

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number Plc 1003.01-1003.06, 1003.08

<p>1. Agency Name &amp; Address:</p> <p><b>Office of Professional Licensure &amp; Certification</b>  <b>7 Eagle Square</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 310:6, III</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Amendments to Per Diem Compensation and Reimbursable Expenses Rules**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**The Executive Director of the Office of Professional Licensure and Certification (OPLC) is proposing to readopt with amendments Plc 1003.01 through Plc 1003.06, which are most of the rules that apply to per diem compensation and reimbursement of travel expenses for members of the various boards supported by the OPLC, listed in RSA 310:2, II. The Executive Director also is proposing to adopt Plc 1003.08 to allow board members to request authorization to receive a per diem or travel reimbursement, or both, for board-related business other than attending board meetings.**

**The amendments are intended to reflect the recodification of the statutes that establish the OPLC and other recent statutory changes, including the dissolution of the combined Board of Directors of Allied Health Professionals (AHP Board) and the Office of Licensed Allied Health Professionals by Laws of 2023, 79:277, eff. July 1, 2023 and the addition of the Board of Auctioneers and the Boxing and Wrestling Commission to the boards supported by the OPLC. The amendments also (1) reestablish the Advisory Board of Recreational Therapists and the Advisory Board of Respiratory Care Practitioners in the board classifications (professions were removed from the allied health umbrella in 2022 but were inadvertently not added to the classification list as separate Class A boards); (2) reclassify the Advisory Board of Medical Imaging and Radiation Therapy from a Class B board to a Class A board; and (3) remove the Medical Review Subcommittee established by RSA 329:17, V-a and the Board Of Mental Health Practice, Professional Conduct Investigation Committee, established pursuant to RSA 330-A:4, I-a from classification, as the authority to investigate alleged misconduct was consolidated in the Executive Director in the last legislative session.**

6. (b) Brief description of the groups affected:

**The rules affect anyone who serves on any of the boards covered by the rules.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

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

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Gretchen Hamel** Title: **Program Specialist IV**  
Address: **OPLC** Phone #: **Please contact via email**  
**7 Eagle Square** Fax #: **[discontinued]**  
**Concord, NH 03301** E-mail: **[Gretchen.R.Hamel1@opl.nh.gov](mailto:Gretchen.R.Hamel1@opl.nh.gov)**

**The rules can be reviewed on-line at**  
**<https://www.oplc.nh.gov/oplc-laws-and-rules>**

TTY/TDD Access: Relay NH 1-800-735-2964  
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Wednesday, February 21, 2024**

**Please submit comments to [OPLC-Rules@opl.nh.gov](mailto:OPLC-Rules@opl.nh.gov)**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, February 13, 2024 at 2:00 PM**  
Physical Location: **Board Room, Office of Professional Licensure & Certification,  
7 Eagle Square, Concord, NH 03301**  
Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:302, dated 12/29/2023

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules will increase State expenditures and increase benefits to certain State citizens while reducing benefits to others. Not applicable to Plc 1003.08 as this is a new rule.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

When compared to the existing rules, the proposed rules update per diem compensation and travel expense reimbursement for board members. These changes align with recent legislative updates, including the dissolution of the combined Board of Directors of Allied Health Professionals (AHP Board) and the inclusion of the Board of Auctioneers and Boxing and Wrestling Commission under the OPLC's supported boards. The fiscal impact of the changes by boards are listed below.

**Board of Auctioneers (Class A):**

- Potential increased expenditure of \$500 if all 5 members attend all 4 meetings per year and request a \$25 per diem for each meeting.
- Previously, no per diem payments were reported for this board by the Secretary of State's office.

**Boxing and Wrestling Commission (Class C):**

- Potential per diem expenditure of \$6,900 if all 5 members attend 12 meetings per year and request \$115 per meeting, although past payments were \$5,038 for the fiscal year under RSA 28:6 which paid \$100 a day.

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- Travel expenses were reimbursed based on mileage at the state employee rate, totaling \$1,250 in the past fiscal year.

**Advisory Board of Medical Imaging and Radiation Therapy:**

- Reclassification from Class B to Class A is expected to reduce per diem expenditures from \$780 to \$300 annually for 3 members attending 4 meetings per year.
- Previous fiscal year's per diem expenses were \$99.46.

**Board-Related Business:**

- No specific estimate is provided for the potential increase in expenditures due to the proposed allowance of per diem or travel expense reimbursements related to board-related business, as it depends on various unpredictable factors like member attendance, time spent, and travel involved.

**A. To State general or State special funds:**

The OPLC Fund could see an increase in expenditures due to the new boards receiving per diem payments. However, this amount is indeterminable as the OPLC is unable to estimate the exact amount. Additionally, the 5% payment mandate outlined in RSA 285:14, II mandates the deposit of funds into a dedicated account, which lapses to the general fund at the conclusion of each fiscal year. The OPLC lacks information on the average revenue represented by these payments or the amount that lapses annually. A more precise accounting of revenues linked to boxing and wrestling could potentially influence the dedicated fund under RSA 285:14, II.

**B. To State citizens and political subdivisions:**

State citizens serving on boards stand to benefit from expanded per diem and travel expense reimbursements for board-related activities beyond meetings. However, quantifying these benefits proves challenging due to different factors like time commitment, travel, and the board's classification (Class A, B, or C).

Members of the Boxing and Wrestling Commission will receive an increased per diem of \$15 per member compared to their previous payment.

Conversely, members of the Advisory Board of Medical Imaging and Radiation Therapy will experience a reduced per diem of \$40 per member due to the reclassification from Class B (\$65) to Class A (\$25).

**C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**The proposed rules do not apply to political subdivisions. The rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.**