

Change the heading of Plc 300 to read as follows:

CHAPTER Plc 300 LICENSURE AND DISCIPLINE OF REGULATED PROFESSIONS

Statutory Authority: RSA 310:6, II & V; RSA 310:16; RSA 332-G:7, IV(c)

Readopt with amendments Plc 301.01, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 301.01 Purpose. The purpose of this chapter is to establish:

(a) Uniform procedures for applicants to submit applications for initial and renewal licensure and for reinstatement of licensure;

(b) Uniform procedures for the office of professional licensure and certification (OPLC) to process and make decisions on submitted applications based on criteria established by the applicable board;

(c) Uniform procedures for temporary licensing under RSA 310:6, V and RSA 332-G:14;

(d) Uniform procedures for facilitated temporary licensing of military personnel and spouses of military personnel under RSA 310:16;

(e) Uniform responsibilities and obligations and ethical and professional standards for licensees *to complement and supplement any such standards established in applicable law*;

(f) Uniform criteria and procedures for imposing disciplinary sanctions against licensees licensed on or after the *May 1*, 2023 effective date of this chapter; and

(g) Uniform procedures for facilitated licensing of professionals licensed in other jurisdictions having requirements that are substantially similar to New Hampshire's requirements, as required by RSA 310:17.

Readopt with amendments Plc 301.03, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 301.03 Notifications: Issuance of Licenses.

(a) The OPLC shall send all notifications to applicants and licensees and all licenses issued pursuant to this chapter to the applicant's or licensee's designated email address.

(b) All notifications sent to a designated email address for which the OPLC does not receive any indication that the email was not delivered shall be deemed to have been received by the person who designated the email address.

Readopt with amendments Plc 302.01 and Plc 302.02, eff. 5-1-23 (doc. #13606), cited and to read as follows:

PART Plc 302 DEFINITIONS

Plc 302.01 "Applicable board" means the board that regulates the profession for which an application for initial or renewal licensure, reinstatement of licensure, or temporary licensure is made, or in which a disciplinary or non-disciplinary remedial proceeding is initiated, provided that for those professions for which the applicable board is advisory, the term means the executive director in consultation with the advisory board, and for any profession for which no board exists, the term means the executive director.

Plc 302.02 "Applicable law" means the state and federal statute(s), rules, standing orders, and case law, if any, that apply to regulate a profession in New Hampshire.

Adopt Plc 302.03 and Plc 302.04 and renumber subsequent sections, so that Plc 302.03 and Plc 302.04 read as follows:

Plc 302.03 "Application-related fees" means:

(a) For applications for initial licensure, the application processing and licensing fee specified in Plc 1002, any examination fee specified in Plc 1002, and any inspection fee specified in Plc 1002 for the license being applied for;

(b) For applications for renewal licensure, the application processing and licensing fee specified in Plc 1002 for the license being applied for; and

(c) For applications for reinstatement, the application processing and licensing fee specified in Plc 1002, and if applicable law requires an examination or inspection, or both, for reinstatement, the examination or inspection fee specified in Plc 1002, ***or both***, as applicable, for the license being applied for.

Plc 302.04 “Authorized signer” means the individual who has been duly authorized by an entity to sign applications and related documents that are submitted to the OPLC.

Readopt with amendments Plc 302.20, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.05, so that Plc 302.05 reads as follows:

Plc 302.05 “Board” means “board” as defined in RSA 310:2, I(a), namely “a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.” The term includes the executive director for any board that is advisory and for any profession for which the practice act does not establish a board.

Readopt with amendments Plc 302.03, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.06, so that Plc 302.06 reads as follows:

Plc 302.06 ~~“Compliance bureau”~~***Chief of inspectors***” means ~~the organizational unit within the OPLC’s division of enforcement that is responsible for conducting inspections and investigations~~***an individual employed by the OPLC who is responsible for assigning inspectors to conduct inspections.***

Adopt Plc 302.07 and renumber subsequent sections, so that Plc 302.07 reads as follows:

Plc 302.07 “Contact individual” means the individual who has been duly authorized by an entity to interact with the OPLC regarding licensing issues. The authorized signer and the contact individual may be, but are not required to be, the same individual.

