

**CHAPTER 41**  
**HB 369-FN - FINAL VERSION**

7Apr2021... 0185h

2021 SESSION

21-0136  
10/08

HOUSE BILL                    ***369-FN***

AN ACT                    relative to the use of physical agent modalities by occupational therapists.

SPONSORS:            Rep. McGuire, Merr. 29; Rep. M. Pearson, Rock. 34; Sen. Reagan, Dist 17

COMMITTEE:          Executive Departments and Administration

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AMENDED ANALYSIS

This bill clarifies the use of ultrasound and electrical physical agent modalities by occupational therapists and occupational therapy assistants.

This bill is a request of the office of professional licensure and certification.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the use of physical agent modalities by occupational therapists.

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

41:1 Occupational Therapists; Rulemaking. Amend RSA 326-C:7 to read as follows:

326-C:7 Rulemaking. The board shall adopt rules pursuant to RSA 541-A specifying:

~~I. [The physical agent modalities which may be applied as an adjunct to, or in preparation for, engagement in purposeful activities and occupations;~~

~~II. The eligibility requirements to be met by licensees seeking a certificate authorizing the application of physical agent modalities;~~

~~III. The documentation required by the board for the issuance of a certificate authorizing a licensee to apply physical agent modalities;~~

~~IV.] **The requirements and use of occupational therapy techniques involving ultrasound or electrical physical agent modalities by occupational therapy practitioners;**~~

**II.** The requirements for supervision of licensed occupational therapy assistants by licensed occupational therapists; and

~~[V.]~~ **III.** The use and supervision of non-licensed persons providing supportive services to licensed occupational therapists or occupational therapy assistants.

41:2 Occupational Therapists; Physical Agent Modalities. RSA 326-C:8 is repealed and reenacted to read as follows:

326-C:8 Physical Agent Modalities.

I. An occupational therapist who is licensed under this chapter and who has been trained may utilize occupational therapy techniques involving ultrasound or electrical physical agent modality devices.

II. An occupational therapy assistant who is licensed under this chapter may apply ultrasound or electrical physical agent modality devices if he or she:

(a) Works under the supervision of a qualified occupational therapist who is licensed under this chapter; and

(b) Has been trained to utilize occupational therapy techniques involving ultrasound or electrical agent modality devices.

41:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 17, 2021  
Effective Date: July 16, 2021