expedited licensure processes should have facilitated portability and reduced the amount of time it took for an individual to obtain a license. As discussed in Observation No. 6, dates necessary to accurately calculate timeliness were not always available. Where appropriate, we used the dates associated with documents that reasonably appeared to correspond with dates of events needed to calculate timeliness. Consequently, we qualify our use of, and conclusions that rest upon, the incomplete records we obtained. Additionally, our samples of applications were not picked randomly and our sample for some license types were small; therefore, our findings may not be representative of the entire population.

While the LADC Board's reciprocity-based process appeared to reduce the time to get licensed by almost half, our sample only included two individuals applying through reciprocity, making it difficult to determine whether the process always saved time. We did not find a significant reduction in the time it took to issue a BMHP license to individuals who applied through the Fast Track process and it appeared to take *longer*, on average, for those who applied through the Board of Psychologists' high credentialed process.

- BMHP Fast Track Applicants – We reviewed 19 Fast Track applicants who had, on average, 16 years of experience. On average, it took these applicants 57 days to get a license from the date they applied to the date it was approved. In comparison, the 30 individuals who did not go through the expedited process were approved for a license, on average, in 60 days, saving Fast Track applicants, on average only three days.
- Psychologist High Credentialed Applicants – We reviewed ten high credentialed applicants who had, on average, 21 years of experience. On average, it took these applicants 86 days to get a license from the date they applied to the date it was approved. In comparison, the ten individuals who did not apply through the high credentialed process were approved for a license, on average in 74 days, making the expedited process longer.

Some of the time delay was attributed to OPLC waiting for the applicant or third party to submit documentation (i.e., the educational institution to submit certified transcripts, other states to verify a previous license, criminal background check results to be transmitted, etc.). However, in some cases, the volume of documents needing to accompany an expedited license application may have contributed to the length of time needed for an individual to complete the application. Additionally, as discussed in Observations No. 7 and No. 8, the BMHP's standing order did not allow OPLC staff to approve any Fast Track applications and the Board of Psychologists and LADC Board required all applications to be reviewed and approved by the Board, regardless of the licensing risk. Eliminating the need for a Board member to approve expedited applications under certain circumstances could reduce the time to be licensed, on average, by an additional three weeks for BMHP applicants, and almost one month for psychologist applicants.

Recommendations:

- 1. We recommend the BMHP, LADC Board, and Board of Psychologists review their expedited licensure processes and consider whether the supplemental documents which are currently required are necessary and whether the processes are having the desired**

effect on reducing the time it takes individuals already licensed in another state to be issued a license in New Hampshire.

2. We recommend the BMHP, LADC Board, and Board of Psychologists conduct a risk assessment to determine whether some risk factors could still require Board input when reviewing expedited applications.
3. We recommend the OPLC develop a process to identify expedited applications which may pose higher licensing risk, seek Board input when necessary, and work with the Boards to establish a process for periodic Board review of approved expedited applications to ensure licensing standards are met.

BMHP Response:

Recommendations 1 and 2: The Board concurs with the recommendation and will work to develop a more expedited process for licensure review in the state of New Hampshire. The Board will consider the number and type of documents required of each application, keeping in mind the significance and relevance to each licensure field. This review will be completed thru a risk-based approach in which the Board identifies those mandatory documents required to substantiate the applicant's readiness for licensure. In other words, "what absolutes must be in place for licensure so that NH consumers are safe, (not at risk) in regard to mental health services?"

LADC Board Response:

Recommendation 1: We concur with the recommendation.

Plan: The LADC Board, in consultation with the Peer Review Committee, will review the current expedited licensing process by reviewing whether some documents are necessary and make recommendations by 12/31/25.

Recommendation 2. We concur with the recommendation.

Plan: The LADC Board will conduct an assessment to determine whether a risk-based approach to approving expedited licenses can be implemented and make recommendations by 12/31/25.

Board Of Psychologists Response:

Recommendations 1 and 2: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: The Board of Psychologists has already begun to take action on this recommendation and many applications are now reviewed administratively as opposed to coming for full board review. Rulemaking has begun to remove unnecessary information and reduce supporting documents required from applicants. The Board of Psychologists will continue to work on improving processes to expedite review of applications.

Timeline: Over the next eighteen months.

OPLC Response:

OPLC concurs with the recommendations. OPLC is working to establish a written framework (matrix) establishing a process to identify applications that may pose a higher licensing risk and require board input. The OPLC has already established such matrix for the Board of Medicine, using the Board's input to do so, and will be using that matrix as a model for other professions. Given resource constraints and the fact that boards do not always meet regularly, OPLC anticipates this activity being completed for all professions in calendar year 2024.

Observation No. 3

Review Temporary Licensure Laws And Practices

Boards' laws and rules pertaining to temporarily practicing in New Hampshire did not align with OPLC's law, potentially creating confusion for applicants. OPLC's laws in effect during the audit period regarding temporary licensure, which have been effective since July 2020, superseded all other provisions of State law. However, Boards' laws and rules regarding temporarily practicing in New Hampshire imposed additional requirements on applicants or established different time limits for how long applicants could practice under a temporary license. Also, the temporary licensure process was not well publicized and directions for applying for a temporary license were not added to the Boards' websites until the beginning of calendar year 2023, over two years after the OPLC law went into effect.

Boards' Temporary License Laws And Rules Did Not Align With OPLC's Law

Boards' laws and rules regarding applicants temporarily practicing in New Hampshire while their full license was pending did not align with OPLC's law. RSA 310:6, V authorized the OPLC to issue a temporary license to mental health providers who held a license in good standing from another state. Temporary licenses were valid for 120 days or until the application for licensure was acted on, whichever happened first. However, we found Boards' laws and rules did not align with OPLC's law, which could confuse applicants.

- Board of Psychologists – Law allowed the Board to issue a temporary license to applicants who held a license in another state, provided that the licensure requirements in that state were equivalent to or greater than those in New Hampshire. Both law and rules allowed temporary licenses to be issued for a maximum of 90 days. Board of Psychologists law imposed additional requirements on the applicant by requiring evidence they meet requirements to sit for the national exam and they hold a current national credential. Rules further required applicants provide the Board with proof of malpractice insurance and a certification letter from each New Hampshire facility at which the applicant intended to work and a statement of their intended scope of work.
- BoM – Law only allowed temporary licenses to be issued under certain circumstances, including if the Board needed to resolve issues regarding an applicant's professional qualifications. Rules allowed temporary licenses to be valid for six months, or approximately 180 days.

- **BMHP** – Both law and rules allowed applicants who held a license in another state to temporarily practice while their application was pending. Law required applicants to be licensed under requirements which were substantially equivalent or higher than those in New Hampshire. However, neither BMHP laws nor rules established whether an applicant would need to apply for a temporary license. Additionally, even though rules filed in December 2022 would align Board rules to its laws and allow applicants to temporarily practice for 30 days, they were still not aligned with OPLC’s laws.
- **LADC Board** – Law allowed individuals who held a license in another state to practice for 60 days while their application was pending, provided that the applicant was licensed under requirements which were substantially equivalent or more stringent than those in New Hampshire. However, it did not outline whether an applicant would need to apply for a temporary license to continue to practice. LADC Board rules did not address temporary licensure.
- **BoN** – Law allowed individuals who held a registered nurse or practical nurse license in another state to be issued a temporary license to practice for up to 120 days while their application was pending. However, this appeared to exclude APRNs from being eligible for a temporary license while their application was pending.

While the BMHP, LADC Board, and Board of Psychologists laws required individuals hold a license in a state with substantially equivalent licensing requirements before being issued a temporary license, RSA 310:6, V did not. This could potentially pose a risk that an individual who may not meet New Hampshire licensing requirements could be allowed to practice temporarily under RSA 310:6, V for almost four months. OPLC rules did require applicants provide verification that the licensure requirements were substantially equivalent or more stringent; however, this did not appear allowable under RSA 310:6, V.

The Temporary Licensure Process Was Not Well Publicized

Although OPLC had the authority to issue temporary licenses beginning in July 2020, the process was not well publicized and directions for applying for a temporary license were not added to the Boards’ websites until the beginning of CY 2023. Temporary licenses could enable some applicants to start treating clients sooner. However, applicants could not take advantage of this provision if they did not know temporary licenses existed or could not locate the necessary information to apply for one. These licenses may have been underutilized during the audit period.

Of the 100 applications we reviewed, 46 applicants appeared to have held an active license in good standing in another state at the time they applied for a New Hampshire license. However, we did not find any instances where these applicants appeared to have applied for and were issued a temporary license. These applicants waited an average of 34 days from the time their application was complete to the time the Board or OPLC approved their licenses. Although we did not find that these applicants were issued temporary licenses, this was a small sample size compared to the number of applications OPLC and the Boards process; therefore, our findings may not be representative of the entire population.

The OPLC's website contained instructions for individuals to apply for a temporary license. The instructions outlined who was eligible, the duration of the license, how to apply, and the eligible health professionals who could apply. During the audit period, this information could only be found on the OPLC's website, and in its rules. However, this information may have been missed by eligible applicants because it was not posted directly to the Boards' websites. Specifically, one respondent to our survey stated they could not find the temporary licensure procedures when they checked their board's website.

Recommendations:

- 1. We suggest the Legislature consider clarifying RSA 310:6, V on whether applicants should be required to hold a license in a state with substantially equivalent licensing requirements before a temporary license can be issued.**
- 2. We suggest the Legislature consider removing negated statutory time limits and exclusions found in the following Boards' temporary licensure laws given that the more recent statute allows the OPLC to issue temporary licenses for up to 120 days for all boards and commissions under its purview.**
 - (2.1) RSA 330-A:26, II allowing an individual holding an active license in another state to continue practicing for up to 30 days while their application is pending with the BMHP.**
 - (2.2) RSA 330-C:21, I-a allowing an individual holding an active license in another state to continue practicing for up to 60 days while their application is pending with the LADC Board.**
 - (2.3) RSA 329-B:20, III allowing psychologists holding an active license in another state to practice under a temporary license for 90 days.**
 - (2.4) RSA 326-B:24, II which excludes APRNs from temporary licensure while their application was pending.**
- 3. If the Legislature decides changes are warranted, we recommend the BMHP, Board of Psychologists, and BoM align their rules accordingly.**
 - (3.1) Mhp 302.04(g), allowing an out-of-state applicant to temporarily practice for 30 days while their license was pending.**
 - (3.2) Psyc 303.04(c), allowing a psychologist applicant to practice under a temporary license for 90 days.**
 - (3.3) Med 301.03(c), allowing a temporary license to be valid for six months, or approximately 180 days.**

BMHP Response:

Recommendations 1 and 2: The Board concurs and recognizes and supports RSA 310-A:1-f, now 310:6, V, regarding temporary licensure of applicants who hold an active license in good standing in another state. To streamline this process, it will be important to identify which states have

substantially equivalent licensure requirements to that of New Hampshire. The Board acknowledges the ongoing positive movement towards licensing compacts and benefits from the work already completed in regard to these shared state standards. The Board understands that the scope of work required to research and compare the licensing criteria in other state jurisdictions for each of the five credentials that this board regulates will involve countless hours of work. This is beyond what can be expected from the board members. The board proposes to provide input and guidance to staff or outside institutions, such as state universities, if they were to take on this project. Improvement in the licensing process time will help ensure the Board of Mental Health Practice's mission to assure services provided by mental health professionals are effective and safeguard the consumer against harm that may be caused by unqualified, impaired or unlicensed practitioners. The BMHP's responsibility is to be vigilant to the New Hampshire state mental health standards.

Recommendation 3: The Board concurs and agrees that both RSA 330-A:26, II and Mhp 302.04(g) must be aligned with the OPLC law RSA 310-A:1-f, now RSA 310:6, V, which allows for those licensed in another state to obtain a temporary license in New Hampshire for up to a period of 120 days, or until the Board overseeing the profession, acts on the application for licensure. The Board, on its website, will include new language stressing applicants must present qualifying documents similar to NH State requirements. It is also noted that the Board will make sure specific and clear information on how to apply for a temporary license is posted on the website. These directions should include who is eligible, the duration of the license, how to apply, and the eligible health professionals who should apply.

BoM Response:

Recommendation 3.3: The Board concurs. RSA 310:6, V. obligates the Executive Director of the Office of Professional Licensure and Certification to adopt rules for temporary licenses to out of state health care professionals who present evidence of an active license in good standing from another jurisdiction. RSA 310:6, V, effective July 1, 2023, conflicts with Med 301.03(c). The Board agrees that Med 301.03(c) should be stricken from their rules without amendment as the Board no longer has rulemaking authority relative to temporary licenses to out of state health care professionals.

BoN Response:

Recommendations 1 and 2: We concur, HB 409 from legislation 2023 is responsive to this.

Board Of Psychologists Response:

Recommendation 3.2: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: Psychologists will be allowed to practice under a temporary license for ninety (90) days.

Timeline: Immediate.

LADC Board Response:

Recommendations 1 & 2: We concur with the recommendation.

Plan: The LADC Board recommends the legislature review RSA 310:6, V.

OPLC Response:

OPLC concurs with the recommendations. OPLC is pursuing statutory changes this year to address conflicts in the law, including conflicts created by HB 655 and HB 409 last session. OPLC will work with legislators to incorporate the recommendations of this audit into legislation this session. To the extent updates to board rules are required, OPLC will work with the boards to provide necessary rulemaking support to revise existing rules.

Processes For Military Personnel And Spouses

Reducing licensure barriers for military personnel and their spouses has become an increased area of focus for states. In 2022, twenty-two states introduced legislation to reduce barriers for this population. At least 35 states required licensing boards to expedite review of military spouse license applications. Although military spouses represented a small portion of the American population, they were significantly more mobile compared to their counterparts with no military affiliation. While State laws required boards to facilitate licensing for military personnel and their spouses, Boards did not establish these processes.

Observation No. 4

Develop Rules For Military-related Applications

State law required Boards facilitate licensing for current members of the military and military spouses, and adopt rules for these processes. However, none of the Boards have adopted rules related to these processes.

Since August 2014, upon presentation of satisfactory evidence, Boards were required to accept military education, training, or service toward licensing or credentialing qualifications and adopt rules to facilitate this process. Since September 2020, the BoN was also required to adopt rules “to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse.” No Boards have identified the types of military education, training, or service that would qualify towards licensing requirements, nor has the BoN adopted rules to facilitate veterans seeking licensure.

Boards were required to adopt rules and establish processes to facilitate portability for military spouses. Since 2014, Boards were required to facilitate licensure for military spouses who were already licensed in another state, including developing a process if requirements in that state were substantially equivalent. Boards have not adopted required rules, established what constituted satisfactory evidence, established how “substantially equivalent” was to be determined, or

otherwise structured this process. Additionally, as discussed in Observation No. 1, Boards have not identified the states that may have substantially equivalent licensing requirements.

The OPLC created an optional form to denote military affiliation; however, the form was only found on the Board of Psychologists and LADC Board websites. Additionally, neither the Boards nor OPLC monitored eligible military-related applications, nor could these applicants be identified in the licensing database. We were able to identify three military-related applicants in our review of 100 judgmentally selected application files.

Since August 2022, RSA 310:16 required OPLC to issue a temporary license for up to 180 days to members of the armed forces or their spouses who hold a license in good standing from another state within 14 days of having received the results of a criminal background check. These temporary licenses could be extended for an additional 180 days, allowing individuals to practice for approximately one year under a temporary license. OPLC rules effective May 2023 outlined a process for military-affiliated applicants to obtain a temporary license, including a specific application form denoting the applicant is military-related and required documents. Neither RSA 310:16 nor rules required military members or their spouses hold a license in a state with substantially equivalent or higher licensing requirements before being issued a temporary license. This could pose a potential risk that an individual who may not meet New Hampshire licensing requirements could be allowed to practice temporarily for up to one year. However, RSA 332-G:14, which was in effect since 2019 and applicable to all State boards and commissions, prohibited issuance of a temporary license to an applicant unless they held a license in a state whose requirements were “comparable to New Hampshire’s in education, training, experience, or scope of practice....” It is unclear which law took precedence.

Recommendations:

1. We recommend:

- (1.1) all Boards adopt rules defining military education, training, or service that may qualify towards licensure requirements for all professions under their purview;**
- (1.2) the OPLC, in consultation with Boards, establish processes in rule, policies, and procedures to facilitate licensure for military spouses already licensed in another state, including identifying states that may have substantially equivalent licensing requirements;**
- (1.3) the OPLC, in consultation with Boards, adopt rules, policies, and procedures for how military-related applications will be processed; and**
- (1.4) the OPLC develop a process through rule, policies, and procedures to track military-related applications.**

2. We recommend the Legislature consider whether military members or their spouses should be required to hold a license in a state with substantially equivalent licensing requirements before a temporary license can be issued.

BMHP Response:

Recommendation 1.1: The Board concurs with this recommendation and will establish a process with OPLC to gather data on what military education, training and or service may qualify towards licensure requirements for mental health professions. Steps will be determined in the next 12 months in identifying this data.

Recommendation 1.2: The Board concurs with this recommendation and will need to establish a process with OPLC to establish rules, policies, and procedures to facilitate licensure for military spouses already licensed in another state. This process includes identifying the states that may have substantially equivalent licensing requirements within the next 6-12 months. When these states have been identified the goal is to have this information available and accessible to OPLC and the Board Members for use in establishing rules, policies, and procedures to facilitate licensure for military spouses.

Recommendation 1.3: The Board concurs with this recommendation and in conjunction with OPLC will adopt rules, policies and procedures for how military-related applications will be processed.

BoM Response:

Recommendation 1.1: The Board concurs.

Recommendations 1.2 and 1.3: The Board concurs. The Board will work with the OPLC to complete these rules, policies, and procedures. Further, RSA 310:16 sets forth the Office of Professional Licensure and Certification's obligations to issue temporary licenses to Military Service Members and their Spouses.

BoN Response:

Recommendations 1.1 through 1.3: We concur, the Board will partner with OPLC to establish rules that would adhere to this.

Board Of Psychologists Response:

Recommendations 1.1, 1.2, 1.3: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: The Board of Psychologists will work with OPLC to develop rules, processes, and procedures for reviewing military-related applications. The Board of Psychologists does not believe that requirements for licensure should be altered for military applicants, but rather recommends an expedited review process.