Readopt with amendments and renumber Plc 302.04, eff. 5-1-23 (doc. #13606), as Plc 302.08, so that Plc 302.08 reads as follows:

Plc 302.08 “Contact information” means:

(a) For an individual, the individual’s designated email address, home or other personal telephone number, home physical address, and home mailing address if not the same as the physical address; and

(b) For a legal entity, the legal entity’s designated email address, telephone number, physical address, and mailing address if not the same as the physical address.

Adopt Plc 302.09 and renumber subsequent sections, so that Plc 302.09 reads as follows:

Plc 302.09 “Continuing competence” means the requirements established in applicable law for activities or education, or both, that are intended to strengthen a licensee’s knowledge and skills in the regulated profession. The term includes “continuing education”, “continuing professional education”, and any other terms used in applicable law to mean the same thing.

Readopt and renumber Plc 302.05, eff. 5-1-23 (doc. #13606), as Plc 302.10, so that Plc 302.10 reads as follows:

Plc 302.10 “Criminal records check” means the process undertaken by the NH department of safety (NHDOS) that requires live scanned prints to be taken digitally and submitted electronically to the NH

criminal records unit and the FBI. The term includes a “criminal history record” *and* “*criminal history records check*” but does not include an “online NH criminal conviction check”.

Adopt Plc 302.11 and renumber subsequent sections, so that Plc 302.11 reads as follows:

Plc 302.11 “DEA registration number” means a number assigned by the U.S. Drug Enforcement Administration to an individual or an entity that allows the recipient to prescribe, handle, order, store, or dispense controlled substances.

Readopt and renumber Plc 302.06, eff. 5-1-23 (doc. #13606), as Plc 302.12, so that Plc 302.12 reads as follows:

Plc 302.12 “Designated email address” means the email address identified by an applicant or licensee as the address for the OPLC to use when sending notifications and licenses.

Readopt with amendments Plc 302.16, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.13, so that Plc 302.13 reads as follows:

Plc 302.13 “Endorsement” means the acceptance of another jurisdiction’s licensure as proof of qualifying for licensure in New Hampshire. The term includes “portability”, “license recognition”, “reciprocity”, and any other term used in applicable law to mean the same thing.

Readopt and renumber Plc 302.07, eff. 5-1-23 (doc. #13606), as Plc 302.14, so that Plc 302.14 reads as follows:

Plc 302.14 “Executive director” means the executive director of the OPLC or designee.

Readopt with amendments Plc 302.08, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.15, so that Plc 302.15 reads as follows:

Plc 302.15 “Expired” as applied to a license means the expiration date identified in applicable law has passed and either no application for renewal was filed, or an incomplete application for renewal was filed but was not completed by the expiration date of the license. The term includes “lapsed”.

Adopt Plc 302.16 and renumber subsequent sections, so that Plc 302.16 reads as follows:

Plc 302.16 “In good standing” as applied to a license means the license is not temporary and is not encumbered by any conditions, limitations, or restrictions, and has not been suspended, revoked, or surrendered.

Readopt with amendments Plc 302.09 and Plc 302.10, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.17 and Plc 302.18, so that Plc 302.17 and Plc 302.18 read as follows:

Plc 302.17 “License” means “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” The term includes, but is not limited to, temporary licenses, apprentice registrations, and any similar form of approval required to practice a regulated profession in any jurisdiction.

Plc 302.18 “Licensing bureau” means the organizational unit within the OPLC’s division of licensing and board administration that is responsible for, among other duties, accepting and processing applications and issuing licenses on behalf of the executive director and the boards.

Adopt Plc 302.19 and renumber subsequent sections, so that Plc 302.19 reads as follows:

Plc 302.19 “Military spouse” means an individual who is legally married to an individual who is on active military duty.

Readopt and renumber Plc 302.11 through Plc 302.15, eff. 5-1-23 (doc. #13606), as Plc 302.20 through Plc 302.24, so that Plc 302.20 through Plc 302.24 read as follows:

Plc 302.20 “Office or other place of business” means:

(a) The primary location where a licensee practices or otherwise engages in the occupation or profession; or

(b) For those occupations and professions for which the licensee goes to the client’s premises or otherwise has a mobile operation, the location that serves as a licensee’s base of operations.

