

**Readopt with amendments Plc 1003.01, eff. 12-22-21 (doc. #13316), to read as follows:**Plc 1003.01 Purpose and Applicability.

(a) The purpose of this part is to recognize the value of the many professionals who volunteer to serve on the boards, commissions, and councils established to regulate various professions in order to safeguard the public health, safety, welfare, environment, and the public trust of the citizens of the State of New Hampshire, by establishing the rates at which members of such boards, commissions, and councils will be compensated for their attendance at meetings and partially reimbursed for expenses.

(b) This part shall apply to the boards, commissions, and councils supported by the office of professional licensure and certification (OPLC), as listed in RSA 310:2, II, hereinafter referred to as “supported boards”.

**Readopt with amendments Plc 1003.02, eff. 5-26-22 (doc. #13387), to read as follows:**

Plc 1003.02 Definitions. For purposes of this part and for reimbursement, the following definitions shall apply:

(a) “Board-related business” means an activity or event that is not a meeting as defined in (b), below, that the OPLC has authorized, pursuant to Plc 1003.08, a member of a supported board to request a per diem and travel expense reimbursement for undertaking or attending;

(b) “Meeting” means a convening of a quorum of a supported board in accordance with applicable legal requirements for the purpose of conducting official business within the jurisdiction of the body, provided that if a meeting is continued so as to occur on more than one calendar day, each day that any part of the meeting occurs shall be a separate meeting for purposes of per diem and expense reimbursement. The term includes meetings of a quorum of a sub-unit;

(c) “Member” means an individual who has been appointed as required by applicable law to serve on a supported board or on a sub-unit;

(d) “Per day”, for purposes of per diem reimbursement for board-related business, means per calendar day or portion thereof;

(e) “Reimbursable expenses” means:

(1) Mileage, parking, and tolls as determined pursuant to Plc 1003.05 for all supported boards; and

(2) For the board of registration of funeral directors and embalmers, expenses of examinations and inspections as determined pursuant to Plc 1003.07; and

(f) “Sub-unit” means a statutorily-created committee or subcommittee of a supported board.

**Readopt with amendments Plc 1003.03 through Plc 1003.06, eff. 12-22-21 (doc. #13316), to read as follows:**

Plc 1003.03 Classification of Boards, Commissions, and Councils. Because the supported boards vary considerably in the complexity and volume of work performed, the number of persons regulated, and the level of engagement of regulated persons and the general public, they are hereby assigned to class A, class B, or class C for purposes of determining the rate of per diem reimbursement, as follows:

(a) Class A boards shall be the following:

(1) Board of acupuncture licensing established under RSA 328-G;

(2) Board of architects established under RSA 310-A:29;

- (3) Assessing certification advisory board established under RSA 310-C;
- (4) Governing board of athletic trainers established under RSA 328-F:4 and RSA 326-G;
- (5) State board of auctioneers established under RSA 311-B;
- (6) Advisory board of body art practitioners established under RSA 314-A;
- (7) Board of chiropractic examiners established under RSA 316-A;
- (8) Advisory board of court reporters established under RSA 310-A:163;
- (9) Board of licensed dietitians established under RSA 326-H;
- (10) Electrology advisory committee established under RSA 314;
- (11) Board of family mediator certification established under RSA 328-C;
- (12) Board of licensing for foresters established under RSA 310-A:100;
- (13) Governing board of genetic counselors established under RSA 328-F:4 and RSA 326-K;
- (14) Guardian ad litem board established under RSA 490-C;
- (15) Board of home inspectors established under RSA 310-A:186;
- (16) Installation standards board established under RSA 205-D;
- (17) Board of licensure for land surveyors established under RSA 310-A:55;
- (18) Board of landscape architects established under RSA 310-A:142;
- (19) Board of manufactured housing under RSA 205-A:25;
- (20) Advisory board of massage therapists established under RSA 328-B;
- (21) Advisory board of medical imaging and radiation therapy established under RSA 328-J;
- (22) Board of registration of medical technicians established under RSA 328-I;
- (23) Midwifery council established under RSA 326-D;
- (24) Board of natural scientists established under RSA 310-A:81;
- (25) Naturopathic board of examiners established under RSA 328-E;
- (26) Board of examiners of nursing home administrators established under RSA 151-A;
- (27) Governing board of occupational therapists established under RSA 328-F:4 and RSA 326-C;
- (28) Board of registration in optometry established under RSA 327;
- (29) Governing board of physical therapists established under RSA 328-F:4 and RSA 328-A;
- (30) Board of podiatry established under RSA 315;
- (31) Board of professional engineers established under RSA 310-A:3;
- (32) Board of professional geologists established under RSA 310-A:120;