Timeline: Over the next twelve months with support from OPLC for administrative review.

LADC Board Response:

Recommendation 1.1: We concur with the recommendation.

Plan: The LADC board will review qualifications unique to military personnel that may meet the requirements for certification or licensure; and if appropriate, adopt rules by 12/31/26.

Recommendation 1.2: We concur with this recommendation. This concern will be addressed in Observation 2.

Plan: Follow recommendations outlined in Observation 2.

Recommendation 1.3: We concur with the recommendation.

Plan: OPLC will develop the rules, policies, and procedures for the processing of military-related applications by 12/31/26.

Recommendation 1.4: We concur with the recommendation.

Plan: OPLC will develop the process to track military-related applications by 12/31/24.

Recommendation 2: We concur with the recommendation.

Plan: The LADC Board recommends military members, AND their spouses should be required to hold a license in a state with substantially equivalent licensing requirements before a temporary license can be issued.

OPLC Response:

OPLC concurs with the recommendation. See OPLC's response to Observation #1 above. OPLC recently adopted new licensure rules applicable to all professions, establishing a universal licensure application that gathers information applicable to all professions. See Plc 300 et seq. (May 1, 2023). These rules establish procedures to facilitate portability for military servicemembers and their spouses. Due to additional statutory changes this past session, OPLC is revising its Plc 300s to incorporate necessary legislative changes. Upon completion of the rulemaking process, OPLC will work to establish policies to implement these statutes and rules to ensure compliance with State law and consistency in processing military-related applications.

OPLC is working to establish the ability to track military related applications. OPLC is currently challenged by an older licensing portal with extremely limited functionality. OPLC's current licensing portal is an enterprise (statewide solution) procured and managed by the Department of Information Technology (DOIT). OPLC worked with DOIT in 2023 to seek ARPA funding and contract for a new solution; the contract was approved by Governor and Council in early 2023. OPLC is currently working with the vendor and DOIT to migrate to the new system. The project is projected to be completed in calendar year 2025. Upon migration to the new solution, OPLC will have ability to track applications for military servicemembers and their spouses and provide

important data and management reports to the boards. OPLC will certainly adopt policies and procedures to implement this solution.

STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING

INITIAL APPLICATION PROCESSING

Boards were required to complete certain application processing activities within specific time limits. RSA 541-A:29 established general time limits for all agencies to act on applications unless they conflicted with those in other provisions of law, in which case the time limits established in those other laws were effective. Laws governing the Boards of Medicine (BoM), Psychologists, Nursing (BoN), and Licensing for Alcohol and Other Drug Use Professionals (LADC Board) did not include specific time limits; therefore, these default time limits were effective. Under RSA 541-A:29, I, these Boards were required to notify an individual of any apparent errors or omissions, and request additional information within 30 days of receiving an application. RSA 541-A:29, II required Boards to approve or deny an application within 60 days of receipt, or if they requested additional information, within 60 days of receiving the response. The *Mental Health Practice Act* governing the Board of Mental Health Practice (BMHP) established its own time limits, which allowed it 15 days to request additional information and 30 days to approve or deny an application.

Overall, we found Boards generally processed most initial applications within the time limits established in statute. The Office of Professional Licensure and Certification (OPLC) sent information requests within the time limits established in statute for over 90 percent of applications, and almost 85 percent were processed within time limits. However, we found some Boards' rules were not aligned with laws governing timely application processing, and despite changes to applicable laws in January 2019, some Boards' rules were not amended timely. Additionally, despite requirements to complete certain activities within specific time limits, the OPLC and Boards did not have adequate data to determine whether applications met time limits and we found some applications exceeded the time limits.

Observation No. 5

Ensure Board Rules For Acting On Applications Align With State Laws

The BoM, LADC Board, and BMHP rules for time limits to act on applications were not aligned either with State policy or their enabling legislation during the audit period. The LADC Board and BMHP have started rulemaking to rectify this; however, the BoM has not. The BMHP also had less time to act on applications than the other Boards that license mental health practitioners.

Some Rules Were Not Aligned With State Laws During The Audit Period

The BoM, BMHP, and LADC Board's rules were not aligned with pertinent application processing laws during the audit period.

Time Limits To Notify Applicants Of Missing Information

By law, Boards had 30 days to notify an applicant of any apparent errors or omissions and request additional information within 30 days of receiving an application. However, the BoM and LADC Board rules allowed them 60 days to notify applicants and request additional information. The LADC Board's new rules, effective March 13, 2023, aligned this time limit with State law; however, BoM rules were still not aligned as of the end of June 2023.

Laws required the BMHP to request additional information from individuals applying for a license within 15 days. However, rules regarding license applications required the Board request additional information within 60 days of receipt of the application. BMHP rules also established time limits for requesting information from an individual applying for approval of a supervision agreement. The time limit established in the RSA 330-A:15-a only appeared to apply to license applications. Therefore, the 30-day time limit established in RSA 541-A:29 applied to this process. However, rules allowed the BMHP 60 days to request additional information from individuals seeking approval for a supervision agreement. BMHP rules filed on December 2, 2022, would seek to align Board rules with the applicable State laws. However, these rules were not effective as of the end of June 2023.

Time Limits To Act On Applications

The Boards were required to approve or deny an application within 60 days of receipt or upon receiving a response to a request for additional information. However, the LADC Board rules allowed them 120 days. Updated LADC Board rules effective March 13, 2023, aligned time limits in rules with State law.

Laws required the BMHP to approve or deny a license application within 30 days; however, rules allow it 120 days. BMHP rules also established time limits to approve or deny applications for supervision agreements. The time limit established in the RSA 330-A:15-a only appeared to apply to license applications. Therefore, the 60-day time limit established in RSA 541-A:29 applied to this process. However, rule allowed it 120 days to approve or deny a supervision agreement application. BMHP rules filed in December 2022 would align time limits established in both sections with the applicable State law. However, these rules were not yet effective as of the beginning of the end of June 2023.

Rulemaking Was Not Started According To State Law

Boards' rules were not amended in the time limits required by State law. According to RSA 541-A:17, II the Boards were required to start rulemaking within 90 days to amend their rules if a change in the statute rendered rules no longer accurate. While rules were not changed, the Boards followed the new statutory time limits and were meeting them for a majority of the applications we reviewed.

RSA 541-A:29 was amended effective January 2019 and reduced the number of days Boards had to request additional information from 60 to 30 days and to approve or deny applications from 120 days to 60 days. Based on these amendments, the BoM and LADC Board should have started rulemaking in April 2019 to align their rules with the 30-day and 60-day requirements. The LADC Board started rulemaking in February 2022; however, the BoM has not started rulemaking. The BMHP should have also begun rulemaking in April 2019 to align its rules regarding applications for supervision agreements with these time limits; however, rulemaking was not started until December 2022.

RSA 330-A:15-a, establishing the 15-day and 30-day time limits for the BMHP, was effective September 2019. Therefore, the Board should have started rulemaking in December 2019. However, rulemaking was not started until December 2022.

Other Boards Had Twice As Much Time To Process Applications Than The BMHP

All other Boards overseeing mental health professionals had twice as much time to act on applications as the BMHP. The BMHP was required to request additional information from the applicant within 15 days of receiving the application, while the other Boards had 30 days. Additionally, the BMHP had to approve or deny the application within 30 days, while other Boards had 60 days.

The OPLC was created to promote efficiency in administrative and clerical operations including licensing and is responsible for ensuring time limits are met. While we found the BMHP was meeting its shorter time limits most of the time, having OPLC track different time limits associated with different board applications may not be efficient.

Recommendations:

- 1. We recommend the BoM align its rules for requesting additional information on applications with the 30-day time limit established in State law.**
- 2. We recommend all Boards, in conjunction with OPLC, establish a method for identifying when amendments to statutes governing the Boards render their rules no longer accurate and ensure the Boards start rulemaking in accordance with State law.**
- 3. We also recommend the BMHP and OPLC assess whether having different time limits than other Boards to act on applications could be inefficient for OPLC staff to track. If the Board and OPLC determine different time limits are not needed, the Board should seek to amend its laws to align the time limits with the other Boards. If statutory changes are made, the Board should then ensure its rules for processing license applications and applications for supervisory agreements are aligned with statute.**

BMHP Response:

Recommendation 2: The Board concurs with this recommendation and will need to establish a process along with OPLC to identify when amendments render rules no longer accurate. This is important to identify because of the need to update rules so that both the public and professionals are aware of changes.

Recommendation 3: The Board concurs with this recommendation since it would be a standardization with the time limits across all the boards. There would need to be an administrator in OPLC to help align all the time limits.

BoM Response:

Recommendation 1: The Board concurs. Med 301.02(c) conflicts with RSA 541-A:29, I. The Board agrees that Med. 310.02(c) should be stricken from their rules without amendment.

Recommendation 2: The Board concurs. The Board will work in conjunction with the OPLC to ensure the rulemaking process is undertaken timely in accordance with State law.

BoN Response:

Recommendation 2: We concur, the Board will work in conjunction with OPLC to ensure the rulemaking process is in accordance with State law.

Board Of Psychologists Response:

Recommendation 2: Response: The Board of Psychologists agrees with this goal in its entirety.

Action Plan:

- *The Board of Psychologists has already taken measures to ensure awareness of amendments to statues governing this board and to conduct rulemaking in accordance with state law and will continue to do so.*
- *Each meeting the Board of Psychologists, in conjunction with legal representation, will review any amendments to Statues governing the Board and will take appropriate action on rules no longer accurate including swift rulemaking in accordance with state law.*
- *This process will be documented in meeting minutes.*

Timeline: Immediate.

LADC Board Response:

Recommendation 2: We concur with the recommendation.

Plan: OPLC will establish a method for the above recommendation by 6/30/24.

OPLC Response:

OPLC concurs with the recommendations. Currently, OPLC tracks all legislation it identifies could have an impact on a board. As LSRs and bill language are released, OPLC requests that boards review the LSRs and bill language and notify OPLC of any additional bills that must be tracked, which have not been identified by OPLC. OPLC follows the bill and advises board administrators (and boards) weekly of changes, through reports. OPLC's expectation is that boards are reviewing legislation and understand how such legislation may impact board operations. Board counsel is available to every board and actively engages the board on legislative changes as requested.

OPLC is currently developing a comprehensive procedure to rulemaking to ensure the agency is prioritizing requests that are responsive to legislative changes as well as emergent matters. OPLC

recently established a policy setting forth the rulemaking process for the agency and is exploring technical solutions to enable it to better track deadlines and manage requests.

OPLC agrees that conflicts in the law should be addressed and is seeking legislation this year to remedy conflicts. See OPLC's Response to Observation No. 4 above.

Observation No. 6

Measure Timeliness Of Application Processing

OPLC's licensing system, My License Office (MLO), did not adequately capture some data necessary for the Boards and OPLC to determine whether applications met processing time limits established in State laws. Some application documents were not stored in MLO but instead were contained in other OPLC systems, making it difficult to determine when some events in the licensing process occurred. OPLC also lacked a data retention policy. We found some applications appeared to have missed time limits and should have been deemed approved during the audit period. OPLC plans to upgrade the licensing system to ensure only applications containing all required documents can be submitted to OPLC.

MLO Did Not Capture Some Data Elements Needed To Determine Compliance With Processing Time Limits

State laws required the Boards to perform certain license activities within established time limits: 1) notifying the applicant of any omissions or errors in their application and requesting additional information, and 2) approving or denying the application, in whole or in part. MLO did not capture the dates of certain licensing activities which were necessary to determine whether applications met these time limits. Additionally, OPLC did not have an alternative method to track the timeliness of processing applications.

To calculate compliance with statutorily established time limits, Boards and OPLC needed the dates of when: the application was received, OPLC informed the individual of missing documentation, the individual provided this additional information, and the Board initially acted on the application. However, MLO did not capture dates associated with some of these key events. While MLO captured the date the OPLC received the application and the date the license was approved, it did not capture the dates:

- OPLC notified individuals of items missing from their application or requested additional information;
- individuals provided the requested documentation; or
- the Board first acted on the application.

Date Of Initial Review Was Not Captured In MLO

For applications that were conditionally denied, MLO did not capture the date the Board first acted on the application. State laws required Boards act on applications (i.e., approving or denying an application "in whole or in part") within specific time limits. Boards sometimes partially or

“conditionally” denied an application, requiring the individual to remedy issues it identified. However, the application may have been approved at a subsequent Board meeting.

The BMHP also needed the date of initial action to determine compliance with another provision of its statute. According to RSA 330-A:15-a, I(b), any completed application received at least ten days before a regularly scheduled meeting was required to be reviewed at that next meeting.

Some Application Information Was Not Stored In MLO

All information needed to determine how timely an application was processed was not easily accessible. MLO was intended as the repository for license information and application documents. However, it did not contain all application forms, associated documents, or correspondence between OPLC and the applicant informing them of items missing from their application. Instead, some of this information was contained on other OPLC systems. According to OPLC staff, MLO had limited capacity to store documents and the OPLC did not have a retention schedule or policies for what should be stored in MLO or other systems.

We reviewed 100 applications from the five Boards that licensed mental health practitioners. The application forms and associated documents for 65 files (65 percent) we selected for review were initially missing from MLO. OPLC staff were eventually able to locate the application forms and some documents for all 65 files; however, some files were still incomplete. For example, in some cases, we found evidence that OPLC staff may have requested additional information from the applicant; however, the correspondence was not in the file and could not be located. In other instances, there was not enough information for us to determine if something had been requested or when the request was made. Additionally, records in MLO inconsistently documented when the results of the required criminal background checks were returned. While OPLC was further able to locate missing correspondence for most of the files we reviewed, correspondence for four files were not found.

Applications Which Exceeded Time Limits Should Have Been Approved

Without data fields in MLO to capture these data, Boards and OPLC would have had to calculate and track compliance with statutory time limits manually, on a case-by-case basis. According to State laws, the Board of Psychologists, BOM, BoN, and LADC Board had 30 days to notify an individual of any omissions or errors in their application or to request additional information, and 60 days to approve or deny a complete application. The Mental Health Practice Act, governing the professions under the BMHP, required these actions within 15 days and 30 days, respectively.

Despite data limitations, in some instances we were able to identify documents in the application files with date-stamps that reasonably appeared to correspond with dates of the key events we described above. Where appropriate, we used these dates to calculate timeliness. However, we could not find these corresponding dates for all applications. Consequently, we qualify our use of, and conclusions that rest upon, the incomplete records we obtained. Additionally, our samples of applications were not picked randomly; therefore, our findings do not estimate how many applications were processed timely during the audit period.

Based on the 100 files we reviewed, it appeared the Boards generally processed applications timely. Of the applications we could calculate timeliness for, in the aggregate, the Boards notified the individual of missing information within the time limits in 91 percent of the applications we reviewed and acted on applications within time limits 84 percent of the time. Consequently, the other applications appeared to exceed the time limits established in statute during the audit period.

During the audit period, if Boards exceeded any of the time limits, State law required the application be “deemed approved,” posing a risk that some applicants who may not have met requirements could have been licensed. The law was amended in July 2022 to require the application meet requirements before it can be deemed approved, reducing the risk of licensing unqualified applicants. The BoM appeared to have acted on all initial license applications within the time limits. However, during the audit period, we found:

- LADC Board – One of the five applicants (20 percent) we reviewed was not notified of missing information timely, and three of the 18 applications (17 percent) were not acted upon timely.
- BMHP – Two of the 41 applicants (five percent) we reviewed were not notified of missing information timely, and seven of the 45 applications (16 percent) were not acted upon timely.
- BoN – One of the seven applicants (14 percent) we reviewed were not notified of missing information timely, and one out of 13 applications (eight percent) were not acted upon timely.
- Board of Psychologists – Two of the 13 applications (15 percent) we reviewed were not acted upon timely.

Recommendations:

1. We recommend OPLC work with all Boards to:

- (1.1) identify all data elements (e.g., dates) needed to determine compliance with statutory time limits;**
- (1.2) establish a process for the Boards to review how timely applications are processed to ensure compliance with statutory time limits; and**
- (1.3) ensure all application records are complete by identifying the documents that should be retained in each application file and ensuring those documents are accessible.**

2. We also recommend the OPLC:

- (2.1) establish clear guidance and retention schedules to instruct OPLC staff on what information should be stored in the licensing system; and**
- (2.2) ensure applications and associated documents, including correspondence with applicants, are retained in MLO and other systems to ensure they are accessible.**

- 3. In pursuing a new licensing system, we recommend the OPLC ensure it can capture all data necessary to monitor compliance with State time limits and has adequate storage capacity to retain application and license information consistent with its retention schedule. Until a new system is procured, OPLC and the Boards should establish alternative methods to collect and monitor compliance with statutory time limits.**

BMHP Response:

Recommendation 1.1: The Board concurs with the recommendation of identifying data elements with the assistance of OPLC. Currently this process is done by administrative reporting in monthly meetings and submitting reports to the board.

Recommendation 1.2: The Board concurs with this recommendation. The Board along with OPLC will work to create a process (perhaps to include quarterly reports) that will help monitor as well as assure that applications are processed timely.

Recommendation 1.3: The Board concurs with this recommendation. Currently OPLC ensures all documentation is retained and can easily access the information when the Board needs it. However, the Board would like to have OPLC develop an electronic system that could easily identify files and important data elements in order to expedite getting information and creating reports.

Recommendation 3: The Board concurs with the recommendation and will work with OPLC in establishing alternative methods to collect data. This is an important recommendation since it is related to statutory limits that impact processing of applications.

BoM Response:

Recommendations 1.1 and 1.2: The Board concurs. The Board will work with the OPLC to ensure compliance with statutory time limits.

Recommendation 1.3: The Board concurs. The Board will work with the OPLC to ensure compliance.

Recommendation 2: The Board concurs. The Board will work with the OPLC to ensure compliance.

BoN Response:

Recommendations 1.1 and 1.2: We concur, the Board will partner with OPLC to ensure we meet the statutory time limits.

Recommendations 1.3 and 3: We concur, the Board will partner with OPLC to ensure compliance.

Board Of Psychologists Response:

Recommendations 1.1, 1.2, and 1.3: The Board of Psychologists agrees with this recommendation in its entirety.

Action Plan: The board will work collaboratively with OPLC to measure the timeliness of the application process to understand the duration of time it takes to make recommendations for licensure and to improve efficiencies in the application review processes.