Plc 302.21 “On active military duty” means on active duty in the U.S. armed forces. The term includes “active military”.

Plc 302.22 “Person” means:

(a) An individual, for all regulated professions; and

(b) A legal entity, for those regulated professions for which applicable law authorizes a legal entity, such as a corporation or professional association, to obtain a license.

Plc 302.23 “Practice” as a verb means to engage in a regulated profession.

Plc 302.24 “Practice act” means the statute(s) that confer(s) authority on the applicable board to regulate a specific profession.

Readopt with amendments Plc 302.17 and Plc 302.18, eff. 5-1-23 (doc. #13606), and renumber as Plc 302.25 and Plc 302.26, so that Plc 302.25 and Plc 302.26 read as follows:

Plc 302.25 “Regulated profession” means an occupation or profession for which a license is required to be obtained from the OPLC *based on criteria established in applicable law, including rules adopted by the applicable board*, prior to engaging in the occupation or profession in New Hampshire.

Plc 302.26 “Reinstatement” means:

(a) The issuance of a license to a person whose license has been expired for not more than one year; or

(b) The reactivation, prior to expiration or not more than one year after expiration, of a license that was suspended.

Adopt Plc 302.27 and renumber subsequent sections, so that Plc 302.27 reads as follows:

Plc 302.27 “Special use temporary license” means a license issued by the OPLC on behalf of a board that allows the person licensed to engage in a specific aspect of a regulated profession for a specified, limited period of time in New Hampshire, in lieu of needing to obtain a regular license. The term includes, but is not limited to, temporary licenses from the board of professional engineers or board of professional geologists that allow work on a specific project or from the NH real estate appraisers board to allow work on a single assignment.

Readopt with amendments and renumber Plc 302.19, eff. 10-15-23 (doc. #13763, Interim), as Plc 302.28, so that Plc 302.28 reads as follows:

Plc 302.28 “Substantially similar requirements”, for purposes of licensure by endorsement, means requirements that meet the criteria specified in Plc 313.113 ~~et seq.~~

Readopt and renumber Plc 302.21 and Plc 302.22, eff. 5-1-23 (doc. #13606), as Plc 302.29 and Plc 302.30, so that Plc 302.29 and Plc 302.30 read as follows:

Plc 302.29 “Third party testing organization” means any regional or national accrediting or testing organization that administers an examination that is required by applicable law for licensure in New Hampshire.

Plc 302.30 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observance of holidays.

Readopt with amendments Plc 304.01 through Plc 304.05, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 304.01 Applying for Initial Licensure. Any person who wishes to apply for a New Hampshire license in a regulated profession in which the person is not currently licensed in New Hampshire or in another jurisdiction having substantially similar requirements for licensure and covered in Plc 313 shall:

(a) Submit the following to the licensing bureau using the portal available via www.oplc.nh.gov or, if the portal is not ~~yet~~-available or if submitting the application via the portal is not practicable for the applicant, by mailing a paper application to the address specified in Plc 102.03:

- (1) A completed “Universal Application for Initial License”, dated ~~November 2023~~ **March 2024**, that ~~contains~~ **provides** the information specified in Plc 304.03 and is signed and attested to as specified in Plc 304.05;
- (2) The additional information or documentation specified in Plc 304.04, as applicable; and
- (3) The application-related fees for initial licensure, unless Plc 304.02(a) applies;

(b) If applicable law requires a criminal records checks, complete the process established by applicable law and the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the licensing bureau, provided that proof of the applicant’s military security clearance may be provided in lieu of the criminal background check if allowed by applicable law; and

(c) If applicable law requires proof of post-high school education, arrange for an official transcript, which shows the relevant degree awarded or training received and the date the degree was awarded or training was completed, to be sent by the issuing institution electronically to the licensing bureau at customersupport@oplc.nh.gov or, if not possible to transmit electronically, by mailing the transcript to the OPLC licensing bureau at the address specified for the OPLC in Plc 102.03.

Plc 304.02 Facilitated Licensing for Active Military and Military Spouses and Individuals Licensed in Another Jurisdiction Having Substantially Similar Requirements.

