



New Hampshire Registration of Medical Technicians

TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 328-I BOARD OF REGISTRATION OF MEDICAL TECHNICIANS

Section 328-I:1

In this chapter:

I. "Board" means the board of registration of medical technicians.

II. [Repealed.]

III. [Repealed.]

IV. "Health care facility" means health care facilities licensed under RSA 151.

V. "Medical establishment" means a setting where health care services are provided to patients, including, but not limited to, the office of a physician, dentist, naturopath, advanced practice registered nurse, optometrist, podiatrist, or a clinic, laboratory, or place not licensed under RSA 151.

VI. **"Medical technician" means a health care worker who is not licensed or registered by a New Hampshire regulatory board and who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease. "Medical technician" shall not include a nurse licensed in another state who is working in New Hampshire under the nurse licensure compact established in RSA 326-B:46. For the purposes of this chapter, medical technicians shall be limited to health care workers with access to controlled substances and with access to or contact with patients in a health care facility or in a medical establishment.**

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 276:108, XXXVI, eff. July 1, 2015. 2016, 238:3, eff. June 10, 2016.

Section 328-I:2

328-I:2 Board, Membership, Terms, Administrative Attachment. –

I. There shall be a board of registration of medical technicians consisting of 5 members. The members shall be appointed by the governor with the consent of the council as follows:

(a) Four licensed, registered, or certified health care providers, only one of whom may be a medical technician required to be registered under this chapter, one of whom shall have experience supervising medical technicians, and one of whom shall be a licensed physician.

(b) One public member, who shall be a person who is not, and never was, a member of a health care 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 health care.



II. The members shall be appointed to a term of 5 years. No member shall serve more than 2 consecutive terms.

III. The members of the board shall receive \$50 for each day actually engaged in the duties of the board and shall be reimbursed for all actual travel necessarily incurred in carrying out the provisions of this chapter.

IV. [Repealed.]

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:1, eff. Jan. 1, 2016; 276:108, XXXVII, eff. July 1, 2015.

328-I:3 Powers and Duties of the Board. – The board shall:

I. Accept applications for certificates of registration under this chapter, and approve or deny such applications.

II. Renew certificates of registration.

III. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:9, and conduct hearings regarding the denial, suspension, revocation, and renewal of certificates as provided in RSA 328-I:11.

IV. Accept written complaints against registrants, conduct necessary investigations upon such written complaints, and resolve complaints.

V. Publicize the complaint procedure.

VI. Adopt rules pursuant to RSA 328-I:4.

VII. Maintain a database of registered medical technicians and share all information received with other licensing boards or advisory committees within this state, and with appropriate boards out of state and with the office of Inspector General, Department of Health and Human Services and with any law enforcement entity, as allowed by RSA 91-A and in accordance with RSA 328-I:11, I.

VIII. Post a list of registrants and their status on its website.

IX. Prepare reports on any matter within the scope of this chapter.

X. Establish late fees and fees for transcribing and transferring records and other services.

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:3, eff. Jan. 1, 2016.

Section 328-I:4

328-I:4 Rulemaking. – The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration application form and content, and the registration application procedures.

II. The application form, content, and procedure for a renewal or reinstatement of a registration to work as a medical technician.

III. The establishment of fees required under RSA 328-I:3, X.

IV. The conduct of investigations and hearings, in accordance with RSA 328-I:11.

V. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration, and the imposition of administrative fines.

VI. Procedures for the handling and resolving complaints.

VII. Procedures for the approval or denial of an application.

VIII. Procedures for suspension or revocation of a registration.

IX. Procedures for appeal of decisions made pursuant to the provisions of this chapter and rules adopted pursuant to this chapter.

X. Procedures for sharing information with other in-state boards, the Office of Inspector



General, Department of Health and Human Services, out-of-state boards and law enforcement entities.

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:4, eff. Jan. 1, 2016.

Section 328-I:5

328-I:5 Registration of Medical Technicians Required. –

I. A person engaging in work as a medical technician, as defined in RSA 328-I:1, VI, in New Hampshire shall be registered in accordance with this chapter.

II. Any medical technician, as defined in RSA 328-I:1, VI, who is not registered under this chapter, and who advertises himself or herself as being a medical technician, practices as a medical technician, or engages in such acts after receiving notice that such person's registration has been revoked shall be guilty of a misdemeanor.

III. The board, after hearing and upon making an affirmative finding under paragraph II, that the person is engaged in unlawful practice, may take action in any one or more of the following ways:

(a) A cease and desist order in accordance with paragraph IV.

(b) The imposition of an administrative fine not to exceed \$50,000.

(c) The imposition of an administrative fine for continuation of unlawful practice in the amount of \$1,000 for each day the activity continues after notice from the board that the activity shall cease.

(d) The denial or conditional denial of a license application, application for renewal, or application for reinstatement.

IV. The board is authorized to issue a cease and desist order against any person or entity engaged in unlawful practice. The cease and desist order shall be enforceable in superior court.

V. The attorney general, the board, or the prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to the board.

VI. In addition, every health care facility and medical establishment employing medical technicians, shall ensure that such technicians are registered in compliance with this chapter. Any health care facility violating this paragraph shall be subject to appropriate fines and penalties pursuant to RSA 151.

