

CHAPTER 37
HB 109 - FINAL VERSION

14Feb2023... 0214h
4May2023... 1659EBA

2023 SESSION

23-0025
09/10

HOUSE BILL **109**

AN ACT relative to the occupational therapy practice act.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Mooney, Hills. 12; Rep. Cannon, Straf. 12; Rep. B. Boyd, Hills. 12

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill revises the statutory definitions relative to the practice of occupational therapy.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 37
HB 109 - FINAL VERSION

14Feb2023... 0214h
4May2023... 1659EBA

23-0025
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the occupational therapy practice act.

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

1 37:1 Occupational Therapists; Definitions. RSA 326-C:1 is repealed and reenacted to read as
2 follows:

3 326-C:1 Definitions. In this chapter and RSA 328-F, unless the context otherwise requires:

4 I. "Board" means the occupational therapy governing board established in RSA 328-F.

5 II. "Occupational therapist" means a person currently licensed to practice occupational therapy in
6 the state of New Hampshire.

7 III. "Occupational therapy assistant" means a person currently licensed to assist in the practice of
8 occupational therapy, under the supervision of an occupational therapist, in the state of New Hampshire.

9 IV. "Occupational therapy" means the care and services provided by an occupational therapist or
10 occupational therapy assistant who are licensed pursuant to this chapter. Areas of occupation include but
11 are not limited to:

12 (a) Activities of daily living, which are the routine activities a person completes to meet their
13 basic health and survival needs.

14 (b) Instrumental activities of daily living, which are activities a person completes to live
15 independently and participate in the community.

16 (c) Health management.

17 (d) Rest and sleep.

18 (e) Education.

19 (f) Work.

20 (g) Play.

21 (h) Leisure.

22 (i) Social participation.

23 V. "Practice of occupational therapy" means the therapeutic use of everyday life occupations and
24 activities with persons, groups, or populations to support occupational performance across their lifespans.

25 (a) Practice of occupational therapy includes but is not limited to:

26 (1) Evaluation, analysis, and diagnosis of occupational performance, as well as
27 interventions designed to address occupational performance and engagement in occupations.

28 (2) Assessment of occupations, occupational performance, and engagement which may
29 include client performance skills (motor, process, social interaction), performance patterns (habits, roles,
30 routines, rituals), contexts (environments and personal factors), and client factors (body functions and
31 structures, values, beliefs, and spirituality).

CHAPTER 37
HB 109 - FINAL VERSION
- Page 2 -

1 (3) Identification, development, remediation, or compensation of physical,
2 neuromusculoskeletal, sensory-perceptual, emotional regulation, social interaction, visual, mental, and
3 behavioral skills; cognitive functions; pain and pain management; praxis and developmental skills to
4 improve or enhance occupational performance and engagement.

5 (4) Compensation, modification, or adaptation of occupations, activities, performance
6 patterns, and contexts, including the application of universal design and ergonomic principles to improve
7 or enhance occupational performance and engagement.

8 (5) Habilitation, rehabilitation, and the promotion of physical and mental health and
9 wellness for clients with all levels of ability-related needs. This includes occupational skills or
10 performance abilities and patterns that are impaired, in decline, at risk of decline or impairment, or have
11 not yet developed.

12 (6) Health promotion, injury and disease management, and disability prevention through
13 the identification and remediation of client skills, habits, roles, routines as well as current or potential
14 contextual barriers impacting occupational performance and engagement.

15 (7) Therapeutic exercises, including tasks and methods to increase motion, strength,
16 endurance, and enhance healthy routines to support occupational performance and engagement.

17 (8) Assessment, design, fabrication, application, fitting and training in seating and
18 positioning, assistive technology, adaptive devices and orthotic devices, and training in the use of
19 prosthetic devices.

20 (9) Application of physical agent and mechanical modalities and use of a range of
21 specific therapeutic procedures (eg., wound care management; techniques to enhance sensory, motor,
22 perpetual, and cognitive processing; manual therapy techniques) to enhance occupational performance
23 and engagement.

24 (10) Education and training of persons, including family members, caregivers, groups,
25 populations to address occupational performance and engagement.

26 (11) Consultative services to persons, groups, populations, programs, organizations and
27 communities to address occupational performance and engagement.

28 (12) Advocacy directed toward promoting opportunities for occupational performance and
29 engagement that empower clients to seek and obtain resources to fully participate in their everyday life
30 occupations.

31 (13) Care coordination, case management, and transition services.

32 VI. Occupational performance refers to the way occupations and related activities are completed
33 in everyday life.

34 37:2 Evaluation and Treatment Authorization. RSA 326-C:2 is repealed and reenacted to read as
35 follows:

36 326-C:2 Evaluation and Treatment Authorization. Occupational therapy services can be provided
37 without a referral, subject to regulatory and payer requirements.

38 37:3 Reference Corrected; Allied Health Professionals; Definitions. Amend RSA 328-F:2 VI to read
39 as follows:

CHAPTER 37
HB 109 - FINAL VERSION

- Page 3 -

1 VI. "Occupational therapy" means "occupational therapy" as defined in RSA 326-C:1, [###] /V.
2 37:4 New Paragraph; Occupational Therapists; Eligibility for Licensure. Amend RSA 326-C:5 by
3 inserting after paragraph III the following new paragraph:

4 IV. No person shall practice occupational therapy in this state unless licensed under this chapter,
5 provided that nothing in this chapter shall be construed to restrict a person licensed under any law of this
6 state from engaging in the profession or practice for which that person is licensed.

37:5 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 19, 2023

Effective Date: July 18, 2023