(a) Individuals who are on active military duty and military spouses who are not licensed in New Hampshire or in another jurisdiction with substantially similar requirements who wish to be licensed in New Hampshire shall apply for initial licensing as specified in Plc 304.01, except that ~~no application processing and licensing fee shall be required~~ ***the only application-related fees that shall be paid are those for inspections, if any, and examinations, if any.***

(b) Individuals who are licensed in another jurisdiction that has substantially similar requirements who wish to be licensed in New Hampshire may apply in accordance with Plc 313 if their profession is listed in Plc 313.02.

Plc 304.03 Information Required for Initial License Application. ***On the application form identified in Plc 304.01(a)(1),*** ~~t~~The applicant shall identify the profession for which the application is being filed and indicate whether the applicant is an individual or an entity, and then provide the following information:

(a) If the applicant is an individual, the following:

- (1) The applicant's full legal name, including any suffix such as "Jr." or "III", and any name(s) under which the applicant holds or has held a professional license;
- (2) The applicant's date of birth by month, day, and year;
- (3) The applicant's social security number or other U.S. taxpayer identification number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (4) The applicant's home physical address by street name and number, apartment number if applicable, municipality, county, state, zip code, and country if not the U.S., and home mailing address if different;
- (5) The applicant's home or other personal telephone number;
- (6) The applicant's designated email address;
- (7) The name, physical address, and telephone number of the applicant's anticipated office or other place of business, if known;
- (8) Whether the applicant speaks English as the primary language and, if not, the applicant's primary language and other secondary languages;
- (9) Whether the applicant is on active military duty or is a military spouse, and whether the applicant is applying for facilitated licensure;
- (10) The following information, to be used solely for purpose of workforce data analysis, provided that "prefer not to answer" shall be an acceptable response to any question:
 - a. Applicant's sex ~~at birth~~;
 - b. Applicant's race or ethnicity, including information regarding Hispanic, Latino/a, or Spanish origin;
 - c. Highest level of education, whether or not related to the profession in which licensure is being sought;
 - d. Where the applicant completed the education program or degree, as applicable, that first qualified the applicant for the license being applied for, provided that if the program or degree was completed on-line, identify where the on-line program was housed;
 - e. Relative to the applicant's employment status, whether the applicant is:
 1. Actively working in a position that requires the license being applied for;
 2. Actively working in a position in the same profession that does not require this license;
 3. Actively working in a position in a different profession;
 4. Not currently working; or
 5. Retired.;

f. Relative to the applicant's employment plans for the next 2 years, whether the applicant intends to:

1. Increase hours in a field related to this license;
2. Decrease hours in a field related to this license;
3. Seek employment in a field unrelated to this license;
4. Retire;
5. Continue as is; or
6. Not sure or plans unknown-;

g. Identification of the specialty, field, or area of practice in which the applicant spends the most professional time;

h. Whether the applicant uses telehealth to deliver services to patients;

i. The state in which the applicant's primary practice is located, if applicable;

j. The 5-digit zip code of the applicant's primary practice location, if applicable;

k. Relative to the applicant's current employment arrangement at their principal practice location, whether the applicant is:

1. Self-employed or a consultant;
2. A salaried employee;
3. An hourly employee;
4. In temporary employment or Locum Tenens;
- 5.. Other arrangement; or
6. Not employed;

l. In the applicant's primary employment or practice, whether the applicant's primary role is that of:

1. Administrator;
2. Clinical practitioner;
3. Faculty or other educator;
4. Researcher;
5. Other; or
6. Not applicable;

(11) For applicants in any health care field:

a. Identification of the practice setting at the applicant's primary practice location;

b. What population groups the applicant provides services to;

c. An estimate of the number of hours per week the applicant spends at their primary practice location; and

d. An estimate of the number of hours per week the applicant spends in direct patient care;

(13) For applicants in any health care field, whether the applicant intends to practice in New Hampshire more than 50% of the time, whether in-person or by telehealth;

(14) If specific training or a specific degree is required by applicable law, the name of the educational institution that provided the training or degree required and the date the training was completed or degree was received; and

(15) Any other profession-specific information required by applicable law, to the extent not otherwise covered by this section;

(b) If the applicant is an entity, the following:

(1) The applicant's full legal name as shown on the document(s) that created the entity and each name under which the applicant does business in New Hampshire;