- (33) Advisory board of recreational therapists established under RSA 331-A;
  - (34) Advisory board of reflexology, structural integrators, and Asian bodywork therapists established under RSA 328-H;
  - (35) Advisory board of respiratory care practitioners established under RSA 331-A;
  - (36) Board of septic system evaluators established under RSA 310-A:206; and
  - (37) Governing board of speech-language pathologists and hearing care providers established under RSA 328-F:4 and RSA 326-F;
- (b) Class B boards shall be the following:
- (1) Board of accountancy established under RSA 309-B;
  - (2) Board of licensing for alcohol and other drug use professionals established under RSA 330-C;
  - (3) Board of barbering, cosmetology, and esthetics established under RSA 313-A;
  - (4) Electricians' board established under RSA 319-C;
  - (5) Board of registration of funeral directors and embalmers established under RSA 325;
  - (6) Mechanical licensing board established under RSA 153:27-a;
  - (7) Board of mental health practice established under RSA 330-A;
  - (8) Board of psychologists established under RSA 329-B;
  - (9) Real estate appraisers board established under RSA 310-B; and
  - (10) Board of veterinary medicine established under RSA 332-B;
- (c) Class C boards shall be the following:
- (1) Boxing and wrestling commission established under RSA 285;
  - (2) Board of dental examiners established under RSA 317-A;
  - (3) Board of medicine established under RSA 329;
  - (4) Board of nursing established under RSA 326-B;
  - (5) N.H. pharmacy board established under RSA 318; and
  - (6) Real estate commission established under RSA 331-A; and
- (d) All sub-units shall be classified as class A.

Plc 1003.04 Per Diem Reimbursement.

- (a) Members who wish to receive a per diem reimbursement for attendance at a meeting or for board-related business shall proceed in accordance with this section.
- (b) Subject to availability of funds, the following rates shall apply:
- (1) Members of a class A board shall receive \$25 per meeting attended or per day of board-related business conducted;

- (2) Members of a class B board shall receive \$65 per meeting attended or per day of board-related business conducted; and
  - (3) Members of a class C board shall receive \$115 per meeting attended or per day of board-related business conducted.
- (c) To receive per diem reimbursement for attendance at a meeting, the member shall print his or her name and employee number on the “Per Diem Request - Meetings” form, revised December 2023, that is provided at the meeting and sign the form, after which the board administrator shall proceed as specified in (d), below.
- (d) The board administrator shall:
- (1) Identify the supported board or sub-unit that conducted the meeting;
  - (2) Identify the statute that authorizes the supported board or sub-unit;
  - (3) Enter the date of the meeting, the reason for the meeting, and the per diem amount that applies; and
  - (4) Sign the form prior to submitting it to the director of the division of licensing and board administration.
- (e) The board administrator’s signature shall constitute attestation that the identified members did in fact attend the meeting and that the information contained in the form is true and correct to the best of the board administrator’s knowledge and belief.
- (f) To request per diem payment for board-related business, the member shall:
- (1) Complete, sign, and date a “Per Diem Request - Board-Related Business” form, dated December 2023, that is obtained from the board administrator;
  - (2) Attach a copy of the written authorization for the board-related business that was obtained pursuant to Plc 1003.08 to the form; and
  - (3) Submit the completed, signed, and dated form and copy of the signed authorization to the board administrator for the member’s board within 30 days of the board-related business for which the per diem is being requested.
- (g) The member’s signature shall constitute attestation that the member did in fact attend or undertake the board-related business and that the information contained in the form is true and correct to the best of the member’s knowledge and belief.
- (h) Upon receiving a completed form and copy of authorization pursuant to (f)(3), above, the board administrator shall:
- (1) Confirm the supported board or sub-unit on which the member serves;
  - (2) Identify the statute that authorizes the supported board or sub-unit;
  - (3) Enter the per diem amount that applies; and
  - (4) Submit the form to the director of the division of licensing and board administration.
- (i) Upon receipt of a complete, signed request for per diem reimbursement for attendance at a meeting or for board-related business, the director of the division of licensing and board administration shall direct the reimbursement to be made from available funds.