Timeline: Over the next twelve months.

LADC Board Response:

Recommendation 1.1: We concur with the recommendation.

Plan: OPLC to determine data elements by 12/31/24.

Recommendation 1.2: We concur with the recommendation.

Plan: OPLC to review how timely applications are processed to ensure compliance with statutory time limits by 12/31/24.

Recommendation 1.3: We concur with the recommendation.

Plan: The Board will identify the documents that should be retained in each application file and ensure those documents are accessible by 06/30/25.

Recommendation 3: We concur with the recommendation.

Plan: Until OPLC procures a new licensing system, OPLC and the Board will establish an alternative method to collect and monitor compliance with statutory time limits by 12/31/24.

OPLC Response:

OPLC concurs with the recommendations. OPLC agrees that “OPLC’s licensing system, My License Office (MLO), did not adequately capture some data necessary for the Boards and OPLC to determine whether applications met processing time limits established in State laws.” MLO also does not contain reporting capabilities necessary to ensure sufficient internal controls are established.

Of note, MLO is an enterprise solution that is not controlled by OPLC. MLO was procured by DOIT and is used by multiple state agencies. OPLC worked with DOIT in early 2023 to seek ARPA funding and procure a new solution; DOIT’s contract for an upgraded system was approved by Governor and Council in early 2023. OPLC has a data retention policy but has not yet been able to implement this policy due to functionality issues with MLO. Once OPLC migrates to a new platform, OPLC will take necessary steps to implement its data retention policy.

Recommendation #3 suggests OPLC, “in pursuing a new licensing system . . . ensure it can capture data necessary to monitor compliance with State time limits and has adequate capacity to retain application and license information consistent with its retention schedule.” As noted, OPLC does not control procurement of a new solution, nor can it manage compliance by the vendor with the contract.

In addition to pursuing a new solution, OPLC is currently working to establish internal controls throughout the agency, which necessarily includes ensuring it is monitoring necessary timeframes. OPLC has included establishing internal controls as part of its current strategic plan and anticipates these efforts will continue through FY 2025.

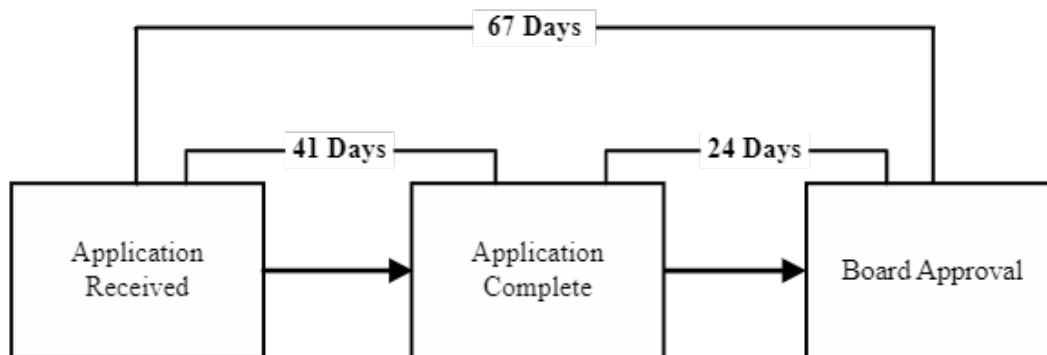
Total Application Processing Time

Even though Boards were mostly compliant with the phases of application processing specified by statutory time limits, the activities outside these phases could be lengthy. On average, it took the 100 applicants we reviewed an average of 67 days to be approved for a license once the OPLC received their application. Total processing time by Board ranged from 59 days to 81 days. We found over one month of that time (41 days on average) was spent waiting for all application documents, including results of criminal records checks, exam scores, and verifications of previous licenses from other states, to be transmitted to the OPLC. However, once all documents were received and the application was complete, applicants waited on average 24 days for their application to be approved. Our samples of applications were not picked randomly; therefore, our findings do not estimate how many applications were processed timely during the audit period. Figure 6 shows the average number of days to complete specific phases of the application process.

Most Boards did not have a tiered approach to approving license applications. While some Boards allowed some applications to be approved by OPLC staff, others required all applications be reviewed by the full Board at a monthly meeting before the license could be issued. A tiered approach could help reduce the amount of time applicants waited for Board approval once all application documents were received.

Figure 6

Average Days For Specific Phases Of Initial Licensing Process



Source: LBA analysis of a sample of initial license applications.

Observation No. 7

Assess Whether More Licenses Can Be Issued Without Full Board Review

During the audit period, Boards used varying approaches regarding who can issue a license. While some Boards authorized OPLC staff to issue licenses on their behalf, some required full Board review for all applications regardless of their licensing risk. Determining risk factors and allowing a tiered approval approach could have allowed applicants posing a lower risk to be licensed sooner, while allowing the Boards to concentrate on applicants that may require more scrutiny. Boards' statutes during the audit period differed on whether every application must be acted upon by a full Board.

Psychologist Applications Posing Low Risk May Not Need Full Board Review

The Board of Psychologists has not conducted an assessment to determine whether some applications could receive different levels of review based on the potential risk applicants pose. As a result, all applications were initially checked by OPLC staff to ensure all required documents were present, then sent to the Board for review and approval regardless of their licensing risk. Some applications could pose lower risk and may not warrant additional levels of review.

- **Applicants Holding An Active License In Another State** – Eight applicants we reviewed held an active license in another state, with the majority holding an active license in a New England state. On average, these applicants were licensed for nine years, ranging from less than one year to 26 years. None appeared to have had any disciplinary action against their prior licenses and none had a criminal history. After their application was complete, these applicants waited, on average, two months for their license to be issued. Our sample of Board of Psychologist applications was relatively small and results may not be representative of the entire population.

Since September 2019, New Hampshire has been a member of the Psychology Interjurisdictional Compact (PSYPACT), which allowed the practice of tele-psychology across state lines and encouraged interstate cooperation in licensure and regulation. Additionally, as discussed in Observation No. 1, New Hampshire's license requirements were generally aligned with those established by the American Psychological Association and are similar to requirements in the 15 states we reviewed. However, the Board of Psychologists has not identified the states that may have similar or more stringent licensing requirements. Identifying states whose licensing requirements may be substantially similar or greater than New Hampshire could help it assess the risk posed by applicants who already hold a license in those states, especially those with no disciplinary action or criminal history to determine whether they could be approved without Board review.

- **Applicants Holding National Credentials** – Applicants holding credentials from national psychological associations were considered by the Board as having “high credentials.” Generally, these standards were as stringent or more stringent than New Hampshire's licensing requirements and applicants holding these credentials did not need to provide as much documentation as first-time licensees. During the audit period, the Board reviewed 42 high credentialled applicants. Meeting minutes showed the Board acknowledged an

increase in high credentialed applicants during the audit period. However, despite their high credentialed status, these applicants went through the same licensing process as individuals applying for a license for the first time.

Our review of ten psychologists with “high credentials” found that applicants practiced in other states for, on average, 21 years before applying for licensure in New Hampshire. None of the applicants’ files contained evidence of any criminal history and, of the eight files which contained verifications of their license from other states, none had any history of disciplinary action against their license. Despite their high credential status, on average, it took these ten applicants almost three months to become licensed from the time their application was filed to the time their license was effective. While almost two months of that time was spent waiting for verification of their high credentialed status, once all documents were received, these ten applicants still waited on average almost one month for the Board to review and approve their application.

- Applicants With Criminal Convictions – As we discussed in Observation No. 9, the Board of Psychologists has not identified which criminal convictions may be substantially or directly related to the profession or how long the conviction would impact licensing decisions. Identifying the types of convictions that may not require Board review may allow for a quicker approval process.

BMHP Applications OPLC Staff Are Authorized To Approve Could Be Expanded

The BMHP had a tiered approval process, although the types of applications it authorized OPLC staff to approve could potentially be expanded. In May 2021, the BMHP issued a standing order allowing its Board Administrator to approve Licensed Clinical Mental Health Counselor (LCMHC) and Licensed Independent Clinical Social Worker (LICSW) applications if the applicant had a supervision agreement approved by the BMHP and met all licensing requirements. The standing order prohibited transferring this authority to anyone other than the specific Board Administrator named in the document. The BMHP also allowed applicants licensed in another state for at least five years to be approved by a single BMHP member without full Board review. Licenses approved by the Board Administrator or a single Board member were immediately issued and were ratified by the Board at its next meeting.

The standing order excluded all applicants seeking a Marriage and Family Therapist (MFT) license, applicants with any criminal conviction, and those already licensed in another state. However, the BMHP has not conducted an assessment to determine whether some of these applications could receive different levels of review based on the potential risk applicants pose.

- Applicants Already Licensed In Another State – Twenty-nine of the 49 applicants we reviewed (59 percent) held licenses in another state before applying in New Hampshire, the majority of whom held a license in a New England state. These applicants were licensed on average 11 years, ranging from under one year to almost 31 years. None appeared to have had any disciplinary action against their prior licenses and only one of these applicants had a criminal conviction which occurred 16 years before applying for a license in New Hampshire. Our sample of BMHP applications was relatively small and results may not be representative of the entire population.

In June 2022, New Hampshire became a member of the Mental Health Counseling Compact which was intended to standardize licensing requirements for LCMHCs nationwide and enhance license portability. However, individuals applying from other states, including Compact states, still could not be approved by the Board Administrator. Additionally, model legislation for the Social Work Compact was recently developed and, as of July 2023, eight states had introduced legislation to implement it. Even though OPLC staff contributed to creation of the Compact and the model legislation, at the end of the 2023 legislative session, the bill introduced to adopt the Compact in New Hampshire did not pass.

Both LCMHCs and LICSWs could use the Fast Track process, which allowed a single Board member to review and approve applications for individuals licensed in another state for at least five years without the need for full BMHP review. However, we found this process only saved, on average, three days in the sample of applications we reviewed.

As discussed in Observation No. 1, New Hampshire's license requirements for LCMHC, LICSW, and MFT were generally similar to requirements in most of the states we reviewed. However, the BMHP has not identified the states that may have similar or more stringent licensing requirements. Identifying states whose licensing requirements may be substantially similar or greater than New Hampshire could help it assess the risk posed by applicants who already hold a license in those states, especially those with no disciplinary action or criminal history to determine whether they could be approved without a member of the Board reviewing the application.

- **Applicants With Criminal Convictions** – The BMHP's standing order required Board review of applicants who had a conviction for any misdemeanor or felony. However, as discussed in Observation No. 9, the BMHP has not identified which criminal convictions may be substantially or directly related to its profession. Of the 49 applicants we reviewed, only three appeared to have had a criminal history.

Boards' Laws Vary Regarding Authority To Issue Licenses

Beginning in January 2022, State law allowed all Boards to issue standing orders delegating non-discretionary tasks to OPLC staff. In 2021, the Council on Licensure, Enforcement, and Regulation conducted an analysis of licensing practices for five NH license categories. As one method to expedite licensing while also allowing Boards to focus on applicants whose circumstances may require further investigation, the report recommended using standing orders outlining clear guidance on which applications can be approved without being sent to the Board.

Some Boards implemented a tiered approach to licensing by issuing standing orders delegating OPLC staff authority to approve licenses in certain circumstances. Additionally, the BoM had a process to periodically review whether applications approved by OPLC staff met Board expectations; however, neither the BMHP nor the BoN had a process. According to staff, the OPLC is working on developing a process for all boards under its purview.

The BMHP's approach is discussed above. In 2021, the BoM issued a standing order allowing OPLC staff to approve a license before a Board meeting if the applicant "demonstrated successful completion of requirements" established in rules. The Board ratified all licenses approved by

OPLC staff at its next monthly meeting after they were effective. To “prevent the delay of processing...once the licensee has provided evidence of meeting all requirements,” the BoN allowed OPLC staff to issue licenses. While not incorporated into its January 2020 standing order, subsequent BoN guidance developed for its staff and Board members stated it would review all applicants who were convicted of a misdemeanor within the past three years, and applicants with any felony convictions. This essentially allowed OPLC staff to issue a license to applicants who had misdemeanor convictions older than three years, as long as they showed evidence they met all licensing requirements. Applications approved by OPLC staff were not ratified by the BoN.

During the audit period, it was unclear whether all Boards’ laws categorized license approval as discretionary tasks.

- BoM – As part of its duties, RSA 329:2, II, (a) required it to “[e]valuate persons who apply for the authority to practice medicine in NH and license those who are found qualified....” [emphasis added] This appeared to place licensing decisions within the exclusive purview of the BoM, which appears inconsistent with the standing order it issued in 2021.
- BoN – As part of its powers and duties, RSA 326-B:4, III states it “may... [e]xamine, license, and renew the licenses of duly qualified individuals.” [emphasis added] This appeared to make licensing decisions a discretionary duty which could potentially be delegated to OPLC.
- The BMHP’s responsibilities established in RSA 330-A:10 did not require it to review or evaluate applications or issue a license. This appeared to make licensing decisions a discretionary duty, which could potentially be delegated to OPLC.
- The Board of Psychologists’ responsibilities established in RSA 329-B:10 did not require it to review or evaluate applications, or issue a license. This appeared to make licensing decisions a discretionary duty, which could potentially be delegated to OPLC.

New laws effective July 2023 made the OPLC Executive Director responsible for the “examination, processing and approval or denial of an application for licensure, certification, or registration...based on set objective standards developed by the boards” in their rules. This appeared to transfer the authority to approve licenses from the Boards to the OPLC. However, it is unclear whether some applications could still receive board review, as no rules have been adopted for this process.

Recommendations:

1. We recommend the OPLC:

- (1.1) develop a process to identify applications which may pose higher licensing risk and seek Board input when necessary; and**
- (1.2) work with the Board of Psychologists, BoN, and the BMHP to establish a process for periodic Board review of approved applications to ensure licensing standards are being met.**

2. We recommend the Board of Psychologists conduct a risk assessment to determine which applications may still warrant Board input. In assessing risk, the Board should consider the following:
 - (2.1) identifying factors that may pose a licensing risk. In identifying these factors, the Board of Psychologists could consider, for example, whether applicants: have a criminal conviction that substantially or directly relates to the profession, hold an active license in a state with substantially similar licensing requirements, hold a high credential, or are from a PSYPACT state;
 - (2.2) identifying the complexity of assessing compliance with each licensing requirement and assigning a rating to each risk factor; and
 - (2.3) identifying factors that pose a low enough risk to not warrant Board input.
3. After conducting a risk assessment, we recommend the Board of Psychologists identify the risk factors which could require Board expertise to advise OPLC when reviewing applications.
4. We recommend the BMHP conduct a risk assessment to determine whether some applications may still warrant Board input. In assessing this, it should consider the following:
 - (4.1) identifying factors that may pose a licensing risk. In identifying these factors, the BMHP could consider, for example, whether applicants: have a criminal conviction that substantially or directly relates to the profession, hold an active license in a state with substantially similar licensing requirements, or are from a Compact state;
 - (4.2) identifying the complexity of assessing compliance with each licensing requirement and assigning a rating to each risk factor;
 - (4.3) identifying factors that pose a low enough risk to not warrant Board input; and
 - (4.4) after conducting a risk assessment, we recommend the BMHP identify the risk factors which could require Board expertise to advise OPLC when reviewing applications.
5. We suggest the Legislature consider removing negated statutory authority found in the following Boards' laws given that the more recent statute requires the OPLC Executive Director to approve or deny license applications:
 - (5.1) RSA 329:2, II requiring the BoM to evaluate applicants and license those found to be qualified.
 - (5.2) RSA 326-B:4, III allowing the BoN to examine and license qualified applicants.

BMHP Response:

Recommendation 1.2: The Board concurs with this recommendation and will work with OPLC to establish a process.

Recommendation 4.1: The Board concurs and will work to identify factors that may pose a licensing risk, which would be beneficial for the application process and allow the Board Administrator to approve more applications. This is also being addressed through recent legislation.

Recommendation 4.2: The Board concurs with this recommendation and will work to draft a matrix that will identify ratings of different risk factors.

Recommendation 4.3: The Board concurs with this recommendation and will work to identify factors that pose a low enough risk to not warrant Board input.

Recommendation 4.4: The Board concurs with this recommendation and will work to identify risk factors.

BoN Response:

Recommendation 1.2: We concur, the Board will implement a process where we can monitor a quality check of licensing approval.

Board Of Psychologists Response:

Recommendations 2.1, 2.2, and 2.3: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: The Board of Psychologists will develop a risk assessment matrix to identify which types of application require full board review and which are low risk for administrative review. The Board of Psychologists will develop a risk-based approach to license review to streamline application review and more efficiently evaluate applicants. The Board of Psychologists will develop a process for auditing licensees administratively issued to ensure that criteria are met. Please note, the Board of Psychologists no longer has authority to issue licenses, but rather recommends that licenses be issued by OPLC.

Timeline: Over the next eighteen months.

OPLC Response:

OPLC concurs with the recommendations. OPLC will work with the boards to establish a process to periodically review approved applications in its effort to establish internal controls.

Observation No. 8

Determine Whether All LADC Board Applications Need Full Board Review

The LADC Board has not conducted an assessment to determine whether applications could receive different levels of review based on the potential risk applicants pose. As a result, all applications were initially checked by OPLC staff and then sent to the Peer Review Committee for

review and the full Board for approval regardless of their licensing risk. Determining risk factors and allowing a tiered approval approach could allow applicants posing a lower risk to be licensed sooner, while allowing the LADC Board to concentrate on applicants requiring more scrutiny.

Applications Posing Low Risk May Not Need Peer Or Full Board Review

Generally, when OPLC received an application, staff reviewed it to ensure all required documents were present before moving it forward for review and approval. When OPLC staff determined the file was complete, staff forwarded the application to the Peer Review Committee, who reviewed the documentation to determine whether applicants met licensing requirements. If they did, the applications were placed on the Board's agenda for approval at its next monthly meeting. The licenses were not issued until the Board voted to approve them.

Some applications could pose lower risk and may not warrant several levels of review.