(2) The type of entity the applicant is, such as a corporation, limited liability corporation, professional association, partnership, or other form;

(3) The entity's date and state of formation;

(4) The employer identification number or other federal tax ID number assigned to the applicant by the U.S. Internal Revenue Service;

(5) The applicant's primary physical address in New Hampshire by street name and number, suite number if any, municipality, county, and zip code, and New Hampshire mailing address if different;

(6) The applicant's main telephone number;

(7) The applicant's designated email address;

(8) The name, telephone number, and email address of the authorized signer and the name, telephone number, and email address of each contact individual, if other than the authorized signer;

(9) Such information as is required by applicable law on partners, officers, directors, and similar individuals having responsibility for or control over the applicant; and

(10) Any additional information required for entities by applicable law;

(c) Identification of each jurisdiction in which the applicant has applied for, holds, or has held a license to practice in the same profession as the license being applied for and, if required by applicable law, any other profession for which the applicant holds or has held a license, and for each, the license number, date initially licensed, date most recently licensed, and the status in each jurisdiction such as in good standing, expired, suspended, revoked, or denied renewal;

(d) If the applicant is applying for an initial license in New Hampshire based on endorsement and is applying under Plc 304 instead of Plc 313, and is licensed in more than one other jurisdiction, identification of which jurisdiction the applicant believes has requirements for licensure that are substantially similar to, or greater than, those established by applicable law;

(e) A "yes" or "no" answer to the following questions relating to background and character:

- (1) Whether the applicant is now or has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction;
 - (2) Whether any malpractice claim has been made against the applicant within the past 10 years;
 - (3) Whether the applicant has, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reduction from a position at the applicant's place of employment, or had any privileges limited, suspended, or revoked in any professional setting within the past 10 years;
 - (4) Whether the applicant has been denied the privilege of taking an examination required for any professional licensure within the past 10 years;
 - (5) Whether the applicant has committed any act(s) within the past 10 years that would violate the laws or rules that govern the profession for which application is being made;
 - (6) Whether the applicant has ever been found guilty of or entered a plea of no contest to any felony that is related to professional practice;
 - (7) Whether the applicant has been found guilty of or entered a plea of no contest to, within the past 10 years, any felony that is not related to professional practice, or any misdemeanor;
 - (8) Whether the applicant has been the subject of any disciplinary action by any professional licensing authority within the past 10 years;
 - (9) Whether the applicant has, within the past 10 years, been denied a license or other authorization to practice in any jurisdiction; and
 - (10) Whether the applicant has, within the past 10 years, surrendered a license or other authorization to practice issued by any jurisdiction for any reason;
- (f) Whether the applicant has a DEA registration number and, if so, what the number is;
- (g) Whether the applicant stores, administers, or dispenses controlled drugs in a setting that is not regulated under RSA 318 relative to pharmacists and pharmacies and if so, the location of the activity;
- (h) For applicants in any health care profession, whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c; and
- (i) Whether the applicant consents to the disclosure to third parties of:
- (1) For individuals, any or all of the applicant's contact information; or
 - (2) For entities, the entity's designated email address.

Plc 304.04 Additional Information and Documentation Required for Initial License Application. At the time that an applicant for initial licensure submits a completed license application form, the applicant shall submit, or arrange for the licensing bureau to receive, the following:

- (a) A clear explanation, including all relevant facts, the date(s) of the action, and the sanction(s) imposed, of:
- (1) Any license sanctions, including fines or penalties, imposed administratively or via a court proceeding in a jurisdiction listed pursuant to Plc 304.03(c); and