(j) If no funds are available when a request for per diem reimbursement is received, the director shall notify the member requesting reimbursement that the request is denied due to a lack of funds within 30 days.

Plc 1003.05 Reimbursable Travel Expenses.

(a) Members who wish to receive reimbursement for mileage for miles actually driven, costs of parking, or tolls paid, or any combination thereof, for attendance at a meeting or for board-related business, shall submit a request for reimbursement in accordance with this section within 30 days of the date of travel.

(b) Subject to availability of funds, mileage for driving from a member's starting point to the location of a meeting or board-related business for the purpose of attending the meeting or conducting board-related business, and from the location of a meeting or board-related business to the member's ending point shall be compensated for the number of miles calculated pursuant to (c), below, at the per-mile rate established for OPLC employees in the applicable Collective Bargaining Agreement.

(c) Total reimbursable mileage shall be determined as follows:

(1) The starting point shall be the member's usual residence, provided that if the member travels to the location of the meeting or board-related business from a starting point that is closer to the destination, such as an office, the closer starting point shall be used;

(2) The ending point shall be the member's usual residence, provided that if the member actually travels a shorter distance, such as to an office or to another meeting, the shorter distance shall be used; and

(3) The mileage determined pursuant to (1) plus the mileage determined pursuant to (2) shall be added together, as shown in the following equation:

$$(\text{Mileage to meeting}) + (\text{mileage from meeting}) = \text{reimbursable mileage}$$

(d) Costs of parking and tolls paid shall be determined as the amounts actually paid by the member:

(1) To park for the purposes of attending a meeting or conducting board-related business for which a per diem will be or is being requested, provided that only the time spent getting from the vehicle to the meeting or board-related business, from the meeting or board-related business to the vehicle, and attending the meeting shall be reimbursable; and

(2) To pass through a state-operated toll gate in order to get to or from a meeting or board-related business for which a per diem will be or is being requested.

(e) To be reimbursed for mileage, costs of parking, or tolls paid, or any combination thereof, the member shall submit a request as specified in Plc 1003.06 within 30 days of the date of travel. If the member is prevented by circumstances beyond the member's control from submitting the request within 30 days of the travel, the member shall explain those circumstances in writing submitted with the request.

(f) Upon receipt of a complete, signed request for reimbursement of mileage, parking, or tolls, or any combination thereof, the director of the division of licensing and board administration shall direct the reimbursement to be made from available funds.

(g) If no funds are available when a request for mileage reimbursement is received or if the request is submitted more than 30 days after the date of travel without good cause, the director shall notify the member requesting reimbursement that the request is denied within 30 days. For purposes of this section, good cause shall be circumstances beyond the control of the member that prevented the member from submitting the request within 30 days of the date of travel.

(h) The notice sent pursuant to (g), above, shall specify the reason for the denial.

Plc 1003.06 Requests for Reimbursable Travel Expenses.

(a) Any member who wishes to receive reimbursement for mileage, parking, or tolls, or any combination thereof, shall submit the information listed in (e), below, to the director of the division of licensing and board administration using state of New Hampshire Form A-4M "STATE OF NEW HAMPSHIRE PAYMENT VOUCHER IN-STATE REIMBURSEMENT REQUEST", available by going to <https://www.das.nh.gov/hr/forms.aspx> and selecting the applicable travel reimbursement form.

(b) No member shall submit a request more frequently than once in any calendar month.

(c) Each request shall be signed by the member submitting the request, which shall constitute the member's attestation that:

- (1) The member did in fact attend each meeting or conduct the board-related business for which travel expenses are being requested;
- (2) The member did in fact drive the miles for which mileage reimbursement is being requested or, if a request is submitted prior to leaving a meeting, that the member will drive the miles for which a mileage reimbursement is being requested;
- (3) The member did in fact pay the amounts being requested for parking and tolls, as shown on the receipts submitted with the request; and
- (4) The member understands that the submission of false, incomplete, or misleading information may violate RSA 641 relative to falsification in official matters.

(d) The submission of false, incomplete, or misleading information shall constitute grounds for the director to deny the request and to seek reimbursement of any amounts paid based on the request.