- **Applicants Holding An Active License In Another State** – Four applicants we reviewed held an active license in another New England state. On average, these applicants were licensed for five years, ranging from three to 8.5 years. None appeared to have had any disciplinary action against their prior licenses and three did not have a criminal history. Our sample of LADC Board applications was relatively small and results may not be representative of the entire population. The LADC Board is a member of the International Certification and Reciprocity Consortium (IC&RC). While its rules established processes called “reciprocity-based” for LADCs and MLADCs, these processes still required applicants who have been approved for reciprocity through the IC&RC to submit many of the same materials and go through the same review process as individuals who have never held a license. Additionally, the LADC Board has not identified the states that may have similar or more stringent licensing requirements. Identifying states whose licensing requirements may be substantially similar or greater than New Hampshire could help the LADC Board assess the risk posed by applicants who already hold a license in those states, especially those with no disciplinary action or criminal history to determine whether they could be approved without Peer or Board reviews.
- **Certified Recovery Support Worker (CRSW) Applications** – Licensure requirements for CRSWs appear straightforward and some potentially may not require Peer or Board review. Rules established the following requirements: minimum age, high school diploma or equivalent, 500 hours of pre-license practice with 25 hours under supervision, 46 hours of education in specific content areas, passage of the national examination, professional references, and a criminal background check. Except those with a criminal history, applicants who submit the necessary documents showing they met licensing requirements may not benefit from Peer or full Board review before being licensed. According to Board members, CRSWs may have a high frequency of criminal histories. Of the eight CRSW applications we reviewed, five did not have a criminal record. The Board approved these applications without requiring further clarification from the applicant.

Some Applications Undergoing Peer Review May Not Warrant Full Board Review

When the Peer Review Committee recommended an application for approval, it was placed on the Board's agenda at the next meeting and noted as those that were recommended by Peer Review. Licenses were issued after the LADC Board voted to approve the application.

Even though applicants' names were read individually during meetings, the Board did not discuss every application and most applicants recommended for approval by Peer Review were approved by the Board without requiring any additional clarification from the applicant. Of the 13 applications in our sample that Peer Review recommended for approval, the LADC Board agreed with these recommendations for eleven (85 percent) without requiring the applicant provide any additional clarification. It required two applicants provide additional information on their criminal histories, but eventually approved them.

The Peer Review Committee generally met two weeks before a Board meeting. Eliminating the need for the Board to review certain low risk applicants after Peer Review already recommend their approval could allow applicants to be licensed almost two weeks earlier and lessen the work placed on the Board.

Balancing Board Review And Public Protection

According to LADC Board members, applicants tend to have higher occurrences of criminal histories than other professions. However, as we discuss in Observation No. 9, the LADC Board has not identified which criminal convictions may be substantially or directly related to its profession. Of the 18 LADC Board applications we reviewed, only five files (28 percent) contained indication of a criminal history. This was a small sample and criminal histories may be more prevalent than found in our sample.

In creating the LADC Board, the Legislature established its purpose to "protect and benefit the public by setting standards of qualifications, education, training, and experience" for those seeking certification or licensure. The Board must balance reviewing every application with the risk they pose to the public. In SFY 2022, the Board only took disciplinary action against three licensees. This equated to less than half of one percent of the almost 870 licensees during SFY 2022. In each of the past five fiscal years, the Board disciplined, on average, two licensees.

State Laws Appeared To Require Full LADC Board Review Of Applications

Enabling statutes for the LADC Board appear to require the full Board make licensing decisions. As part of its powers and duties during the audit period, RSA 330-C:5, I stated the LADC Board "shall...[e]xamine applicants for licensure, *license*, and *renew licenses* of duly qualified individuals." [emphasis added] This appears to place licensing decisions within the exclusive purview of the LADC Board.

Other Boards' laws in effect during the audit period appeared to allow flexibility in delegating this authority to someone other than the full Board. As part of its powers and duties, the BoN's law states it "may" examine and license qualified individuals. The BMHP and Board of Psychologists'

laws were silent on their powers, duties, or responsibilities regarding licensing applicants. Three of the five Boards overseeing mental health professions have issued standing orders allowing OPLC staff to approve licenses under certain circumstances, while retaining authority over other applications.

New laws effective July 2023 made the OPLC Executive Director responsible for “the examination, processing and approval or denial of an application for licensure, certification, or registration...based on set objective standards developed by the boards” in their rules. This appeared to transfer the authority to approve licenses from the Boards to the OPLC. However, it is unclear whether some applications could still receive Board review, as no rules have been adopted for this process.

In 2021, the Council on Licensure, Enforcement, and Regulation conducted an analysis of licensing practices for five NH license categories including professions under the LADC Board. As one method to expedite licensing while also allowing Boards to focus on applicants whose circumstances may require further investigation, the report recommended using standing orders outlining clear guidance on which applications can be approved without being sent to the Board.

Recommendations:

- 1. We recommend the OPLC develop a process to identify applications which may pose higher licensing risk and seek Board input when necessary. We also recommend the OPLC work with the LADC Board to establish a process for periodic Board review of approved applications to ensure licensing standards are being met.**
- 2. We recommend the LADC Board conduct a risk assessment to determine which applications may still warrant input from Peer Review and/or the full Board. In assessing risk, the LADC Board should consider the following:**
 - (2.1) identifying factors that may pose a licensing risk. In identifying these factors, the LADC Board could consider, for example, whether applicants: have a criminal conviction that substantially or directly relates to the profession, hold an active license in a state with substantially similar licensing requirements, or hold a license in an IC&RC member state;**
 - (2.2) identifying the complexity of assessing compliance with each licensing requirement and assigning a rating to each risk factor; and**
 - (2.3) identifying factors that pose a low enough risk to not warrant additional review.**
- 3. After conducting a risk assessment, we recommend the LADC Board identify the risk factors which could require Board expertise to advise OPLC when reviewing applications.**
- 4. We suggest the Legislature consider removing negated statutory authority found in RSA 330-C:5, I requiring the LADC Board to examine applicants for licensure and license those found to be qualified given that the more recent statute allows the OPLC Executive Director to approve or deny license applications.**

LADC Board Response:

Recommendation 2.1: We concur with this recommendation.

Plan: The LADC Board will identify factors that may pose a licensing risk by 12/31/25.

Recommendation 2.2: We concur with this recommendation.

Plan: The LADC Board will identify the complexity of assessing compliance with each license requirement and assign a rating to each risk factor beginning 01/01/26.

Recommendation 2.3: We concur with this recommendation.

Plan: The LADC Board, in consultation with the Peer Review Committee, will identify factors that pose a low enough risk to not warrant additional review by 12/31/25.

Recommendation 3: We concur with this recommendation.

Plan: The LADC Board will develop a risk-based approach to approving license applications by 12/31/25.

Recommendation 4: We concur with this recommendation.

Plan: The LADC board will consult with its legal counsel to review applicable laws to determine if they allow delegation of licensing authority and determine next steps by 12/31/25.

OPLC Response:

OPLC concurs with the recommendations. See OPLC's Response to Observation #7 above.

Consideration Of Past Criminal History In Initial Licensing

The Institute for Justice estimated that, in 2016, one in three American adults (33 percent) had a criminal record but an estimated 20 percent of adults needed an occupational license to work. To alleviate some workforce issues, states have increasingly looked to implement reforms to their licensing laws. These reforms included limiting denials based on criminal convictions that were not related to the license being sought and those for crimes committed years in the past, and allowing individuals to seek pre-determination of whether their previous convictions could bar them from licensure.

New Hampshire laws included many of these reforms, restricting license denial during the audit period to only convictions of felonies and violent misdemeanors related to the profession. New Hampshire laws defined a felony as a criminal offense that, if convicted, could carry a prison sentence. Class B felonies could carry up to seven years, while Class A could carry more than seven years. A Class A misdemeanor was a criminal conviction that could result in a prison sentence of up to one year, while a Class B conviction would not result in prison time. However, most Boards did not identify the criminal convictions that they considered to be related to their

profession, and some required applicants disclose criminal history information that could not be used to deny a license.

Observation No. 9

Review Information Collected Regarding Applicants' Criminal History

Boards responsible for licensing mental health professionals required applicants to disclose some information regarding their criminal history that Boards may not be allowed to use to deny a license or certification.

State law prohibited any board from denying a license to an applicant who had a criminal history without first considering the nature of the crime and whether there was a substantial and direct relationship to the occupation. When making licensing decisions, boards could also consider whether the applicant had been rehabilitated and the amount of time since the conviction or release. During the audit period, Boards could only find a criminal history disqualifies someone from license or certification if: they have been convicted of a felony or violent misdemeanor, and the Board finds the conviction was related to the State's interest, the individual is more likely to re-offend if they have a license or certification, and the re-offense will cause greater harm if the person is licensed. The Boards' rules and application documents were not fully aligned with State policy.

- No Board sufficiently identified the types of criminal convictions that would directly relate to their profession.
- Most Boards did not have a process for considering the length of time passed since a conviction.
- Some Boards required applicants to disclose violation level offenses, which were not considered a criminal offense by State law, while other Boards required disclosure of criminal *charges*.

Beginning in October 2023, RSA 332-G:10 no longer restricted disqualifications to only convictions of a felony or violent misdemeanor. However, statute required disqualifications be based on "clear and convincing evidence" that the conviction had a substantial and direct relationship to the profession, and disqualifying the person protects public safety.

Boards Did Not Identify Convictions That Would Have A Substantial Or Direct Relationship To Their Profession

State law prohibited Boards from denying a license or certification to an applicant without considering whether there is a "substantial and direct relationship" to the profession. Further, laws during the audit period only allowed disqualification if the applicant was convicted of a felony or violent misdemeanor that was important to protecting the State's interest. To find a conviction was important to protecting the State's interest, Boards must conclude, based on clear and convincing evidence, that the conviction is "substantially related to the state's interest," the applicant "is more likely to re-offend by virtue of having the license," and the re-offense would "cause greater harm"

than if the individual did not have the license. All criteria must be met for Boards to disqualify an applicant from licensure or certification.

No Boards have sufficiently identified criminal convictions that substantially or directly related to their profession, although BoN rules established seven felonies that would prohibit licensure. BoN laws also prohibited licensure if an individual was convicted of a crime which would be grounds for disciplinary action, and that crime “relates adversely to the practice of nursing.” But there is no guidance about what these types of crimes are.

Board rules and application forms did not align with State policy. Most required applicants disclose all criminal convictions, regardless of whether it substantially or directly related to the profession.

- LICSW, LCMHC, MFT, and LPP – Board rules required applicants to provide information on any finding or judgement for a “violation level offense” regarding controlled substances or alcohol. Rules also allowed the BMHP to deny a license if it received evidence the applicant may not be able to practice competently, safely, and honestly due to a felony or misdemeanor conviction. Application and related forms also required disclosure of all misdemeanor convictions and convictions for drug or alcohol related offenses.
- Psychologist – Board rules allowed it to deny licensure if it received evidence the applicant may not be able to practice competently, safely, and honestly due to a felony or misdemeanor conviction. Additionally, the application form described in rules required the applicant disclose whether they have ever been convicted of a felony, misdemeanor, or drug or alcohol related offense.
- CRSW, LADC, and MLADC – Board laws only allowed disqualification for some felonies, and convictions related to substance abuse. However, rules and application forms appeared to expand the types of convictions the Board could consider. Rules established requirements for each profession overseen by the Board required it to review information regarding “any criminal convictions” when considering license applications. Additionally, application forms required disclosure of plea agreements related to “any criminal charges.”
- Psychiatrist – Board rules, as well as the application and related forms, required the applicant disclose whether they have “ever been a defendant in a criminal proceeding” without distinction of whether the applicant was convicted.
- Psychiatric Mental Health Nurse Practitioner – Board rules established specific felonies that would prohibit licensure. However, application and related forms appeared to expand the types of convictions the Board could consider by requiring the applicant disclose whether they have ever been convicted of “any criminal act,” except for traffic violations.

Most Boards Did Not Have A Process To Consider Time Passed Since The Conviction

During the audit period, State law allowed, but did not require, the Boards to consider the amount of time passed since a conviction or release when determining whether the criminal conviction would disqualify an applicant from licensure or certification. Beginning in October 2023, RSA 332-G:10 was amended to no longer restrict disqualification to only convictions of a felony or violent misdemeanor. However, it still required the conviction have a “substantial and direct

relationship” to the profession. None of the Boards’ laws and rules considered the amount of time passed. All Boards’ applications and related forms required the applicant disclose whether they had ever been convicted of a crime, regardless of the time passed.

The BoN had internal policies establishing some criteria for when the full Board would review an applicant with a criminal conviction, including the length of time passed since a conviction. This internal policy was not disclosed to applicants. This guidance, developed for its members and staff, required the full Board to review an application if the criminal background check returned a conviction for any misdemeanor within the last three years, or a felony conviction. Applicants with criminal records outside of this timeframe could be approved by OPLC staff without full Board review. However, the Board’s application required disclosure of criminal convictions regardless of the time passed.

While State laws in effect during the audit period *allowed* licensing agencies to consider the time passed since the crime, 13 states’ laws, including four other New England states, *required* licensing agencies consider the amount of time passed. Two New England states did not establish specific timeframes, but required licensing agencies to formally consider time passed when making licensing decisions. Three states prohibited the use of criminal records occurring outside certain timeframes.

- Maine laws prohibited agencies overseeing medical and mental health licenses from considering a conviction for which the applicant has been released for more than ten years. Those applying for a license ten years after their release were required to be treated in the same manner as those who had no prior criminal record. However, it did not place time limits on a conviction that the licensing agency considered grounds for disciplinary action, in other words, convictions directly related to its profession.
- Rhode Island laws requires occupational licensing agencies consider rehabilitation as part of their licensing decision. Proof of rehabilitation was defined as two years after the individual’s release from prison or the probation sentencing date without a subsequent conviction or pending charge.
- Although Massachusetts did not specifically prohibit using criminal records after a specific timeframe, its laws allowed those with criminal histories to request to seal their records after a certain amount of time. Except for firearms offenses, a felony record could be sealed seven years after the individual is released from custody if they have not been convicted of another felony during the intervening seven years. Misdemeanor convictions could be sealed three years after release from custody if there have been no other convictions during the intervening three years. Convictions for sex offenses could be sealed after 15 years if there are no convictions during those 15 years.

Boards Required Disclosure Of Criminal Charges Even If They Did Not Result In Conviction

Except for the Nursing and LADC Boards, all other Boards required applicants to disclose criminal charges even if they did not result in a conviction, which State law did not allow to deny a license or certification.

- LICSW, LCMHC, MFT, and LPP – The Board’s application forms required applicants to disclose whether they have ever been charged or convicted of a felony.
- Psychologists – The application and related forms required disclosure of whether any criminal charges had ever been brought against the applicant, and whether they have ever been charged or convicted of a felony.
- Psychiatrist – BoM rules and application form required the applicant to disclose whether they have “ever been a defendant in a criminal proceeding.”

Criminal Records Delayed Some LADC Applications

While most applications were not impacted by past criminal histories, four applicants appeared to be delayed. LADC Board rules prohibited the Board from disqualifying someone if it finds the applicant has been rehabilitated. It also established criteria describing evidence of rehabilitation including compliance with court orders and, if the crime resulted of substance abuse, the behavior was treated and controlled. If they had any pending criminal charges or made a plea agreement relative to any criminal charge, application forms required an explanation of whether the applicant paid restitution or took remedial action. Despite providing these explanations, we found four applicants in our samples were delayed at least one additional month because the Board determined they did not explain how they maintained their sobriety. However, this requirement was not clear in the application form.

No Information Available On How Criminal Records May Impact Licensing

State law allowed anyone, at any time, to petition a Board to determine whether their criminal record would disqualify them from licensure or certification. It also required the OPLC to annually report the number of petitions each Board received, as well as the number and type of criminal offense each Board approved and denied. This process was not outlined on any of the Boards' or the OPLC's websites, nor did OPLC’s annual reports contain this required information.

Twenty-one states allowed a pre-determination of whether a criminal record would affect licensing or certification. Vermont and Utah’s processes were outlined on the licensing agency’s websites, and two of North Carolina’s mental health professions had forms on their website for a member of the public to petition for a pre-determination. Additionally, all Utah medical and mental health professions developed a matrix of all criminal offenses that related to their profession, the timeframe for review of each criminal conviction, and the action the boards will take.

Recommendations:

- 1. We recommend all Boards and OPLC review rules and application forms to ensure they align with State policy. As part of this review, Boards should:**
 - (1.1) determine the types of criminal convictions that may have a substantial and direct relationship on their profession,**
 - (1.2) ensure only past convictions identified as having a substantial and direct relationship to the profession are used to disqualify applicants from licensure, and**

- (1.3) ensure application and related forms are designed to only collect information which will be used to make licensing decisions.**
- 2. We also recommend all Boards consider establishing the amount of time each type of criminal conviction, that is substantially and directly related to their profession, could affect licensing decisions in their rules.**
- 3. We recommend the Board of Psychologists, BoM, and BMHP ensure review of past criminal histories only consider criminal convictions.**
- 4. We recommend the BoN codify its practice regarding the amount of time that passes when a criminal conviction will no longer require review by the full Board in its rules.**
- 5. We recommend the OPLC:**
 - (5.1) establish a process for the public to petition licensing Boards to review whether their criminal history would disqualify them from licensing or certification;**
 - (5.2) track data on the number of petitions each Board receives, the number of petitions each Board approved and denied, and type of criminal offense each Board approved and denied; and**
 - (5.3) report data on petitions annually as required by State law.**

BMHP Response:

Recommendations 1.1, 1.2, 1.3, 2, and 3: The BMHP concurs with recommendations.

We have found a matrix (Social Work Criminal History Guidelines) from the Utah Division of Professional Licensing that we believe could be modified for NH. This would enable us to determine the types of criminal convictions that may have a substantial and direct relationship on the professions governed by the BMHP. In addition, it would clarify decision making, based on the types of convictions (felonies and violent misdemeanors) and time since conviction (reference: Social Work Criminal History Guidelines - dopl.utah.gov). The BMHP would require legal support from OPLC attorneys to create a NH matrix.

The BMHP believes that adoption of a matrix would allow the OPLC staff supporting the BMHP to issue licenses based on these criteria, which would save cases from having to appear on the monthly BMHP agenda, enabling the office to respond to applicants faster. BMHP review would only be necessary for certain convictions as noted in the matrix.

Additionally, the BMHP will review to ensure applications and related forms only collect that information that informs licensing decisions.