- (2) Any “yes” answer to the background and character questions listed in Plc 304.03(e) that is not covered by (1), above;
- (b) If applicable, the applicant’s examination scores sent directly to the licensing bureau by the third party testing organization, including the English proficiency score if required by applicable law;
- (c) Subject to (d), below, an official letter of verification sent directly to the licensing bureau at customersupport@oplcnh.gov, or if the information cannot be sent electronically, at the mailing address for the OPLC specified in Plc 102.03, from each state that has issued the applicant a license or other authorization to practice the profession for which application is being made, that states:
- (1) Whether the license or other authorization is or was, during its period of validity, in good standing; and
 - (2) Whether any disciplinary action is pending or was taken against the license or other authorization to practice, whether administratively or via a court proceeding;
- (d) If the information required by (c), above, is available on a website and is considered by the issuing jurisdiction to be a primary source verification, the URL of each such website;
- (e) For applicants who are on active military duty, proof of service status in the form of verification from the Defense Finance and Accounting Service at <https://www.dfas.mil/garnishment/verifyservice/>;
- (f) For any applicant applying for facilitated licensure as a military spouse, proof of service status as required by (e), above, and proof of marriage in the form of:
- (1) A copy of the front and back of the applicant’s current military spouse identification card; or
 - (2) A copy of the applicant’s official marriage certificate, and, if the certificate is not in English, an English translation of the certificate that is certified by the translator as being an accurate translation;
- (g) For any applicant that is an entity:
- (1) A copy of the legal document that confers authority on the authorized signer to sign the application on the applicant’s behalf; and
 - (2) Confirmation from the New Hampshire secretary of state’s office that the entity applying for licensure is in good standing and authorized to do business in New Hampshire; and
- (h) Any additional information or materials required by applicable law, such as proof of certification by, or registration with, a regional or national credentialing organization, except that no photograph shall be required to be submitted unless required by an applicable statute.
- Plc 304.05 Signature and Attestation Required for Initial License Application.
- (a) The applicant for an initial license, or the authorized individual on behalf of an entity, shall sign and date the application, provided that for applications that are submitted electronically, the act of submitting the application shall constitute the signature and the date of submittal shall be the date.
- (b) The signature shall constitute the applicant’s attestation that:
- (1) The applicant is not under investigation by any professional licensing board and the applicant’s credentials have not been suspended or revoked by any professional licensing board, unless a written explanation of each such occurrence is being submitted with the application pursuant to Plc 304.04(a);

- (2) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (4) The applicant understands that knowingly providing false material information constitutes a misdemeanor under RSA 641:3 relative to falsification in official matters.

Readopt with amendments Plc 304.08 through Plc 304.12, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 304.08 Review of Complete Applications for Initial Licensure; Inspections.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for the license being applied for, provided that:

- (1) If an inspection is required prior to licensure, the licensing bureau shall refer the application to the ~~compliance bureau~~ **chief of inspectors** for the inspection to be done; and
- (2) If the licensing bureau determines that the technical or professional expertise of the applicable board is needed to determine whether the applicant meets the criteria for licensure, the licensing bureau shall refer the application to the applicable board for review and a recommendation.

(b) Subject to (c) through (e), below, the licensing bureau shall make a decision on a complete application for initial licensure within 60 days of determining that an application is complete.

(c) If an inspection is required by applicable law before a license can be issued, then:

- (1) The ~~compliance bureau~~ **inspector assigned by the chief of inspectors** shall notify the applicant of the date and time of the inspection;
- (2) If the applicant cannot be available as scheduled due to circumstances beyond the applicant's control, the applicant shall request the inspection to be rescheduled, provided that the applicant shall make all reasonable efforts to allow the inspection to be completed within 30 days of the initial contact ~~by the compliance bureau~~ to schedule the inspection; and
- (3) In all cases, the applicant shall allow the inspection to be completed within 50 days of the initial contact to schedule the inspection.

(d) If a timely inspection cannot be completed within 50 days of the initial contact to schedule the inspection due to the applicant's lack of cooperation or other conduct **that interferes with the inspector's ability to complete the inspection**, the application shall be denied.

(e) If an application is referred to the applicable board pursuant to (a)(2), above, the applicable board shall inform the licensing bureau of its recommendation regarding whether the applicant meets the qualifications for licensure within 50 days of receiving the application from the licensing bureau, provided that if the board does not so inform the licensing bureau, the licensing bureau shall make a decision without the board's input.

Plc 304.09 Decisions on Applications for Initial Licensure.

(a) If the applicant has demonstrated that all eligibility criteria specified in applicable law for initial licensure have been met and that none of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall approve the application and issue an initial license to the applicant at the applicant's designated email address.