(e) The information required to be submitted shall be as follows:

- (1) The time period covered by the request;
- (2) The member's name, address, and employee vendor number;
- (3) The name of the supported board for which the member attended a meeting or conducted board-related business and, if the meeting was of a sub-unit, the name of the sub-unit;
- (4) The date of each meeting attended or on which board-related business was conducted for which reimbursement for mileage, parking, or tolls, or any combination thereof, is being requested;
- (5) For mileage reimbursement, the miles driven to the location of the meeting or board-related business and from the meeting or board-related business, as described in Plc 1003.05(c); and
- (6) For reimbursement of parking or tolls, the amount paid for each as shown by receipts submitted with the request.

(f) A member submitting a request for travel expense reimbursement for board-related business shall submit a copy of the signed authorization received pursuant to Plc 1003.08 with the request.

**Adopt Plc 1003.08 to read as follows:**

Plc 1003.08 Authorization to Receive a Per Diem and Travel Reimbursement for Board-Related Business.

(a) Any member who wishes to be authorized to receive a per diem or travel reimbursement, or both, for attending an event as a board's representative or otherwise conducting board-related business shall submit

the following to the board administrator of the member's board at least 2 weeks prior to the date on which the business will be conducted or the first day of the event to be attended:

- (1) A completed, signed, and dated "Request for Authorization to Receive a Per Diem and Travel Expense Reimbursement for Board-Related Business" form dated December 2023;
  - (2) If the board-related business comprises attendance at a scheduled event, a copy of the brochure, flyer, notice, or other literature provided by the event sponsor (hereinafter "event literature") that describes:
    - a. The purpose of the event and a description of the content to be provided;
    - b. The location of the event;
    - c. The date or dates on which the event is planned to occur; and
    - d. Any other features of the event that support a finding that the event meets the criteria listed in (e), below;
  - (3) If the board-related business is other than attendance at a scheduled event, a complete explanation of the business to be conducted and the reason(s) why the member is the most appropriate individual available to conduct the business; and
  - (4) The date of the meeting at which the member was authorized to attend the event as the board's representative or to conduct the board-related business.
- (b) The member's signature shall constitute attestation that the information provided on or with the form is true and correct to the best of the member's knowledge and belief.
- (c) Upon receipt of a request for authorization to request travel expense reimbursement and a per diem for board-related business, the board administrator shall:
- (1) Confirm that:
    - a. The request form is complete and signed and dated by the member requesting authorization;
    - b. If the board-related business is attending a scheduled event, a copy of the event literature is attached; and
    - c. If the board-related business is other than attending a scheduled event, a complete explanation has been provided of the business to be conducted and the reasons why the member is the most appropriate individual available to conduct the business.
  - (2) Insert the statute that establishes the board and the per diem rate for the board; and
  - (3) Forward the request and literature to the executive director.
- (d) If the board administrator determines that the form is not complete or is not signed and dated, or that event literature, if required, is not attached, the board administrator shall contact the member to request the member to complete the form or provide the literature.
- (e) The executive director shall approve a request to attend a scheduled event if:
- (1) All information required by (a), above, has been submitted and the member has signed and dated the request form required by (a)(1), above;

- (2) The event is intended to provide information about board administration or about the profession that is regulated by the board at a level that is appropriate for the board member's education and experience;
  - (3) The applicable board has authorized the member to attend; and
  - (4) The member cannot claim continuing education credit for the event.
- (f) The executive director shall approve a request to conduct other business as described if:
- (1) All information required by (a), above, has been submitted and the member has signed and dated the request form required by (a)(1), above;
  - (2) The business is clearly within the jurisdiction of the member's board; and
  - (3) The member's board has authorized the member to conduct the business as the most appropriate individual who is available to do so.
- (g) If the executive director has questions about whether the request meets the criteria for approval, the shall consult with the chair of the applicable board or, if the member requesting authorization is the chair, with the vice chair of the applicable board.
- (h) The executive director shall indicate approval by signing and dating the form.
- (i) The executive director shall return the form to the board administrator.
- (j) The board administrator shall:
- (1) Keep the original signed authorization in the board's records; and
  - (2) Send a copy of the signed authorization to the member who submitted it.

#### **Appendix A: State Statutes Implemented**

| <b>Rule</b>                            | <b>State Statute(s) Implemented</b> |
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| Plc 1003.01 - Plc 1003.06, Plc 1003.08 | RSA 310:6, III                      |