BoM Response:

Recommendation 1.1: The Board concurs. The Board will work collectively with the OPLC to implement a matrix and ensure all rules do not conflict with the controlling statute.

Recommendation 1.2: The Board concurs. The Board has developed a matrix which provides guidance to the OPLC concerning this.

Recommendation 1.3: The Board concurs. The Board will work collectively with the OPLC to implement a matrix and ensure all rules do not conflict with the controlling statute.

Recommendation 3: The Board concurs. The Board will work collectively with the OPLC to implement a matrix.

BoN Response:

Recommendations 1.1 through 1.3: We concur, the Board will continue to work with OPLC to ensure rules are in compliance with statute.

Recommendation 2: We concur, the Board will partner with OPLC to come up with a process for this specific to Psychiatric APRN's.

Recommendation 4: We concur, a process is already in place.

Board Of Psychologists Response:

Recommendations 1.1, 1.2, 1.3, 3: The Board of Psychologists accepts this recommendation in its entirety.

Action plan: The Board of Psychologists will work to implement the following processes into review of applicants and licensees to determine if convictions have a substantial and direct relationship to the profession.

- *Research criminal convictions and identify specific criminal convictions that have a direct relationship to the profession of Psychology.*
- *Ensure only convictions for violent misdemeanors or crimes that have a substantial direct relationship to the profession of Psychology be considered when applicants apply for an initial license or license renewal.*
- *In terms of the collection of information regarding legal history, ensure that information collected from applicants includes only those questions relevant to licensing recommendations.*
- *In evaluating risk, consider whether the applicant/licensee is licensed to practice Psychology in another state.*

Timeline: Over the next eighteen months.

LADC Board Response:

Recommendation 1.1: We concur with this recommendation.

Plan: The LADC Board will determine the types of criminal convictions that may have a substantial and direct relationship on the profession by 12/31/24.

Recommendation 1.2: We concur with this recommendation.

Plan: Upon completion of 1.1 (see above), the LADC Board will implement this recommendation by 12/31/24.

Recommendation 1.3: We concur with this recommendation.

Plan: The LADC Board, in consultation with the Peer Review Committee, will ensure application and related forms are designed to only collect information which will be used to make licensing decisions by 12/31/26.

Recommendation 2: We concur with this recommendation.

Plan: The LADC Board will establish the amount of time each type of criminal conviction, that is substantially and directly related to the profession, that could affect licensing decisions in the rules by 12/31/24.

OPLC Response:

OPLC concurs with the recommendations. OPLC has directed board counsel to work with boards to develop matrices to determine the types of criminal convictions that may have a substantial and direct relationship to their profession. OPLC has consulted with other states and obtained feedback as to how other states have assessed criminal convictions, which it will use to assist it in establishing a framework for review of criminal convictions in New Hampshire.

Considering recent statutory changes, OPLC is working on revising its procedural rules. OPLC will incorporate a process for the public to petition licensing boards for review of criminal history prior to licensing. As noted, OPLC is challenged by its current licensing system. As OPLC migrates to a new solution, OPLC will establish a mechanism to track data and report on information necessary to ensure adequate internal controls are in place and as required by State law.

Review Unclear Processes

To ensure consistent application processing, Boards needed clear policies and guidance for its staff and individuals applying for licensure. We found rules were not developed for some license types and Board processes. Additionally, some processes were not consistently applied, and some requirements should be revisited.

Observation No. 10

Adopt Rules For Some Licensing Requirements And Processes

Boards did not have adequate rules establishing license requirements for certain license types and processes. The New Hampshire *Administrative Procedure Act* stipulated administrative rules were required to implement, interpret, or make specific a statute enforced or administered by an agency, and prescribe or interpret an agency policy, procedure, or practice requirement binding on persons outside the agency. In addition, Boards were statutorily required to adopt rules relevant to certain processes. According to RSA 541-A:17, II, the Boards were required to start rulemaking within 90 days of the effective date of these changes. However, we found rules were not adequate in the following areas, potentially causing confusion, delaying processing, and potentially resulting in some individuals deciding not to seek licensure in New Hampshire.

- Licensed Social Worker (LSW), Licensed Social Work Associate (LSWA), and School Social Worker (SSW) – LSWs and LSWAs were added to the BMHP law in October 2021, while SSWs were added in March 2020. Regarding initial licensing, RSA 330-A:10 required the BMHP to adopt rules relative to the qualifications of applicants; the examination applicants must pass; procedures, standards, and supervision requirements for licensure candidates; and the scope of practice for each discipline. Rulemaking should have started in June 2020 for SSWs and December 2021 for LSWs and LSWAs. However, the BMHP has not filed any rules regarding licensing requirements for these disciplines.

Although LSWs and LSWAs were established almost two years ago, at the end of June 2023, there was no process for someone to obtain one of these licenses and, during the audit period, no LSW or LSWA licenses were issued. Nine other states also have license types similar to New Hampshire's LSW.

- School Psychologist – School Psychologist-Doctoral and School Psychologist-Specialist licenses were added to the Board of Psychologists law in March 2020. Regarding initial licensing, RSA 329-B:10 required the Board of Psychologists to adopt rules relative to the qualifications of applicants; the examination applicants must pass; procedures, standards and supervision requirements for licensure candidates, and the scope of practice for each discipline. Rulemaking should have started in June 2020. However, the Board has not filed any rules regarding licensing requirements for these disciplines.
- Peer Review Committee – The Committee was responsible for making recommendations to the LADC Board about whether a license application should be approved or denied. The LADC Board was authorized to create advisory committees to review applications. However, there were no LADC Board rules establishing the Committee's duties associated with reviewing initial license applications.
- BMHP "Fast Track" Licensure Process – The BMHP was required to adopt rules for an expedited licensure process for applicants who held a license in another state. While the BMHP adopted general rules for individuals licensed in another state, the rules in effect during the audit period did not describe the expedited "Fast Track" process the BMHP used for applicants licensed in another state for five years or more. The Fast Track process

allowed a single Board member to review and approve the application and, once approved, authorized OPLC to issue the license without being reviewed by the full Board.

BMHP rules filed in December 2022 established the requirements for Fast Track applications. However, it did not align with the BMHP's practice. Rules filed did not mention a single Board member would review and approve the application, or that OPLC staff was able to issue the license without waiting for a Board meeting, although this occurred in practice.

- LADC Board Waiver Of Supervision Requirements – LADC Board law required it to waive the supervision and pre-license practice requirement if an applicant held an active license in good standing for five years or more. During the audit period, the LADC Board did not have rules implementing this requirement for LADCs and its rules for MLADCs were not aligned with statute. However, rules effective in March 2023 allowed these requirements to be waived for both LADC and MLADC applicants holding a license for five years or more.
- BMHP Waiver Of Supervision Requirements – BMHP laws required it to waive the supervision and pre-license practice requirement if an applicant held an active license in good standing for five years or more. However, the BHMP did not have any provisions in its rules to waive this requirement.
- Military Personnel And Spouses – State law required Boards facilitate licensing for current and former members of the military and military spouses. Boards were required to adopt rules for these processes. However, as discussed in Observation No. 4, during the audit period none of the Boards had adopted rules related to these processes.

Recommendations:

1. We recommend the BMHP adopt rules:

- (1.1) establishing licensure requirements for LSW, LSWA, and SSW licenses;**
- (1.2) waiving supervised work experience requirements for applicants who were licensed in another state for five or more years; and**
- (1.3) clearly establishing the “Fast Track” application process, including whether applications would require full Board review and under what circumstances.**

2. We recommend the LADC Board adopts rules establishing the Peer Review Committee's duties and responsibilities in reviewing initial applications.

3. We recommend the Board of Psychologists adopt rules establishing requirements for School Psychologist-Doctoral and School Psychologist- Specialist licenses.

4. We recommend the OPLC, in consultation with Boards, adopt rules to facilitate licensing for current and former members of the military and military spouses.

BMHP Response:

Recommendation 1.1: The Board concurs with the recommendation to outline the licensure requirements for the LSW, LSWA, and SSW licenses. We are currently working with Tina Kelley, Rules Administrator, to adopt the licensing requirements within Mhp 307 for the LSW and Mhp 308 for the LSWA. The amended initial proposal was approved by the Board on August 18, 2023, and has been submitted for review.

Recommendation 1.2: The Board concurs with the recommendation. The Board does not require documentation of supervision for applicants who have been licensed in another state for a period of 5 years or more pursuant to RSA 330-A:26 III. The Board agrees that Mhp 302 should be updated and will work with OPLC to update the administrative rules.

Recommendation 1.3: The Board concurs with the recommendation to outline the “Fast-track” application process, including whether applications would require full-Board review and under what circumstance. We are currently working with Tina Kelley, Rules Administrator, to adopt Mhp 302.07, Application Process for Those Actively Licensed in Another State for a Period of 5 Years or More in Good Standing.

Recommendation 4: The Board concurs with the recommendation to work in conjunction with OPLC to adopt rules to facilitate licensing for current and former members of the military, and military spouses.

BoM Response:

Recommendation 4: The Board concurs. The Board will work in conjunction with the OPLC to provide guidance on appropriate requirements relative to military members and their spouses.

BoN Response:

Recommendation 4: We concur, the Board will partner with OPLC to establish rules that would adhere to this.

Board Of Psychologists Response:

Recommendations 3 and 4: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: The Board of Psychologists has taken action on this recommendation and needs support from OPLC to see this recommendation through completion.

- *The Board of Psychologists has been working to develop rules outlining requirements for School Psychologist-Doctoral and School Psychologist-Specialist licenses. The board has expressed concerns about needing assistance from OPLC around rulemaking as draft rules have been on hold for nearly twelve months. The Board of Psychologists respectfully respects assistance from OPLC to achieve this goal and will continue.*

- *The Board of Psychologists will work with OPLC to adopt administrative rules for facilitating license recommendation for current and former members of the military and military spouses.*

Timeline: Over the next twenty-four months.

LADC Board Response:

Recommendation 2: We concur with the recommendation.

Plan: The LADC Board site currently has a brief overview of the Peer Review Committee's purpose and responsibilities. This can be used as a foundation to create rules for this committee. The Board will formulate rules for the Peer Review Committee by 12/31/25.

Recommendation 4: We concur with this recommendation.

Plan: Follow plans noted in Observation 4.

OPLC Response:

OPLC concurs, with the recommendations. See OPLC's response to Observation #4 above.

Observation No. 11

Ensure Requirements Are Clear And Consistently Applied

We found some licensing requirements were not clear and inconsistencies in OPLC application processing sometimes resulted in applicants being treated differently.

Professional Health Program Fee Was Unclear

Individuals applying for a license through the LADC Board and Boards of Medicine, Nursing, Psychologists, and Mental Health Practice were charged a Professionals Health Program (PHP) fee when they applied for their license, but the fee was not clearly outlined in application forms. Since it was implemented in September 2020, the amount of the PHP fee changed three times and may have caused confusion for applicants as the fee amount was not found in any of the Boards' laws or rules, and were incorrectly or inconsistently cited on application forms. Twelve people who responded to our survey stated the application fee was unclear and the total amount due differed from what was stated on the application. Additionally, our review of 100 applications found the OPLC informed at least 19 applicants they did not transmit the correct amount for the PHP fee.

Some Applications Were Not Treated Consistently

We found instances where it appeared OPLC inconsistently sent some applications to the Boards for review before all required documentation was received, while holding some back until it

received all documentation. While these examples were limited, the OPLC and Board may want to consider whether these inconsistencies could be indicative of a larger issue.

- Criminal Background Check Results – In seven instances (six BMHP and one LADC Board), OPLC held the application until the results of the criminal background check were returned. However, in six other instances (one BMHP, one LADC Board, one BoN, and three Board of Psychologists), the applications were sent to the Boards without the results of the criminal background check. Three of these applications (one LADC Board and two Board of Psychologists) were approved contingent on the background check results returning no criminal history.

The other three applications (one each from the BMHP, BoN, and Board of Psychologists) appeared to have been reviewed and approved with no contingencies. In one case, it appeared OPLC waited until after the results were received to issue the license. However, in one case, it appeared OPLC issued the license one day before the results came back and, in the other case, it issued the license two weeks before. The results of the criminal background check showed that neither applicant had a criminal record.

- PHP Fee – In six instances (four BMHP and two LADC), it appeared OPLC sent applications for Board review before the entire PHP fee was paid. However, in five instances, it appeared the OPLC did not send the application to the BMHP until the PHP fee had been paid in full.
- The Board of Psychologists may have also been inconsistent with the two individuals applying to take the Examination for Professional Practice in Psychology (EPPP). For one individual, the Board authorized the OPLC to issue the license once they passed the exam. However, for the other person, the Board reviewed the application again after they passed the exam.

We also found the BoM may have approved an application without the individual having finished two years of post-graduate training. RSA 329:12, I(d)(5) required applicants to complete at least two years of post-graduate training before being eligible for a license. The individual was due to finish their residency four months after the OPLC received their application; however, the Board approved the application without contingency, three weeks before the residency was complete.

Recommendations:

- 1. We recommend the OPLC, in conjunction with all Boards, determine whether all documents must be received before the application is sent to the Board for review. If the Boards determine circumstances exist which may allow an incomplete application to be reviewed by the Board, it should formally outline these circumstances in a written policy for OPLC staff and ensure they are consistently applied to all applicants.**
- 2. We also recommend all Boards ensure all forms and other license guidance available clearly and correctly states requirements, including the applicable application fees.**

BMHP Response:

Recommendation 1: The Board concurs with the recommendation that the OPLC, in conjunction with all Boards, determine whether all documents must be received before the application is sent to the Board for review. If the Boards determine circumstances exist which may allow an incomplete application to be reviewed by the Board, it should formally outline these circumstances in a written policy for OPLC staff and ensure they are consistently applied to all applications.

The BMHP has already taken steps to allow board administration to review applications and has begun conversation surrounding which items may not be needed for review. At the current time Waiver's would be required in order to approve any application without an undergraduate transcript or a conferred transcript. Revision of Undergraduate transcripts for Licensure applications which require a Master's degree or above, in addition to certified transcripts for Master's degrees for Supervision Agreements would assist in correcting Observation 11.2. The board will work to complete and implement rules that dictate that an undergraduate transcript is not needed for an application that requires a Master's or above, and possibly remove that requirement from the application. The board could additionally work to complete and implement rules that dictate that Supervision Agreements do not need conferred transcripts in order to be approved.

This is a feasible goal to address and will increase the speed in which applicants are able to begin practice under a supervision agreement and ease the process of obtaining licensure for the applicant with little potential risk.

Recommendation 2: The Board concurs with the recommendation that all Boards should ensure all forms and other license guidance is available clearly and correctly and that it correctly states requirements, including applicable application fees. The OPLC and the BMHP has been working collaboratively to create a universal application and to have fees be more readily available to applicants. The fees have already been completed and as of August 1, 2023, PLC 1002 outlines a table with all application fees. This work is feasible and already in motion and will create more clear instructions for applicants, quickening the path to licensure for the applicant.

Board Of Psychologists Response:

Recommendations 1 and 2: The Board of Psychologists accepts this recommendation in its entirety.

Action Plan: Guidelines for this will be formally outlined and shared with OPLC staff. Additionally, all forms and license guidance will be available and clearly state requirements including application fees.

Timeline: Over the next twelve months.

BoM Response:

Recommendation 1: The Board concurs. They currently do not review incomplete applications.

Recommendation 2: The Board concurs. The Board will work with the OPLC to ensure compliance with applicable rules and laws.

BoN Response:

Recommendation 1: We concur, we already have a process in place that the Board does not review incomplete applications.

Recommendation 2: We concur, the Board will continue to work with OPLC to ensure compliance with rules.

LADC Board Response:

Recommendation 1: We concur with this recommendation. The LADC Board provides a checklist of all the documents that need to be completed and submitted for consideration for certification or licensure. If one or more of the necessary documents are not included, OPLC contacts the applicant informing them what is needed in order to move their application forward.

Recommendation 2: We concur with this recommendation.

Plan: The LADC Board, in consultation with the Peer Review Committee, will review all documents and make adjustments as needed to ensure they are correct and clearly state all requirements by 12/31/26.

OPLC Response:

OPLC concurs with the recommendations. OPLC is working to establish internal controls, which necessarily includes ensuring proper delegations of authority are on file and that all information available to the public is clearly and accurately stated.

OPLC offers the following context surrounding the professional's health program contract and corresponding fees. OPLC released a request for proposal in 2020, requesting proposals to implement the professional's health program, which is required by certain statutes. OPLC received two proposals and awarded the contract to the highest scoring bidder. The long-time vendor was not awarded the contract. OPLC presented the contract to Governor and Council, which rejected the contract on June 10, 2020. The Council directed OPLC to enter a sole source contract with the then-existing (and current vendor), which OPLC did for one year, with an \$85,400 increase in price limitation, which was not originally appropriated.

In April 2021, OPLC released another request for proposal. Again, OPLC awarded the proposal to the highest scoring bidder, a vendor that was not the then-existing vendor. Again, the contract was rejected by Governor and Council, on June 30, 2021. OPLC was directed to enter into a sole source contract with the then-existing vendor. This contract was nearly 50% higher than previous contracts and exceeded OPLC's proposed budget for the program.

As OPLC cannot accurately project how many licensees will be seeking initial licensure each year, and as OPLC did not anticipate the contract increasing significantly, OPLC had to revise its fees multiple times to account for the significant increase in expenditures.

Observation No. 12

Review Examination Requirements

During the audit period, some examinations required in New Hampshire were not aligned with those required in other states. Additionally, State laws governing some mental health professions did not provide any flexibility in allowing Boards to consider other examinations when reviewing license applications. This may hinder license portability or delay licensing.

Case Studies And Essays Required Case-By-Case Evaluation

During the audit period, rules required psychologist and LADC applicants to complete written essays or case studies as a part of their application. Essay and case study requirements generally relied on the interpretation of the individual reviewing it, risking inconsistency in how they are evaluated. Further, they require case-by-case analysis of applications, potentially resulting in inefficiencies.

The Board of Psychologists' rules required applicants to answer five written essay exam questions. For the essays to be found satisfactory, rules stated they must be "specific, complete...direct... and [c]orrectly describe the practices and procedures the applicant believes" would result in ethical practice and a high standard of care. During our review of licensing applications, we found two applicants were required to re-write their essays. Both applicants already held psychologist licenses in other New England states; one held a license for eight months and the other for seven years before applying for a license in New Hampshire. None of the 15 states we reviewed required a written essay to be licensed as a psychologist. The Board is in the process of making changes to the written essays; however, no decision has been finalized.