(b) If the applicant has not demonstrated that all eligibility criteria specified in applicable law for full initial licensure have been met but applicable law provides for conditional initial licensure and the applicant has demonstrated that all eligibility criteria for conditional initial licensure have been met and that none of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall approve the application and issue a conditional initial license to the applicant at the applicant's designated email address.

(c) If the applicant has not demonstrated that all eligibility criteria specified in applicable law have been met for full initial licensure or for conditional initial licensure or if any of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall:

(1) Issue a denial of the application; and

(2) Inform the applicant by email sent to the applicant's designated email address of the reason(s) for the denial and that the denial shall become final if the applicant does not file a petition for a hearing before the applicable board within 30 calendar days of the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following.

(d) The licensing bureau shall forward the application file, including the denial, to the applicable board when notified that a hearing has been requested.

(e) If the applicant does not file a petition for a hearing before the applicable board within the time period specified in the notice issued pursuant to (c), above, the denial shall become final.

(f) If the application is denied, no application-related fees shall be refunded.

Plc 304.10 Challenging a Denial of Initial Licensure.

(a) An applicant who wishes to challenge the denial of an application for initial licensure shall submit a petition for a hearing before the applicable board within 30 days of the notification of denial in accordance with Plc 206.31.

(b) Upon receipt of a petition for a hearing, the applicable board shall commence an adjudicative proceeding as required by RSA 541-A and applicable law.

(c) An applicant who requests a hearing who is on active military duty may request the hearing to be deferred until the applicant is no longer on active duty.

Plc 304.11 Issuance of Initial Licenses.

(a) Each initial license and conditional initial license issued under this chapter shall specify:

(1) The name of the licensee;

(2) The profession in which the licensee is authorized to practice;

(3) The effective date of the license;

(4) The license number; and

(5) Any conditions imposed pursuant to Plc 311.07.

(b) Upon issuance of an initial license or initial conditional license, the licensee shall become subject to Plc 307 through Plc 312 and to the regulatory authority of the applicable board.

Plc 304.12 Duration of Initial Licenses. As provided in RSA 310:8, II, initial licenses issued pursuant to this chapter that are not conditional shall be valid for 2 years from the date of issuance, subject to the following:

(a) Timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until final action has been taken on the renewal application; and

(b) Suspension or revocation of the license pursuant to Plc 311 or other applicable law shall cause the license to not be valid unless and until it is reinstated or reobtained as provided in Plc 312.

Readopt with amendments Plc 304.14, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 304.14 Wall Certificates.

(a) Licenses sent to successful applicants by the licensing bureau shall be in a format that can be printed by the licensee so as to be suitable for framing and posting.

(b) Any licensee who wishes to have a professionally-printed wall certificate to display in an office or other place of business shall submit a written request for the wall certificate to the licensing bureau by submitting a written request for a wall certificate that:

(1) Includes:

- a. The name of the licensee or certificate holder as it appears on the license;
- b. The license number from the electronically-issued license;
- c. The profession in which the licensee is licensed and any limitations or sub-specialties;
- d. Email and telephone contact information; and
- e. Payment of the fee for wall display certificate specified in Plc 1001 made payable to "Treasurer, State of NH"; and

(2) Is mailed to the OPLC at the address specified in Plc 102.03.

Readopt with amendments Plc 305.01 and Plc 305.02, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 305.01 Purpose. The purpose of the rules in Plc 305 is to implement RSA 310:6, V relative to temporary licensure of health care professionals and RSA 332-G:14 relative to temporary licensing of professionals licensed under Title XXX and the trades, professions, and businesses regulated by the mechanical licensing board under RSA 153:27 through RSA 153:38.

Plc 305.02 Applicability.

(a) Except as provided in (b) through (e), below, Plc 305 shall apply to any individual who has an active, unencumbered license in good standing in a regulated profession in another U.S. jurisdiction who wishes to practice the profession in New Hampshire and has applied or is applying for a regular license under Plc 304 because their profession is not covered by Plc 313.

(b) As provided in RSA 332-G:14, II, Plc 305 shall not apply to any profession for which the applicable board has:

- (1) Determined that another jurisdiction's licensure requirements are not substantially equivalent to, or more stringent than, New Hampshire's in education, training, experience, or scope of practice; and
- (2) Published the determination on its website.