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:2, eff. Jan. 1, 2016.

Section 328-I:6

328-I:6 Initial Registration; Application, Fees. –

I. The board may register any person who submits a completed application. The fee for registration under this chapter shall be \$110.

II. Completed applications shall include:

(a) Payment of the non-refundable registration fee;

(b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification, or registration boards.

(c) A complete set of fingerprints and a notarized criminal history record release form



pursuant to RSA 328-I:7.

(d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the board, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the board in writing within 30 days. For failure to report such a change within 30 days of such event, the board may suspend the medical technician's registration.

VI. Once an application has been approved by the board, a temporary registration may be issued, pending receipt of the criminal records check and fingerprint information.

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:5, eff. Jan. 1, 2016.

Section 328-I:7

328-I:7 Criminal History Record Checks. –

I. Every applicant for initial registration or reinstatement shall submit to the board a notarized criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the board.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The board shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board.

IV. The board shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:8

328-I:8 Renewal of Registration. – Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the board. The fee for renewal of certificates of registration shall be \$110. Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.



Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:9

328-I:9 Refusal to Issue or Renew Certificate; Return of Certificate. –

I. The board may deny the application for registration or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

- (a) Has made a material false statement or concealed or omitted a material fact in connection with his or her application for registration;
- (b) Had a registration issued under this chapter suspended previously;
- (c) Has been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude;
- (d) Has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or
- (e) Is a habitual user of drugs or intoxicants.

II. Upon the suspension or revocation of a certificate of registration by the board and the issuance of a notice thereof, the registrant shall within 5 days, not including Sundays and holidays, deliver to the board the certificate of registration. If surrendered by mail, the certificate of registration shall be sent by registered or certified mail, postmarked no later than 3 days, not including Sundays and holidays, following notice of suspension or revocation. Failure to return a certificate of registration which has been revoked or suspended hereunder within the prescribed time shall constitute a misdemeanor.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:10

328-I:10 Disciplinary Action; Remedial Proceedings. –

I. The board is authorized to undertake investigations and disciplinary proceedings upon:

- (a) The board's initiative.
- (b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.
- (c) A written complaint made by any person that a person is engaged in unauthorized practice.
- (d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.
- (e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.
- (f) A report made pursuant to the obligation to report imposed by this chapter.

II. The board may undertake non-disciplinary remedial proceedings (a) upon its own initiative or (b) upon written complaint of any person which charges that a person registered by the board is afflicted with a condition as set forth in paragraph VI and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the board any disciplinary or action related to disruptive conduct, professional incompetence or violation of an organizational rule or procedure involving controlled substances, or any adverse action which results in the termination of an employment relationship, within 30 days after such action



is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the board. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the board may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the board's finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The board, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the board.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The board may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the board, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the board.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the board.

VII. The board, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the board.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The board may issue a non-disciplinary confidential letter of concern to a registrant advising that, the board believes the medical technician should modify or eliminate certain



practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the board.

IX. Disciplinary or non-disciplinary remedial action taken by the board under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the board or any member of the board or its agents or employees with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

XI. The board shall send all notices of hearing, and notices of suspension or revocation of registration to the department of health and human services and the department of safety.

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the board shall be brought within 6 years from the time the board could reasonably have discovered the act, omission, or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The board may also consider registrant conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The board shall destroy all information collected during the course of the investigation after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the registrant, or is determined by the board to be frivolous.

Source. 2014, 295:1, eff. Oct. 1, 2014. 2015, 88:6, eff. Jan. 1, 2016.

Section 328-I:11

328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The board may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this chapter and other matters within the scope of this chapter. Board investigations and the information gathered in such investigations, including information provided to the board under RSA 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information may later become the subject of a public disciplinary hearing. The board may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.



II. No certificate of registration shall be suspended or revoked until after a hearing before the board, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the board, such a registrant fails to attend such hearing, then the board may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the board shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The board shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the board.

V. The applicant or registrant may be heard in person or by counsel. The board shall notify the applicant of the time and place of the hearing. The board shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:12

328-I:12 Civil Claims. – Any person injured by the actions of a person engaged as a medical technician in violation of any of the provisions of this chapter may bring a civil action to recover damages suffered by reason of the violation.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:13

328-I:13 Administrative Fines. – The board after notice and hearing, pursuant to rules adopted under RSA 541-A, may impose an administrative fine in an amount which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater, upon any person who violates any provision of this chapter or rules adopted under this chapter. Rehearings and appeals from a decision of the board shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:14

328-I:14 Investigative Costs. – For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the board may require the registrant who is the subject of such finding to pay the board a sum not to exceed the reasonable cost of investigation and prosecution of the



proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the board's fund and disbursed by the board for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

Source. 2014, 295:1, eff. Oct. 1, 2014.

Section 328-I:15

328-I:15 Annual Report. – The board shall make an annual report commencing on November 1, 2016 relative to the conduct of activities under this chapter to the speaker of the house of representatives, the president of the senate, and the governor and council.

Source. 2014, 295:1, eff. Oct. 1, 2014.