During the audit period, the LADC Board's rules extensively established the required components of the case study. However, the Board eliminated this requirement in March 2023 when new rules became effective. One of the 15 states we reviewed required a written case study for licensure.

Timing Of The EPPP Could Contribute To Licensing Delays

The Board of Psychologists' rules required applicants to submit a complete application, with all required materials, and complete their post-doctoral work requirements before they were approved to sit for the EPPP. Once the Board found "the application [was] complete," the Board authorized the applicant to sit for the exam. The American Psychological Association recommends individuals be eligible to sit for the exam "upon completion of all the requirements of the doctoral degree." Four of the 15 states we reviewed allowed applicants to sit for the EPPP before completing their post-doctoral work requirements.

We reviewed ten applicants requesting approval to sit for the EPPP. On average, these applicants were licensed six months after the Board approved them to take the exam. While some applicants may have waited longer to take the exam or had to take the exam multiple times, allowing applicants to sit for the exam sooner could help reduce the time it takes for an applicant to become licensed. The Board has discussed amending its process to allow applicants to sit for the exam earlier. However, no decision has been formalized.

State Laws Regarding Required Examinations For Some BMHP Professions Could Hinder License Mobility

State laws governing most professions overseen by the BMHP required applicants to pass a national examination set or defined “by the board.” However, the law pertaining to examinations for LCMHC was more prescriptive, requiring applicants pass the “clinical mental health counselor’s proctored examination of the National Board for Certified Counselors, Inc.” This equated to the National Clinical Mental Health Counselor Examination (NCMHCE). The national board also administered the National Counselor Examination (NCE), which it noted was “the most portable examination in counseling.” While 13 of the 15 states we reviewed accepted the NCMHCE, seven states *also* accepted the NCE.

Limiting the examination to only one could prevent LCMHCs already licensed in other states from being licensed in New Hampshire. State law prohibited the BMHP from licensing individuals who passed the NCE even if they had been practicing in another state for years. Both examinations required courses in similar content areas; covered the same six domains; and tested for similar knowledge, skills, and tasks related to each domain. Expanding the examinations accepted would align New Hampshire with examinations accepted in all other New England states for LCMHC licensure.

Similarly, laws governing MFTs required applicants pass the “national proctored examination of the Association of Marital and Family Therapy Regulatory Boards.” The regulatory board currently only administers one examination and all 15 states we reviewed required the same examination. However, the prescriptive requirement in statute may prohibit the BMHP from accepting a different examination if one became available.

Recommendations:

- 1. We recommend the Board of Psychologists continue to assess whether written essays should be required for individuals seeking a license to practice psychology, evaluate whether applicants could take the EPPP sooner than allowed by its current rules, and amend its rules as necessary.**
- 2. We recommend the BMHP review whether other examinations are comparable for individuals applying for a LCMHC license. If it determines other examinations are comparable, it should seek legislative amendment to allow it more flexibility in choosing an examination, and amend its rules accordingly. Similarly, the BMHP may wish to seek legislative amendment to the examination required for MFTs to allow more flexibility in accepting other examinations in the future.**

BMHP Response:

Recommendation 2: The Board concurs with the recommendation and will review whether other examinations are comparable for individuals applying for either a CMHC license as well as an MFT license.

Board Of Psychologists Response:

Recommendation 1: The Board of Psychologists agrees with this recommendation in its' entirety.

Actions: The Board of Psychologists has already removed written essays from its requirements to ensure rules align with state laws.

Timeline: Immediate

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**STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING**

**APPENDIX A
SCOPE, OBJECTIVE, AND METHODOLOGY**

In November 2021, the Fiscal Committee approved a Legislative Performance Audit and Oversight Committee recommendation to conduct a performance audit of the licensing process and procedures of New Hampshire’s mental health workforce. We held an entrance conference with all but one of the Boards that licensed mental health professionals and the Office of Professional Licensure and Certification in April 2022.

Scope And Objective

We designed the audit to answer the following question:

Are there substantial barriers to entry into the mental health field imposed by State licensing boards?

We devoted more attention to professions where New Hampshire’s requirements appear to be more stringent than those adopted by other states. Additionally, license types that were not prevalent across the country received less scrutiny.

Our audit period encompassed State fiscal year (SFY) 2022; however, we examined licensing requirements, management controls, and other relevant matters outside the audit period when they affected Board operations during and after the audit period.

Methodology

To gain a general understanding of the mental health professions and the initial licensing processes for professions overseen by the five Boards, we:

- reviewed relevant State laws, rules, policies, and procedures to identify licensing requirements;
- contacted Office of Professional Licensure and Certification (OPLC) staff, members of the Boards that oversaw licensing of mental health professionals, and external stakeholders;
- attended Board meetings and reviewed Board meeting minutes; and
- reviewed audits, evaluations, and guidance from other states and national organizations.

To gain an understanding of New Hampshire’s licensing process, licensing requirements, and how these requirements compared to other states and national organizations, we:

- reviewed standards established by professional organizations of each mental health discipline;
- reviewed national compacts that were implemented or were being developed for any of the mental health disciplines;
- reviewed and analyzed judgmentally selected samples of initial application files; and
- reviewed licensing requirements in a sample of other states.

Data Limitations And Use Of Timeliness Data In This Report

While reviewing electronic records in the OPLC's licensing system, My License Office (MLO), we encountered data limitations that required us to modify our review and data collection methods. We found MLO contained fields to capture some dates we needed to calculate compliance with statutory time limits; however, other dates were not available. MLO contained the date OPLC received the application and the date the application was approved by the Board. It did not have fields to capture information on if or when the OPLC requested additional information from the applicant or when the last of the additional information was received. Additionally, the application documents maintained in MLO did not always contain all correspondence between the OPLC and the applicant, making it difficult for us to determine whether OPLC requested additional information, when it requested it, the type of additional information requested, when that information was received by the OPLC, or when the file was considered complete and ready for the Board's review. Nor did records in MLO consistently document when the results of the required criminal background checks were returned.

These limitations made it difficult for us to assess timeliness and statutory compliance in general. In some instances, we found documents in the application files contained date stamps that reasonably appeared to correspond with dates of key events needed for assessing timeliness and compliance. For example, when the documents we found in MLO did not contain the date the file was considered complete and ready for the Board's review, we captured the date stamp of when the last item in the file was received. Where appropriate, we used these dates to calculate timeliness and assess compliance. Consequently, we qualify our use of, and conclusions that rest upon, the incomplete records we obtained and used in this report.

Review Of Application Files

To gain an understanding of the licensing process, we reviewed electronic records contained in MLO. While reviewing records, we found some documents were missing from MLO. In some cases, OPLC staff were unable to locate documents for our review.

- Review Of Initial Application Files – We obtained data containing 764 licenses issued in SFY 2022 for 12 license types. We judgmentally chose a sample size (n=100) and methodology that allowed us to ensure we selected files for all license types. We chose to stratify the files by type and then randomly selected license files from each group. The number selected for each type was proportional to their distribution within the total number of licenses, while ensuring at least one of every type was reviewed. We selected files for eight Psychologists, five School Psychologists, 17 Licensed Clinical Mental Health Counselors, 28 Licensed Independent Clinical Social Workers, three Marriage and Family Therapists, one Licensed Pastoral Psychotherapist (LPP), eight Certified Recovery Support Workers (CRSW), four Licensed Alcohol and Drug Counselors (LADC), six Master Licensed Alcohol and Drug Counselors (MLAD), six Psychiatrists, and 14 Psychiatric Mental Health Nurse Practitioners. These are small samples for each license type and the results cannot be projected back to the entire population of license applications.

- Review Of High Credentialed Psychologists – Our sample of initial psychologist applications contained only two applicants holding high credentials. The data from these two applicants indicated the process did not appear to reduce the time it took for these applicants to become licensed. We decided to expand this review to better determine whether the expedited process reduced licensing time for applicants holding a credential accepted by the Board. We selected an additional eight applicants noted in Board meeting minutes as holding high credentials and conducted a limited review of their application documents. We only focused on capturing key events in the application process for these applicants and combined them with the two already in our sample of initial applications.
- Review Of Applications Initially Denied Or Withdrawn – To gain a better understanding of reasons some applications were denied, conditionally denied, or withdrawn, we reviewed a sample of 25 applicants noted in Board minutes as being denied or conditionally denied. Most of these applications were not located in MLO; therefore, we requested OPLC staff to provide the documents to us.

Review Of Other States' Licensing Requirements

To compare New Hampshire's basic license requirements with other states, we judgmentally selected 15 states for review. The U.S. Census Bureau breaks the country into four regions, consisting of nine divisions. Using these data, we selected states in each of the nine divisions based on proximity to New Hampshire; at least one state representing each division; and states having more nonmetro, micropolitan (rural) counties rather than metropolitan or "metro" (urban) counties. We selected one state that was specifically mentioned by a legislator. We selected the following states for comparison.

- Region 1, Division 1: Northeast division consists of all New England states. All states from this division were selected.
- Region 1, Division 2: Mid-Atlantic – New York and New Jersey were chosen from this division partly due to their proximity to New Hampshire.
- Region 2, Division 3: East North Central – Michigan was chosen from this region.
- Region 2, Division 4: West North Central – Nebraska was chosen from this region.
- Region 3, Division 5: South Atlantic – North Carolina was chosen from this region.
- Region 3, Division 6: East South Central – Mississippi was chosen from this region.
- Region 3, Division 7: West South Central – Oklahoma was chosen from this region.
- Region 4: Division 8: Mountain – Nevada was chosen from this region.
- Region 4, Division 9: Pacific – Oregon was chosen from this region.

Some states did not have a profession comparable to New Hampshire's in terms of scope of practice, or requirements varied too widely, making comparisons difficult. In these instances, we excluded the state from our comparison. We collected licensing requirements for all 15 states except for the following professions. The following were limited to the states with similar professions.

- Ten states had a profession comparable to New Hampshire's Licensed Social Worker.
- Four states licensed LPP as a separate profession.
- Eight states allowed MLADs to treat co-occurring disorders.
- Thirteen states' LADCs appeared to have a similar scope of practice as New Hampshire.
- Eight states had a profession comparable to New Hampshire's CRSW.

Some states' established pre-license practice and supervision requirements as hours per week or hours per year (e.g., two years of pre-license practice). If the laws or rules specified the minimum number of hours per year each year (e.g., each year is equivalent to least 1,500 hours), we used that to convert the requirement to a total number of hours. If a profession's laws and rules did not include a minimum number of hours per year, we reviewed similar types of professions for that state to determine a reasonable equivalent.

In 2021, the Council on Licensure, Enforcement and Regulation (CLEAR) issued a report to the LADC Board assessing its licensing requirements. In the report, CLEAR determined applying an equivalency rate to some of the Board's requirements could facilitate greater mobility for individuals already licensed in other states. Using a similar premise, we calculated some of the Boards' requirements at 80 and 90 percent equivalency rates. We reported the more conservative rate of 90 percent in Observation No. 1. In Appendix D, we expanded the thresholds to 80 percent to show the increased number of states that could be considered substantially equivalent.

Survey Of Professionals Licensed During SFY 2022

In September 2022, we sent links to an online survey to 886 mental health professionals initially licensed in New Hampshire during SFY 2022 for whom we had email addresses. We received 203 complete responses for a 23 percent response rate. We combined and simplified similar answers to open-ended questions and presented them in topical categories; multipart responses were counted in multiple categories where applicable. The results of this survey are in Appendix C.

Internal Control

According to generally accepted government auditing standards, internal control is defined as a process effected by an entity's oversight body, management, and other personnel that provides reasonable assurance that the objectives of an entity will be achieved. Auditing standards require we identify and determine which, if any, internal control components are significant to the audit. We use the definitions and concepts of internal control from the *Standards for Internal Control in the Federal Government* to conduct performance audits in accordance with auditing standards.

We identified four internal control components and several underlying principles that we considered significant to the audit objective.

1. Risk Assessment – Identify, Analyze, and Respond to Risks: Requires management to identify, analyze, and respond to risks related to achieving its objectives. The Boards did not conduct risk assessments to determine whether all applications pose enough licensing risk to warrant full Board review (Observations No. 7 and No. 8).

2. Control Activities – Design Activities for the Information System: Requires management to design the entity’s information system with appropriate control activities and technology infrastructure. We reviewed the OPLC and Boards’ use of information technology in licensing functions and found the system did not contain all information needed to adequately determine timeliness of application processing (Observation No. 6).

Control Activities – Implement Control Activities: Requires management to implement control activities through policies, documenting responsibilities, and periodically reviewing control activities. Some of the Boards’ rules were not aligned with State laws, and Boards did not have adequate rules governing some of their practices (Observations No. 4, No. 5, No. 9, and No. 10).

3. Information and Communication – Use Quality Information: Requires management to identify information requirements and use relevant data from reliable sources. Neither the Boards nor OPLC had adequate data to determine compliance with statutory time limits (Observation No. 6).
4. Monitoring – Perform Monitoring Activities: Requires management to establish activities to monitor the internal control system and evaluate whether results were achieved. The Boards and OPLC did not have adequate processes to determine whether existing practices achieved expected results (Observations No. 1, No. 2, No. 3, No. 6, No. 7, No. 8, and No. 11).

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STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING

APPENDIX B
AGENCIES' RESPONSES TO AUDIT



Lindsey B. Courtney, J.D.
Executive Director

Bethany A. Cottrell
Director

STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION

Board of Mental Health Practice

7 EAGLE SQUARE, CONCORD, NH 03301-4980
Telephone: 603-271-2152
TDD Access: Relay NH 1-800-735-2964
www.oplc.nh.gov

September 15, 2023

Dear Auditors:

The NH Board of Mental Health would like to take this opportunity to thank you for your extensive work making these recommendations. These recommendations will improve the process, not only within the board, but when collaborating with the OPLC to identify processes to expedite licensing of providers and improve our ability to respond promptly to complaints and waivers. We recognize that this audit not only focuses on processes and procedures, but also on how the board will be able to work in partnership with the OPLC to establish a system of endorsements with other boards around the country to expedite licensing.

We appreciate the recommendations made to have OPLC process applications with standing orders in low-risk applications, as this will not only expedite the applications but will also decrease the amount of work for the volunteer board members. This will allow the members to focus more attention on high-risk applications, complex waivers, and complaints.

The Board of Mental Health has had several challenges during recent years, including the fact that we have had several members transition off the board and have many newer members who are still learning the statutes, rules, and processes. In fact, there are only two board-licensed providers who have been with the board for several years. We have found that this year it has been challenging to process a growing volume of applications, waivers, and complaints. There were times when we did not have enough members for quorum.

The board is pleased to report that we have already implemented some of the recommendations. For example, we have established a standing order whereby OPLC administrators can process applications without requiring review by a licensed board representative when there is no concern identified.

Thank you for partnering with us to protect New Hampshire's citizens.

Sincerely,

A handwritten signature in blue ink that reads "Samuel Rosario".

Samuel Rosario, LICSW, Chair
New Hampshire Board of
Mental Health Practice



STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
BOARD OF NURSING

7 EAGLE SQUARE, CONCORD, NH 03301-4980
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TDD Access: Relay NH 1-800-735-2964
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September 12, 2023

The Honorable Kenneth Weyler, Chairman
Joint Legislative Fiscal Committee
Legislative Office Building
Concord, NH 03301

The Board of Nursing welcomes and concurs with the feedback received as a result of the audit. In fact, many of the observations made by the Auditors had already been identified and are in the process of resolution if not resolved already. As we worked through the process, the Auditors, based on feedback from the Board were able to remove recommendations 7.5.1 and 7.5.2, alluding to delegation of licensing authority as well as review of criminal convictions as the Board had already implemented this.

We also have a process in place that addresses 11.2. The Board is not currently in the practice of reviewing incomplete applications. With the volume of applications that are submitted each month, it would not be feasible for the Board to allow time in their meetings for review of applications that have missing information.

Realizing that the Audit focused on a small sub-section of the overall Nursing Practice, being Psychiatric APRN's, the Board recognizes that in addressing these issues presents a great opportunity to improve the licensing process and overall licensing standard for the profession as a whole.

We want to express our gratitude to the Auditing Team for providing such a thorough analysis and allowing the Board to ensure it is meeting its statutory obligations to the citizens of New Hampshire.

Sincerely,

A handwritten signature in blue ink that reads "Samantha O'Neill".

Samantha O'Neill
New Hampshire Board of Nursing, Chair

**STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING**

**APPENDIX C
SURVEY OF MENTAL HEALTH PROFESSIONALS LICENSED DURING SFY 2022**

We surveyed 886 mental health licensees who applied for an initial New Hampshire license in State fiscal year 2022. Using the online survey platform, licensees accessed the survey through an email we sent. We received 203 complete responses for a 23 percent response rate. We combined and simplified similar answers to open-ended questions and presented them in topical categories; multipart responses were counted in multiple categories where applicable. Some totals in the following tables may not add up to 100 percent due to rounding or where respondents could provide multiple responses to the same question.

