

HB 1285 - AS INTRODUCED

2024 SESSION

24-2075
09/08

HOUSE BILL **1285**

AN ACT relative to merging the board of podiatry into the board of medicine.

SPONSORS: Rep. C. McGuire, Merr. 27; Sen. Pearl, Dist 17

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes certain changes at the request of the office of professional licensure and certification to the regulation of physicians, surgeons, and podiatrists, including merging the board of podiatry into the board of medicine.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to merging the board of podiatry into the board of medicine.

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

1 1 Repeal. RSA 315, relative to podiatry, is repealed.

2 2 Human Immunodeficiency Virus Education, Prevention, and Control; Definitions. Amend
3 RSA 141-F:2, IV-b to read as follows:

4 IV-b. "Health care worker" means dentists and dental hygienists licensed under RSA 317-A,
5 nurses licensed under RSA 326-B, physicians licensed under RSA 329, physician assistants licensed
6 under RSA 328-D, and podiatrists licensed under ~~[RSA 315]~~ **RSA 329**.

7 3 Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA
8 310:2, II(cc) to read as follows:

9 (cc) Board of podiatry under ~~[RSA 315]~~ **RSA 329**.

10 4 Office of Professional Licensure and Certification; Telemedicine and Telehealth Services.
11 Amend RSA 310:7, II to read as follows:

12 II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; ~~[RSA~~
13 ~~315]~~ RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-D; RSA 328-E;
14 RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA
15 318; RSA 328-I; RSA 328-J; or RSA 332-B may provide services through telemedicine or telehealth,
16 provided the services rendered are authorized by scope of practice. Nothing in this provision shall be
17 construed to expand the scope of practice for individuals regulated under this chapter.

18 5 Pharmacists and Pharmacies; Definitions. Amend RSA 318:1, XII-b to read as follows:

19 XII-b. "Podiatrist" means a person authorized by law to practice podiatry in this state
20 pursuant to ~~[RSA 315]~~ **RSA 329**.

21 6 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XXIV-a to read as follows:

22 XXIV-a. "Podiatrist" means a person authorized by law to practice podiatry in this state
23 pursuant to ~~[RSA 315]~~ **RSA 329**.

24 7 Uniform Securities Act; General Provisions; Definitions. Amend RSA 421-B:1-102, 53(B)(iii) to
25 read as follows:

26 (iii) the registered limited liability partnership or foreign registered limited
27 liability partnership:

28 (a) is licensed, registered, certified, or otherwise authorized under the provisions of RSA
29 309-B, RSA 310-A, RSA 311, ~~[RSA 315]~~ RSA 316-A, RSA 317-A, RSA 318, RSA 326-B, RSA 327,
30 RSA 329, RSA 330-A, or RSA 332-B to render professional services, as defined in RSA 304-D:1, VI,
31 including necessary related services, or

(b) is related to a registered limited liability partnership or foreign registered limited liability partnership licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, RSA 310-A, RSA 311, ~~[RSA 315]~~, RSA 316-A, RSA 317-A, RSA 318, RSA 326-B, RSA 327, RSA 329, RSA 330-A, or RSA 332-B to render professional services, as defined in RSA 304-D:1, VI.

8 Physicians and Surgeons; Examining Board; Board; Duties. Amend RSA 329:2, I to read as follows:

I. ***The board of medicine shall be responsible for regulating the practice of podiatric medicine.*** There shall be a board of medicine consisting of ~~[11]~~ 7 members~~[-]~~. ***Five members shall be*** ~~[including 5 members]~~ selected from among physicians and surgeons, ***and include*** one member selected to represent osteopathic physicians and surgeons ***and one member to represent podiatrists***~~[-]~~. ***There shall also be*** one member selected to represent physician assistants regulated by the board, ~~[the commissioner or the medical director of the department of health and human services, or in the case of a vacancy in the office of medical director, the commissioner shall appoint a designee,]~~ and ~~[3]~~ 1 public ~~[members]~~ ***member***. Only board members provided for in this paragraph shall have the authority to vote in board determinations. Any public member of the board shall be a person who is not, and never was, a member of the medical profession or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment.

9 Physicians and Surgeons; Examining Board; Appointment; Term; Removal. Amend RSA 329:4 to read as follows:

329:4 Appointment; Term; Removal.

~~[I. The commissioner or the medical director of the department of health and human services, or the commissioner's physician designee, shall serve as a voting member of the board. The commissioner and the medical director, or designee, are exempt from the provisions of RSA 329:4, II and the residency requirements of RSA 329:3.~~

~~II.]~~ The ~~[remaining 10]~~ members of the board shall be appointed, as their terms expire, by the governor with the advice and consent of the council. Their terms of office shall be 5 years and until their successors are appointed and qualified. No member shall be appointed to more than 2 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. Appointees to the unexpired portion of a full term shall become members of the board on the day following such appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full terms. The governor and council may remove any appointed member of the board for malfeasance, misfeasance, or nonfeasance.