Question 1. Were you issued an initial license in the State of New Hampshire as a mental health professional between July 1, 2021, and June 30, 2022?		
Answer Options	Count	Percent
Yes	203	91.0
No	20	8.9
<i>respondent answered question</i>		223
<i>respondent skipped question</i>		0

Question 2. What type of mental health professional license were you issued between July 1, 2021, and June 30, 2022? Please select all that apply.		
Answer Options	Count	Percent
Licensed Independent Clinical Social Worker	65	32.0
Licensed Clinical Mental Health Counselor	52	25.6
Psychiatric Mental Health Nurse	26	12.8
Licensed Psychologist	20	9.8
School Psychologist-Specialist	12	5.9
Psychiatrist	9	4.4
Licensed Marriage And Family Therapist	6	2.9
Certified Recovery Support Worker	6	2.9
Licensed Alcohol And Drug Counselor	5	2.4
Master Licensed Alcohol And Drug Counselor	4	1.9
Licensed Pastoral Psychotherapist	2	1.0
School Psychologist-Doctoral	2	1.0
Licensed School Social Worker	1	0.5
<i>respondent answered question</i>		203
<i>respondent skipped question</i>		0

Question 3. Please state your level of agreement with the following statements about initial licensing requirements for your profession (i.e., requirements related to education, practical experience, examination, etc.):							
Answer Options	Agree	Somewhat Agree	Neither Agree Nor Disagree	Somewhat Disagree	Disagree	N/A	Count
Statutes clearly outlined the licensing requirements I needed to meet to obtain my initial license.	76 (41.7%)	58 (31.8%)	12 (6.5%)	24 (13.1%)	9 (4.9%)	3 (1.6%)	182
Board rules clearly outlined the licensing requirements I needed to meet to obtain my initial license.	76 (41.7%)	51 (28.0%)	10 (5.4%)	28 (15.3%)	15 (8.2%)	2 (1.1%)	182
Application forms clearly outlined the licensing requirements I needed to meet to obtain my initial license.	68 (37.3%)	55 (30.2%)	14 (7.6%)	21 (11.5%)	23 (12.6%)	1 (0.5%)	182
Information on the Board's website clearly outlined licensing requirements I needed to meet to obtain my initial license.	56 (30.7%)	51 (28.0%)	16 (8.7%)	28 (15.3%)	28 (15.3%)	3 (1.6%)	182
I did not need to contact OPLC or the Board for them to explain any licensing requirements to me.	38 (20.8%)	12 (6.5%)	5 (2.7%)	17 (9.3%)	106 (58.2%)	4 (2.2%)	182
When I contacted OPLC or the Board to obtain clarification of requirements, I received timely and adequate clarification.	69 (37.9%)	29 (15.9%)	9 (4.9%)	22 (12.0%)	28 (15.3%)	25 (13.7%)	182

respondent answered question **182**
respondent skipped question **41**

Question 3. If you answered disagree with any of the previous statements, please explain.	Count
Comments	
The process, including forms, requirements, and documentation needed were unclear or confusing.	47
Responses from the Board or OPLC to questions were delayed, unclear, or inconsistently provided.	29
Background check/fingerprinting requirements were unclear.	18
Website is hard to navigate/didn't provide information I needed.	18
OPLC/Board was helpful.	10
Encountered delays while applying for my license.	9
Application fees were unclear and were incorrectly listed on applications or websites.	8
Some of my paperwork was lost/misplaced causing me to have to re-submit requirements.	6
Needing to go to other state agency websites/third parties to complete requirements was complicated.	2
The licensure process was expensive.	2
Documentation required was hard to obtain.	2
Other.	11

provided comment **98**

Question 4. In your opinion, are any initial license requirements significant barriers to obtaining a mental health professional license in New Hampshire?		
Answer Options	Count	Percent
Yes	82	45.0
No	78	42.8
Don't know	12	6.5
No opinion	10	5.4

respondent answered question **182**

respondent skipped question **41**

Question 5. In your opinion, what initial license requirements are significant barriers to obtaining a mental health professional license in New Hampshire?	
Comments	Count
The reciprocity process should be streamlined and eliminate the need to locate old documents such as original supervision forms and exam scores.	33
Background check/fingerprinting requirements were unclear or delayed the application process.	13
It is expensive.	13
Supervision requirements were too restrictive and needed to be provided by only approved entities.	7
The process was lengthy.	6
Could not find some requirements or could not get enough clarification on requirements.	5
The process was redundant.	4
Having to send in documentation by mail versus having an online portal to upload requirements was a barrier.	3
The process of verifying a credential or license in another state caused delays.	3
Needing board approval to sit for exam or approve supervision agreement.	3
NH testing requirements were different from other New England states.	2
Needing to provide undergraduate transcripts.	2
Having to complete additional education courses to get a NH license.	2
Having to complete written exams.	2
Other.	5

provided comment **80**

Question 6. Did you request a waiver of any licensing requirement when applying for your initial license?		
Answer Options	Count	Percent
Yes	28	15.5
No	146	81.1
Don't know	6	3.3

respondent answered question **180**
respondent skipped question **43**

Question 7. What licensing requirement did you request to have waived?	
Comments	Count
Verification of supervision hours.	8
Requirements regarding how supervision was conducted (e.g., alternative supervisor, partially done online, etc.).	6
Examination requirement.	5
Additional training or education requirement.	3
Background/ fingerprinting requirement.	2
Other.	4

provided comment **28**

Question 8. Was your waiver request granted?		
Answer Options	Count	Percent
Yes	22	78.5
No	4	14.2
I submitted multiple waiver requests. Some were granted, some were not granted.	1	3.5
Don't know	1	3.5
<i>respondent answered question</i>		28
<i>respondent skipped question</i>		195

Question 9. In your opinion, how clearly did information available in laws, rules, application and related forms, and the Board's website describe the process to apply for an initial license (i.e. process relating to steps or actions you needed to take to complete your initial license application)?		
Answer Options	Count	Percent
Clear	43	24.1
Somewhat Clear	60	33.7
Somewhat Unclear	45	25.2
Unclear	26	14.6
Don't know	1	0.5
No opinion	3	1.6
<i>respondent answered question</i>		178
<i>respondent skipped question</i>		45

Question 10. Please explain why, in your opinion, information describing the process to apply for an initial license was not clear?	Count	
Comments		
Information available regarding the process was outdated, inconsistent (e.g., some forms did not agree with website information), or hard to find.	27	
The entire license process was unclear/confusing.	23	
Background check/fingerprinting requirements were unclear.	15	
The license process for those who held a license in another state was unclear.	7	
There was poor communication.	7	
It was unclear how much licensing fees were.	4	
Other.	5	
<i>provided comment</i>		69

Question 11. In your opinion, is the process to apply for an initial license a significant barrier to obtaining a mental health professional license in New Hampshire?		
Answer Options	Count	Percent
Yes	67	38.0
No	91	51.7
Don't know	8	4.5
No opinion	10	5.6
<i>respondent answered question</i>		176
<i>respondent skipped question</i>		47

Question 12. What aspect of the initial licensing process do you think is a significant barrier to obtaining an initial license in New Hampshire?	Count	
Comments		
The application process was lengthy (e.g., gathering required materials).	16	
No streamlined process for applicants who held a license in another state.	13	
The length of time it took to process/review the application.	9	
Needing to wait for a Board meeting to approve the application.	9	
Background check/fingerprinting requirements were unclear.	8	
There was poor communication.	7	
Expensive.	7	
Requirements were unclear.	5	
Having to send in documentation manually versus submitting them online.	5	
Supervision requirements.	4	
Website and applications did not have necessary information.	4	
Lost documentation.	3	
Multiple requests for additional information.	3	
Other.	8	
<i>provided comment</i>		66

Question 13. From the time you submitted your initial license application, about how long did it take for you to receive your license?		
Answer Options	Count	Percent
Less than one month	15	8.5
One month to less than two months	40	22.7
Two months to less than three months	42	23.8
Three months to less than six months	48	27.2
Six months to one year	22	12.5
More than one year	1	0.5
Don't know	8	4.5
<i>respondent answered question</i>		176
<i>respondent skipped question</i>		47

Question 14. What caused your license to take three months or more to process? Please select all that apply.		
Answer Options	Count	Percent
There was a delay with the criminal background check.	17	23.6
The Board requested additional information about my education.	9	12.5
The Board requested additional information about my practical experience or supervision requirements.	15	20.8
The Board requested additional information about the examination I took.	6	8.3
Don't know.	15	20.8
Other (please specify)	38	52.7

respondent answered question **72**
respondent skipped question **151**

Question 14. Text Responses, Other:	Count
Comments	
Background check/fingerprinting requirements were unclear.	10
Poor communication and lost application materials.	6
Requirements were unclear.	4
Payment was needed.	4
Had to wait for another Board meeting to review application.	3
Issues with supervision obtained or providing supervision documentation.	3
My license was not issued directly after it was approved.	2
Waiting on documentation to be provided by other agencies.	1
The board requested additional info about my references.	1
Errors on the signature page.	1
License verification from another state.	1
Required additional continuing education.	1
Other.	6

provided comment **38**

Question 15. Once you submitted your initial license application, did you receive any correspondence from the OPLC or the Board indicating you needed to provide additional information to complete your application?		
Answer Options	Count	Percent
Yes	102	57.9
No	63	35.8
Don't know	11	6.2

respondent answered question **176**
respondent skipped question **47**

Question 16. After submitting your application, how long did it take to receive correspondence from the OPLC or the Board that something was missing?		
Answer Options	Count	Percent
Less than one week	18	17.4
One week to less than two weeks	22	21.3
Two weeks to less than three weeks	17	16.5
Three weeks to less than four weeks	11	10.6
Four weeks or more	19	18.4
Don't know	16	15.5

respondent answered question **103**

respondent skipped question **120**

Question 17. What type of additional information was requested? Please select all that apply.

Answer Options	Count	Percent
Information on the courses I took as part of my degree program.	12	11.7
Information on my criminal background check.	36	35.2
Information on my supervised work experience.	19	18.6
Information on my supervisor.	14	13.7
Information on examinations I took.	14	13.7
Missing signature on forms.	4	3.9
Other (please specify)	47	46.0

respondent answered question **102**

respondent skipped question **121**

Question 17. Text Responses, Other:	Count
Fees.	14
Supervision information.	7
Background check.	7
Other state license verification.	4
Photo.	3
Exam.	2
Transcripts.	2
References.	2
Continued education information.	1
Board certification.	1
Other.	8

provided comment **47**

Question 18. If you were asked to provide additional information, how long did it take for you to receive your license from the time the additional information was submitted?		
Answer Options	Count	Percent
Less than one month	27	26.7
One month to less than two months	35	34.6
Two months to less than three months	21	20.7
Three months or more	8	7.9
Don't know	10	9.9
<i>respondent answered question</i>		101
<i>respondent skipped question</i>		122

Question 19. In your opinion, how important is the portability of your license? Portability is generally considered the ability of individuals who are qualified to practice in one jurisdiction to transfer their qualifications to another jurisdiction to expedite the licensure process.		
Answer Options	Count	Percent
Important	156	89.1
Somewhat important	12	6.8
Somewhat unimportant	0	0.0
Unimportant	1	0.5
No opinion	5	2.8
Don't know	1	0.5
<i>respondent answered question</i>		175
<i>respondent skipped question</i>		48

Question 20. Please explain your opinion on the importance of licensure portability.		
Comments	Count	
Allows providers flexibility/options to work in different states.	45	
It increases the number of providers and enhances the ability to provide mental health services to those in need.	32	
Important for practicing through telehealth.	27	
Helps to provide continuity of care to clients who are in college, travel, or relocate.	24	
Facilitates providing care to other New England states.	17	
The license process was difficult or time consuming.	16	
License requirements are similar enough across states that practitioners should be able to go through one process to get licensed.	14	
Not having reciprocity is a barrier.	10	
Compacts or reciprocity agreements would be helpful.	5	
Other.	20	
<i>provided comment</i>		158

Question 21 At the time you applied for your initial license in New Hampshire, did you hold a mental health license in another state?		
Answer Options	Count	Percent
Yes, I held another mental health license for five years or more.	68	39.5
Yes, I held another mental health professional license for less than five years.	35	20.3
No, I did not hold a mental health license in another state.	69	40.1
	respondent answered question	172
	respondent skipped question	51

Question 22. Please list the types of mental health licenses you held in another state.	
Comments	Count
Clinical Social Worker	38
Clinical Mental Health Counselor	26
Psychiatric Mental Health Nurse (advanced practice nursing license)	12
Psychologist	10
Alcohol And Drug Counselor	8
Marriage And Family Therapist	3
Psychiatrist (Physician license)	3
School Psychologist	2
Master Level Alcohol And Drug Counselor	1
	provided comment
	96

Question 23. Please list the other states in which you have held mental health licenses.			
State	Count	State	Count
Massachusetts	57	Alabama	2
Vermont	18	Maryland	1
Maine	15	Alaska	1
Connecticut	6	Kansas	1
Rhode Island	5	Ohio	1
New York	7	Iowa	1
New Jersey	2	Pennsylvania	1
Texas	6	Delaware	1
Virginia	5	Indiana	1
Minnesota	4	Georgia	1
Illinois	3	South Carolina	1
Florida	3	Mississippi	1
California	3	North Dakota	1
Colorado	2	Utah	1
Arkansas	2	Arizona	1
Oklahoma	2	Wisconsin	1
North Carolina	2	West Virginia	1
Tennessee	2	New Mexico	1
Hawaii	2	Kentucky	1
Louisiana	2		

Provided comment **100**

Question 24. When applying to New Hampshire for your mental health license, did you encounter difficulty in producing documentation to satisfy New Hampshire's requirements?		
Answer Options	Count	Percent
Yes	39	37.8
No	62	60.1
Don't know	2	1.9

respondent answered question **103**

respondent skipped question **120**

Question 25. Please explain the document you had difficulty producing or requirement you had difficulty meeting.	Count
Documentation of supervision and experience hours.	19
Transcript.	7
License verification.	5
Background check/fingerprinting requirement.	5
Exam results.	4
Graduate level substance abuse course	1
Continuing education documentation.	1
References	1
Notarized seal from another state.	1
Coursework.	1
Other.	2
<i>provided comment</i>	35

Question 26. Currently, do you hold any active mental health licenses in another state?		
Answer Options	Count	Percent
Yes	108	62.7
No	64	37.2
<i>respondent answered question</i>		172
<i>respondent skipped question</i>		51

Question 27. Please list the other states in which you currently hold any active mental health licenses.			
State	Count	State	Count
Massachusetts	62	Alabama	2
Vermont	20	Arkansas	1
Maine	18	Kansas	1
Rhode Island	4	Ohio	1
Connecticut	4	Iowa	1
New York	6	Pennsylvania	1
New Jersey	3	Delaware	1
Texas	6	Indiana	1
Virginia	5	Georgia	1
Florida	5	South Carolina	1
Minnesota	3	Louisiana	1
Colorado	2	Mississippi	1
Illinois	2	North Dakota	1
Oklahoma	2	Arizona	1
Alaska	2	Wisconsin	1
North Carolina	2	New Mexico	1
Tennessee	2	Kentucky	1
Hawaii	2	Montana	1
<i>Provided comment</i>		104	

Question 28. Please provide any additional comments you have about initial mental health licensure requirements or the initial licensing process.	Count
There should be a streamlined process for applicants who held licenses in other states.	18
Poor or difficult licensing process.	16
There was poor communication.	11
The licensure process is costly.	10
Websites need to be updated for easier navigation of requirements and application should be online.	6
Process was straightforward/easy.	6
The background check process slow/inconvenient.	4
There are limited options to obtain supervision towards licensure.	3
Approval was quick.	2
Requirements could be simplified.	2
Other.	15
<i>provided comment</i>	69

Question 29. If you would like to receive a link to our report when it becomes public, please provide the email address where you would like to receive the link. (We will not report or retain this email address after the report is made public.)		
Answer Options	Count	Percent
No.	89	52.0
Yes (please provide email address).	82	47.9
<i>respondent answered question</i>	171	
<i>respondent skipped question</i>	52	

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STATE OF NEW HAMPSHIRE
MENTAL HEALTH WORKFORCE LICENSING

APPENDIX D
COMPARISON OF STATES' BASIC LICENSURE REQUIREMENTS

We compared New Hampshire's license requirements for mental health professions with similar licenses in other states. The tables in this appendix summarize components of education, pre-licensed practice, supervision requirements, and examination requirements in New Hampshire and the 15 states we reviewed. New Hampshire's requirements are placed near the top of the tables for easy reference. New England states are placed near the top for easy comparison, while the rest of the states appear in alphabetical order. Cells in the tables highlighted in red show the state had a less stringent requirement in that area than New Hampshire (e.g., the state required fewer hours of pre-license practice or supervision), yellow highlights show the state had the same requirement, and green highlights show the state had more stringent requirements. We did not assess whether requirements used in other states were appropriate for New Hampshire. Therefore, Boards would need to further evaluate all requirements and determine their impact on public safety.

No New Hampshire Board had a process to review other states' licensing requirements to determine whether they may be equal, substantially equivalent, or greater than New Hampshire. In 2021, the Council on Licensure, Enforcement and Regulation (CLEAR) issued a report to the LADC Board assessing its licensing requirements. In the report, CLEAR determined applying an equivalency rate to some of the Board's requirements could facilitate greater portability for individuals already licensed in other states.

Using a similar premise, we calculated some of the Boards' requirements at an 80 percent equivalency rate. Using this threshold, we found requirements for some states we selected for review could be comparable to New Hampshire. These thresholds would be applied to individuals who already hold a license in another state and this exercise could help the Boards consider what standards to apply when assessing substantial equivalency. Requirements for states that could be considered substantially equivalent using our 80 percent equivalency threshold are bolded in the following tables. We did not make a note in the tables for professions where all states we reviewed were below the 80 percent equivalency threshold.

We used 80 percent as an example and do not comment on whether this level is appropriate for all Boards. Each Board would need to consider what threshold would best balance public protection with the level of experience individuals already licensed in other states possess.

Table 2

Licensed Clinical Mental Health Counselor License Requirements By State

State	Minimum Education	Total Practice Hours	Client Contact Hours	Supervision Hours	Exam ¹
New Hampshire	Master's	3000	0	100	NCMHCE
Connecticut	Master's	3000	0	100	NCE or NCMHCE
Maine	Master's	3000	1500	100	NCHMCE
Massachusetts	Master's	3360	960	130	NCMHCE
Rhode Island	Master's	3000 ²	2000	100	NCMHCE
Vermont	Master's	3000	2000	100	NCE or NCMHCE
Michigan	Master's	3000	0	100	NCE, CRC, NCMHCE, or other approved
Mississippi	Master's	3000	1200	100	NCMHCE
Nebraska	Master's	3000	1500	75 ³	NCE, CRC, NCMHCE or other approved
Nevada	Master's	3000	1500	300	NCMHCE
New Jersey	Master's	3000	0	100	NCE ⁴
New York	Master's	3000	1500	75 ³	NCMHCE
North Carolina	Master's	3000	2000	100	NCE, CRC, NCMHCE, EPPP, or other approved
Oklahoma	Master's	3000	1050	112 ³	NCE
Oregon	Master's	3500 ⁵	2400	400	NCE, CRC, or NCHMCE
Washington	Master's	3000	1200	100	NCE or NCHMCE

Notes:

1. National Clinical Mental Health Counselor Exam (NCMHCE), National Counselor Exam (NCE) Certified Rehabilitation Counselor exam (CRC), Examination for Professional Practice in Psychology (EPPP).
2. Required "two years" pre-licensed practice. We used requirements for RI's licensed clinical social worker to calculate a reasonable number for comparison.
3. Requirements were noted as a percentage of pre-licensed practice hours, or hours per week. We converted the requirement to a reasonable number for comparison.
4. If applying through endorsement, the NCMHCE can be used.
5. Required "three years" pre-license practice. We used requirements for OR's licensed clinical social worker to calculate a reasonable number for comparison.

Source: LBA analysis of other states' requirements.

Table 3

Marriage And Family Therapist License Requirements By State

State	Minimum Education	Total Practice Hours	Client Contact Hours	Supervision Hours	Exam ¹
New Hampshire	Master's	3000	1000	200	AMFTRB
Connecticut	Master's	3000 ²	1000	100	AMFTRB
Maine	Master's	3000	1000	200	AMFTRB
Massachusetts	Master's	3360 ³	1000	200	AMFTRB
Rhode Island	Master's	3000 ⁴	2000	100	AMFTRB
Vermont	Master's	3000	2000	100	AMFTRB
Michigan	Master's	1000	500	200	AMFTRB
Mississippi	Master's	4000 ⁵	1000	200	AMFTRB
Nebraska	Master's	3000	1500	100	AMFTRB
Nevada	Master's	3000	1500	300	AMFTRB
New Jersey	Master's	3000	2300	100	AMFTRB
New York	Master's	1500	1500	37 ⁶	AMFTRB
North Carolina	Master's	1500	1000	200	AMFTRB
Oklahoma	Master's	4000 ⁷	1000	150	AMFTRB
Oregon	Master's	3500 ⁸	2400	0	AMFTRB
Washington	Master's	3000	1000	200	AMFTRB

Notes:

1. Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination.
2. Required "one year" pre-licensed practice. We used requirements for CT's clinical mental health counselor to calculate a reasonable number for comparison.
3. Pre-licensed practice hours were stated as two full years at 35 hours per week for 48 weeks. We converted the requirement to a reasonable number for comparison.
4. Required "two years" pre-license practice. We used requirement for RI's licensed clinical social worker to calculate a reasonable number for comparison.
5. Required "two years" pre-license practice. We used requirements for MS's mental health counselor to calculate a reasonable number for comparison.
6. Requirements were noted as hours per week. We converted the requirement to a reasonable number for comparison.
7. Required "two years" pre-license practice. We used requirements for OK's licensed social worker to calculate a reasonable number for comparison.
8. Required "three years" pre-license practice. We used requirements for OR's licensed clinical social worker to calculate a reasonable number for comparison.

Source: LBA analysis of other states' requirements.

Table 4

Licensed Independent Clinical Social Worker License Requirements By State

State	Minimum Education	Total Practice Hours	Client Contact Hours	Supervision Hours	Exam ¹
New Hampshire	Master's	3000	0	100	ASWB Clinical
Connecticut	Master's	3000	0	100	ASWB Clinical
Maine	Master's	3200	0	96 ²	ASWB Clinical
Massachusetts	Master's	3500	0	100	ASWB Clinical
Rhode Island	Master's	3000	1500	100	ASWB Clinical
Vermont	Master's	3000	2000	100 ³	ASWB Clinical
Michigan	Master's	4000	0	96 ^{2,3}	ASWB Clinical
Mississippi	Master's	4000 ⁴	1000	100	ASWB Clinical
Nebraska	Master's	3000	1500	75 ³	ASWB Clinical
Nevada	Master's	3000	2000	75 ³	ASWB Clinical
New Jersey	Master's	3000	1920	100 ³	ASWB Clinical
New York	Master's	3000 ⁵	2000	100	ASWB Clinical
North Carolina	Master's	3000	0	100	ASWB Clinical
Oklahoma	Master's	4000	3000	100	ASWB Clinical
Oregon	Master's	3500	2000	100	ASWB Clinical
Washington	Master's	4000	1000	130	ASWB Clinical

Notes:

1. Association of Social Work Boards (ASWB) Clinical examination.
2. If NH applied an 80 percent equivalency rate to its supervision hours, these states would appear comparable.
3. Requirements were noted as a percentage of pre-licensed practice hours or hours per week. We converted the requirement to a reasonable number for comparison.
4. Required "two years" pre-license practice. We used requirements for MS's clinical mental health counselor to calculate a reasonable number for comparison.
5. Required "three years" pre-license practice. We used requirements for NY's mental health counselor to calculate a reasonable number for comparison.

Source: LBA analysis of other states' requirements.

Table 5

Licensed Social Worker License Requirements By State¹

State	Minimum Education	Total Practice Hours	Supervision Hours	Exam²
New Hampshire	Bachelor's	4000	300	National Exam³
Maine	Bachelor's	3200 ⁴	96	ASWB Bachelor's
Massachusetts	High School	0	0	ASWB Bachelor's
Michigan	Bachelor's	4000	96 ⁵	ASWB Bachelor's
Mississippi	Bachelor's	0	0	ASWB Bachelor's
Nebraska	Bachelor's	0	0	Not specified
Nevada	Bachelor's	0	0	ASWB Bachelor's
New Jersey	Bachelor's	0	0	Not specified
North Carolina	Bachelor's	0	0	ASWB Bachelor's
Oklahoma	Bachelor's	0	0	ASWB Bachelor's
Oregon	Bachelor's	0	0	ASWB Bachelor's

Notes:

1. Only ten states had a profession comparable to New Hampshire's Licensed Social Worker.
2. Association of Social Work Boards (ASWB) Bachelor's examination.
3. NH law required a nationally proctored exam approved by the Board; however, the Board has no rules for Licensed Social Workers and had not determined this requirement.
4. If NH applied an 80 percent equivalency rate to its pre-licensed practice, this state would appear comparable.
5. Requirements were noted as number of hours per month. We converted the requirement to a reasonable number for comparison.

Source: LBA analysis of other states' requirements.

Table 6

Licensed Pastoral Psychotherapist License Requirements By State¹

State	Minimum Education	Total Practice Hours	Client Contact Hours	Supervision Hours	Exam ²
New Hampshire	Doctorate	3000	1375	250	NH State Exam
North Carolina	Master's	1375	0	250	State Exam
Maine	Master's	3000	1000	200 ³	NCMHCE
Kentucky	Master's	1375	0	250	State Exam
Tennessee	Master's	1400	0	270	NCE, ASWB, EPPP, AMFTRB, or NCMHCE

Notes:

- ¹. Licensed pastoral psychotherapist was not a specific license in most other states. We reviewed all states that licensed LPPs as a separate profession. However, only four states licensed LPPs.
- ². National Clinical Mental Health Counseling Examination (NCMHCE), National Counselor Exam (NCE), Association of Social Work Boards (ASWB), Examination for Professional Practice in Psychology (EPPP), Association of Marital and Family Therapy Regulatory Boards (AMFTRB).
- ³. If NH calculated its supervision hours at an 80 percent equivalency rate, ME's supervision would be comparable.

Source: LBA analysis of other states' requirements.

Table 7

Psychologist License Requirements By State

State	Minimum Education	Total Practice Hours	Post-Doctoral Practice Hours ¹	Supervision Hours ²	Exam ³
New Hampshire	Doctorate	3000	1500	50	EPPP
Connecticut	Doctorate	1800	0 ⁴	135	EPPP
Maine	Doctorate	3000	1500	104	EPPP
Massachusetts	Doctorate	3200	0 ⁴	200	EPPP
Rhode Island	Doctorate	3000	1500	52	EPPP
Vermont	Master's ⁵	4000	2000	104	EPPP
Michigan	Doctorate	3500	2000	48 ⁶	EPPP
Mississippi	Doctorate	4000	2000	104	EPPP
Nebraska	Doctorate	3000	1500	48 ⁶	EPPP
Nevada	Doctorate	3750	1750	48 ⁶	EPPP
New Jersey	Doctorate	3500	1750	200	EPPP
New York	Doctorate	3500	1750	78	EPPP
North Carolina	Doctorate	3000	1500	52	EPPP
Oklahoma	Doctorate	4000	2000	75	EPPP
Oregon	Doctorate	3000	1500	75	EPPP
Washington	Doctorate	3000	0 ⁴	75	EPPP

Notes:

1. Post-doctorate hours are a portion of the "Total Practice" hours.
2. For all states except NJ, supervision requirements were noted as a set number of hours per month or week, or a percent of the pre-licensed hours. We converted the requirement to a reasonable number for comparison.
3. Examination for Professional Practice in Psychology (EPPP).
4. CT, MA, and WA allowed pre-licensed practice to be completed either during the doctorate program or post-doctoral.
5. VT licensed at the doctoral level with the same practice, supervision, and exam requirements.
6. If NH applied an 80 percent equivalency rate to its supervision, all states would appear comparable.

Source: LBA analysis of other states' requirements.

Table 8

Master Licensed Alcohol And Drug Counselor License Requirements By State¹

State	Minimum Education	Alcohol And Drug Education Hours	Total Practice Hours	Supervision Hours	Exam ²
New Hampshire	Master's	300	3000	300	IC&RC AADC
Connecticut ³	Master's	240 ⁴	4000	300	IC&RC ADC
Rhode Island ³	Master's	180	2000	100	IC&RC AADC
Vermont	Master's	270 ⁴	2000	50	IC&RC AADC
Mississippi ³	Master's	270 ⁴	4000	300	IC&RC AADC
Nevada	Master's	0	3000	0	IC&RC AADC and NCMHCE
New Jersey ³	Master's	270 ⁴	3000	300	IC&RC ADC
North Carolina ³	Master's	180	4000	300	IC&RC AADC
Oklahoma ³	Master's	0	4000	100	IC&RC AADC

Notes:

1. Some states selected for comparison did not appear to allow MLADCs to treat co-occurring disorders. We only compared New Hampshire to the eight states that appeared to allow MLADCs to treat co-occurring disorders.
2. International Certification and Reciprocity Consortium (IC&RC). Alcohol and Drug Counselor exam (ADC), Advanced Alcohol and Drug Counselor exam (AADC). National Clinical Mental Health Counseling Examination (NCMHCE).
3. These states offered IC&RC credentials for their advanced alcohol and drug counselor level counselors.
4. If NH applied an 80 percent equivalency to their alcohol and drug education requirement, these states would be comparable.

Source: LBA analysis of other states' requirements.

Table 9

Licensed Alcohol And Drug Counselor License Requirements By State¹

State	Minimum Education	Alcohol And Drug Education Hours	Total Practice Hours	Supervision Hours	Exam ²
New Hampshire	Associate's	300	6000³	300	IC&RC ADC
Maine	High School	0	6000	300	IC&RC AADC
Massachusetts ⁴	High School	270 ⁵	6000	300	IC&RC ADC
Rhode Island ⁴	High School	300	6000	300	IC&RC ADC
Michigan ⁴	High School	300	6000	300	IC&RC ADC
Mississippi ⁴	High School	270 ⁵	6000	300	IC&RC ADC
Nebraska ⁴	High School	270 ⁵	6000	150	IC&RC ADC
Nevada ⁴	Bachelor's	0	4000 ³	0	IC&RC ADC
New Jersey ⁴	High School	270 ⁵	3000	300	IC&RC ADC
New York ⁴	High School	350	6000	300	IC&RC ADC
North Carolina ⁴	High School	270 ⁵	6000	300	IC&RC ADC
Oklahoma	Bachelor's	270 ⁵	4000 ³	52	IC&RC ADC
Oregon	Bachelor's	300	4000 ³	0	NAADC NCAC II
Washington	High School	450	2500	0	IC&RC ADC or AADC, NAADC NCAC I

Notes:

1. Two states did not allow LADCs to provide the same scope of services as NH. Therefore, we only compared NH with the 13 states that appeared to have a similar scope of practice.
2. International Certification and Reciprocity Consortium (IC&RC). Alcohol and Drug Counselor exam (ADC), Advanced Alcohol and Drug Counselor exam (AADC), National Association for Alcoholism and Drug Abuse Counselors (NAADC), National Certified Addiction Counselor Level I exam (NCAC I).
3. In NH, individuals with a bachelor's degree needed 4,000 hours of pre-license practice. This is the same requirement as those with a bachelor's degree from OK, NV, and OR.
4. These states offered IC&RC credentials for their alcohol and drug counselor level counselors.
5. If NH applied an 80 percent equivalency rate to its alcohol and drug education hours all states except for ME and NV would appear comparable.

Source: LBA analysis of other states' requirements.

Table 10

Certified Recovery Support Worker Requirements By State¹

State	Minimum Education	Alcohol And Drug Use Education	Total Practice Hours	Supervision Hours	Exam ²
New Hampshire	High School	46	500	25	IC&RC Peer Recovery
Connecticut ³	Not specified	240	6000	300	IC&RC ADC
Maine ⁴	High School	0	0	0	Not specified
Massachusetts ⁴	High School	50	2000	0	IC&RC ADC
Rhode Island ³	High School	46	500	25	IC&RC Peer Recovery
Michigan ³	High School	46	500	25	IC&RC Peer Recovery
Mississippi ⁴	High School	192	0	0	IC&RC ADC
Nevada ³	High School	46	475 ⁵	25	IC&RC Peer Recovery
Oregon ³	Not specified	150	1000	0	NAADC NCAC I

Notes:

1. Only eight states had a CRSW-comparable profession.
2. International Certification and Reciprocity Consortium (IC&RC). Alcohol and Drug Counselor exam (ADC). National Association for Alcoholism and Drug Abuse Counselors (NAADC). National Certified Addiction Counselor Level I exam (NCAC I).
3. These states offered IC&RC credentials for their Peer Recovery counselors.
4. These states offered IC&RC credentials for their Prevention Specialists.
5. If NH applied an 80 percent equivalency rate to its pre-licensed practice hours, this state would be comparable.

Source: LBA analysis of other states' requirements.

Table 11

Psychiatrist License Requirements By State

State	Minimum Education	Total Practice (Residency) ¹	Exam ²
New Hampshire	Medical Degree ³	Two Years	NBOME; FLEX; or USMLE
Connecticut	Medical Degree	Two Years	USMLE; NBME; FLEX; or NBOME
Maine	Medical Degree	Three Years	USMLE; FLEX; NBME; or other approved
Massachusetts	Medical Degree	Two Years	USMLE; NBME; COMLEX; or FLEX
Rhode Island	Medical Degree	Two Years	NBME; NBOME; USMLE; COMLEX; or combination
Vermont	Medical Degree	Two Years	COMLEX; USMLE; or NBOME
Michigan	Medical Degree	Two Years	USMLE; COMLEX
Mississippi	Medical Degree	One Year	NBME; NBOME; COMLEX; FLEX and USMLE, or combination
Nebraska	Medical Degree	One Year	FLEX; NBME ² ; USMLE; NBOME; COMLEX; or combination
Nevada	Medical Degree	Three Years	NBOME; combination of NBME, FLEX, USMLE; or other approved
New Jersey	Medical Degree	Two Years	USMLE, NBOME
New York	Medical Degree	One Year	FLEX; NBME; NBOME; USMLE; or combination
North Carolina	Medical Degree	One Year	NBME; USMLE; FLEX; or equivalent
Oklahoma	Medical Degree	One Year	USMLE; NBME, USMLE, and FLEX; COMPLEX; or other approved
Oregon	Medical Degree	One Year	NBME; NBOME; COMLEX; FLEX and USMLE, or combination
Washington	Medical Degree	Two Years	USMLE; FLEX; NBME; COMLEX; NBOME; WA state exam; or combination

Notes:

1. In some states, Medical Doctor (MD) and Doctor of Osteopathic Medicine (DO) were licensed by separate entities with different post-graduate practice (i.e., residency) requirements. Where this occurred, we used the higher of the two.
2. Some states allowed different exams for MDs and DOs. We included all acceptable exams: National Osteopathic Board of Examiners exam (NBOME), Federation Licensing Examination (FLEX), U.S. Medical Licensing Examination (USMLE), Comprehensive Osteopathic Medical Licensing Examination (COMLEX), National Board of Medical Examiners exam (NBME).
3. Includes both MD and DO.

Source: LBA analysis of other states' requirements.

Table 12

Psychiatric Mental Health Nurse Practitioner License Requirements By State

State	Minimum Education	Total Practice Hours	Exam ¹
New Hampshire	Master's	0	ANCC-PMHNP
Connecticut	Master's	2000	ANCC-PMHNP
Maine	Master's	Two Years ²	ANCC-PMHNP
Massachusetts	Master's	Two Years ²	ANCC-PMHNP
Rhode Island	Master's	0	ANCC-PMHNP
Vermont	Graduate Certificate	2400	ANCC-PMHNP
Michigan	Graduate Certificate	0	ANCC-PMHNP
Mississippi	Master's	2000 ³	ANCC-PMHNP
Nebraska	Master's	2000	ANCC-PMHNP
Nevada	Master's	2000 ⁴	ANCC-PMHNP
New Jersey	Master's	0	ANCC-PMHNP
New York	Graduate Certificate	0	ANCC-PMHNP
North Carolina	Master's	0	ANCC-PMHNP
Oklahoma	Master's	0	ANCC-PMHNP
Oregon	Master's	400 ⁵	ANCC-PMHNP
Washington	Master's	1,000 ^{5,6}	ANCC-PMHNP

Notes:

1. Nine states did not specify an exam; however, the PMHNP designation required passing the American Nurses Credentialing Center – Psychiatric Mental Health Nurse Practitioner (ANCC-PMHNP) credentialing exam.
2. Pre-license practice requirements were stated in years. There were no reasonable comparisons in the state for us to convert it to hours.
3. The board suspended pre-license practice during our audit period. The requirement was 1,000 hours if the applicant had at least one year practicing as a Register Nurse, but if less than one year, the requirement was 2,000 hours.
4. NV required all Advanced Practice Registered Nurses work under the supervision of a physician for two years or 2,000 hours before prescribing schedule II narcotics.
5. Recently graduated Advanced Practice Registered Nurses did not need to complete pre-license practice.
6. In WA, an individual who did not apply for a license within one year of graduation had to complete additional practice hours for each year after graduating, not to exceed 1,000 hours.

Source: LBA analysis of other states' requirements.