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10 Physicians and Surgeons; Examining Board; Rulemaking Authority. Amend RSA 329:9 to read as follows:

329:9 Rulemaking Authority.

The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. [Repealed.]

II. The qualifications of applicants for initial and continued licensure consistent with the provisions of this chapter, ***including requirements for continuing education.***

III. [Repealed.]

IV. The ~~[procedural and]~~ substantive requirements for the reinstatement of licenses after lapses, inactive status, voluntary surrender, or disciplinary action consistent with this chapter.

V. Ethical and professional standards required to be met by each holder of a license to practice medicine.

VI. [Repealed.]

VII. [Repealed.]

VIII. The circumstances under which restricted licenses are to be issued.

IX. [Repealed.]

X-XII. [Repealed.]

XIII. [Repealed.]

XIV. The licensing of physician assistants as provided in RSA 328-D:2.

XV. ~~[Procedural and]~~ Substantive requirements for assessing~~[-compromising]~~ and collecting administrative fines against licensees ~~[as authorized under RSA 329:17, VII(g)]~~ and against licensees and nonlicensees as authorized by RSA 329:2, II(d).

XV-a. Procedures for appropriate pain management pursuant to RSA 318-B:10, IX.

XVI. [Repealed.]

XVII. The establishment of a panel of clinician licensees to assist the office in carrying out its investigative obligations under RSA 310, provided that committee appointments shall be made by the executive director in accordance with criteria established by the board.

XVIII. [Repealed.]

XIX. [Repealed.]

XX. Prescribing controlled drugs pursuant to RSA 318-B:41.

XXI. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

11 Physicians and Surgeons; Examinations and Licenses; Criminal History Record Checks. Amend RSA 329:11-a, I to read as follows:

I. Every applicant for initial permanent licensure or reinstatement shall submit to the ~~[board of medicine]~~ ***office of professional licensure and certification*** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the

1 release of his or her criminal history record, if any, to the ~~board~~ ***office of professional licensure***
2 ***and certification.***

3 12 Physicians and Surgeons; Examinations and Licenses; Qualifications of Licensees. RSA
4 329:12 is repealed and reenacted to read as follows:

5 329.12 Qualifications of Licensees.

6 I. Applicants who have studied the treatment of human ailments in a medical school
7 maintaining at the time of such studies a standard satisfactory to the Accreditation Council for
8 Medical Education and have graduated from such school or have studied medicine in a medical
9 school located outside the United States which is recognized by the United Nations World Health
10 Organization (UNWHO) and had such studies confirmed by Educational Commission for Foreign
11 Medical Graduates (ECFMG) Certification, shall be eligible for licensure, provided the applicant
12 satisfies the following requirements:

13 (a) Submits a completed application;

14 (b) Submits a complete set of fingerprints and a criminal history record release form
15 required under this chapter;

16 (c) Is 21 years of age or older;

17 (d) Is of good professional character;

18 (e) Has completed at least 2 years of college course work or its equivalent;

19 (f) Has demonstrated completion of educational requirements in the introductory
20 paragraph in paragraph I;

21 (g) Has completed at least 2 years of postgraduate training approved by the
22 Accreditation Council on Graduate Medical Education, or its equivalent as determined by the board.
23 Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is
24 required to have satisfactorily completed at least 12 months in a graduate educational program
25 approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical
26 Association, or the Royal College of Physicians and Surgeons of Canada;

27 (h) Has successfully passed one of the following sets of examinations, unless board
28 certified by the American Board of Medical Specialties (ABMS) or American Osteopathic Association
29 (AOA):

30 (1) National Board of Medical/Osteopathic Examiners examinations.

31 (2) Federation Licensing Examination (FLEX).

32 (3) United States Medical Licensing Examination (USMLE).

33 (4) Medical Council of Canada Examination (LMCC); and

34 (i) Pays the requisite fee.

35 II. Applicants who have graduated from a college of podiatry or podiatry medicine that is
36 accredited by the American Podiatric Medical Association, and maintaining at that time a standard

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satisfactory to the board, shall be eligible for licensure, provided the applicant satisfies the following requirements:

- (a) Submits a completed application;
- (b) Submits a complete set of fingerprints and a criminal history record release form required under this chapter;
- (c) Is 21 years of age or older;
- (d) Is of good professional character;
- (e) Has demonstrated completion of educational requirements in the introductory paragraph in paragraph II;
- (f) Has successfully passed the National Board of Podiatric Medical Examiners test, parts I, II, and III; and
- (g) Pays the requisite fee.

III. Individuals licensed pursuant to paragraph II shall have legal authority to diagnose and to treat by medical, mechanical, electrical, and surgical means ailments of the human foot and lower leg. Allowable surgical treatment in a health care facility shall be determined by that health care facility credential committee, and such surgical treatment shall be performed at that health care facility. Such certificate shall not authorize the licensee to administer general anesthesia.

13 Physicians and Surgeons; Examinations and Licenses; Professionals' Health Program. Amend RSA 329:13-b, V(a) to read as follows:

V.~~(a)~~ The office of professional licensure and certification may contract with other organizations to operate the professionals' health program for **podiatrists**, physicians, and physician assistants who are impaired or potentially impaired because of mental or physical illness including substance abuse or disruptive behavior. This program shall be available to all **podiatrists**, physicians, and physician assistants licensed in this state, all **podiatrists**, physicians, and physician assistants seeking licensure in this state, and all resident **podiatrists and** physicians in training, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

14 Physicians and Surgeons; Examinations and Licenses; Professionals' Health Program. Amend RSA 329-13:b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to ~~[RSA 310]~~ **RSA 541-A**.

15 Physicians and Surgeons; Examinations and Licenses; Action on License Applicants. RSA 329:14 is repealed and reenacted to read as follows:

329.14 Training and Other Special Licenses.

I. The office shall issue special training licenses to persons of good professional character who are enrolled in a regular residency or graduate fellowship training program accredited by the Council on Graduate Medical Education or Council for Podiatric Medical Education, and who possess

1 such further education and training as the board may require by rule. Persons holding training
2 licenses shall be subject to the jurisdiction of the board and such additional professional character
3 and competency requirements as the board may require by rule. Training licenses shall be confined
4 to activities performed in the course of the qualifying residency or graduate fellowship training
5 program, shall expire automatically upon the licensee's separation from the residency or graduate
6 fellowship training program for any reason, and may be issued on a restricted or conditional basis.

7 II. The office may issue special licenses containing conditions, limitations, or restrictions,
8 including licenses limited to specific periods of time in accordance with board rules adopted pursuant
9 to RSA 541-A.

10 III. The office may issue courtesy licenses authorizing the practice of medicine under limited
11 conditions as defined by the board by rule. Courtesy licenses shall not exceed 100 days and shall be
12 limited in location. All applicants shall hold an active, unrestricted license in another state and
13 meet the same character qualifications as other licensees.

14 IV. The office may issue licenses authorizing the practice of medicine or podiatry for
15 physicians performing administrative duties, and whose practice does not include the provision of
16 clinical services to patients, as defined by the board by rule.

17 16 Physicians and Surgeons; Renewal of Licenses; Inactive Status. Amend RSA 329:16-c to read
18 as follows:

19 329:16-c Inactive Status. A person licensed by the board who does not intend to engage in such
20 licensed profession in this state, upon written request to the ~~[board]~~ **office**, may have one's name
21 transferred to inactive status and shall not be required to renew such license or pay any renewal fee
22 as long as the person remains inactive.

23 17 Physicians and Surgeons; Renewal of Licenses; Reinstatement. Amend RSA 329:16-h to read
24 as follows:

25 329:16-h Reinstatement. Any person whose name has been placed on the inactive list may be
26 restored to active status upon the filing of a written request for reinstatement of license,
27 accompanied by the reinstatement fee as established by the board, proof of satisfaction of continuing
28 medical education requirements ~~[established by RSA 329:16-g]~~, and such other evidence of
29 professional competence as the board may reasonably require.

30 18 Repeal. The following are repealed:

31 I. RSA 329:9-g, relative to annual education program.

32 II. RSA 329:13-b, VI, relative to peer review committees.

33 III. RSA 329:16-a, relative to renewal.

34 IV. RSA 329:16-d, relative to notice of renewal.

35 V. RSA 329:16-e, relative to neglect to renew.

36 VI. RSA 329:16-g, relative to continuing medical education requirement.

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- 1 VII. RSA 329:17, III-a, V-a, IX, and IX-a, relative to disciplinary action and remedial
- 2 proceedings.
- 3 VIII. RSA 329:17-b, relative to injunction.
- 4 IX. RSA 329:17-c, relative to denial or revocation of license.
- 5 X. RSA 329:21, V, relative to persons excepted.
- 6 XI. RSA 329:24, relative to unlawful practice.
- 7 XII. RSA 329:29, relative to proceedings of the medical review subcommittee.
- 8 19 Effective Date. This act shall take effect 60 days after its passage.