(c) No person who has already obtained a New Hampshire license that has been suspended or revoked shall apply for a temporary license under RSA 310:6, V, RSA 332-G:14, Plc 305, or Plc 306 in the same profession.

(d) Individuals on active military duty and military spouses may seek temporary licensure under this part or under Plc 306 or may seek a regular license under Plc 313 if their profession is listed in Plc 313.02.

(e) Rules of the applicable board shall apply in lieu of these rules to special use temporary licenses until such time as they are covered in Plc 300.

Readopt with amendments Plc 305.05, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 305.05 Required Signature and Attestation.

(a) An applicant for a temporary license shall sign and date the application, provided that for applications that are submitted electronically, the act of submitting the application shall constitute the signature and the date of submittal shall be the date.

(b) The signature shall constitute the applicant's attestation that:

- (1) The applicant is not under investigation by any professional licensing board and the applicant's credentials have not been suspended or revoked by any professional licensing board;
- (2) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;
- (3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and
- (4) The applicant understands that knowingly providing false material information constitutes a misdemeanor under RSA 641:3 relative to falsification in official matters.

Readopt with amendments Plc 305.07, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 305.07 Duration of Temporary License. As provided in RSA 310:6, V and RSA 332-G:14, IV, a temporary license issued under Plc 305.06 shall remain valid for 120 days or until final action is taken on an application for full licensure, whichever occurs first.

Readopt with amendments Plc 306.01 through Plc 306.03, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 306.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 310:16 relative to temporary licensure for military service members and military spouses.

(b) This part shall apply to any individual on active military duty or military spouse who holds a current, valid, unencumbered occupational or professional license in good standing issued by a state or territory of the United States who:

- (1) Wishes to practice the occupation or profession in New Hampshire; and
- (2) Is seeking a license in a profession that is not covered by Plc 313.

Plc 306.02 Qualifications. As required by RSA 310:16, to qualify for a temporary license under this part the applicant shall:

- (a) Be a member of the armed forces of the United States or a military spouse;

(b) Hold a current, valid, unencumbered occupational or professional license in good standing issued by a state or territory of the United States that corresponds to a license needed to practice an occupation or profession in New Hampshire; and

(c) Be in good standing in all jurisdictions in which the applicant holds or has held a license.

Plc 306.03 Application for Temporary License for Active Duty Military and Military Spouses.

(a) To apply for a temporary license under this part, the applicant shall submit the following to the licensing bureau via the on-line licensing portal at the OPLC website at <https://www.oplc.nh.gov> or, if the on-line portal is not yet available or if submitting the application electronically is not practicable for the applicant, by mail to the OPLC at the address listed in Plc 102.03:

(1) A completed application for initial licensure as provided in Plc 304, which may be submitted prior to or with the application for a temporary license;

(2) An “Application For Temporary License for Active Military and Spouses” dated February 2023 that includes the information required by Plc 306.04; and

(3) The supporting documentation identified in Plc 306.05.

(b) As required by RSA 310:16, II, the applicant shall execute and submit with the application submitted pursuant to (a)(2), above, a notarized affidavit affirming, under penalty of law, that:

(1) The applicant is the individual described and identified in the application;

(2) All statements made on the application are true and correct and complete;

(3) The applicant has read and understands the requirements for licensure and attests that those requirements are met; and

(4) The applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

Readopt with amendments Plc 306.05 through Plc 306.07, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 306.05 Documentation Required for Temporary License Application. Applicants under this part shall provide the following with the application submitted pursuant to Plc 306.03:

(a) For an applicant who is on active military duty, confirmation of military status obtained as provided in Plc 304.04(e);

(b) For an applicant who is a military spouse, a copy of the applicant’s spouse’s confirmation of military status and proof of marriage as provided in Plc 304.04(f); and

(c) For any applicant, proof of licensure in a state or territory of the U.S. that:

(1) Identifies the applicant by name; and

(2) Clearly shows that the applicant is authorized to practice the occupation or profession in that jurisdiction and is in good standing.

Plc 306.06 Decisions on Applications for Temporary License.

(a) As required by RSA 310:16, the executive director shall make a decision on the application within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check.

(b) The executive director shall issue a temporary license to any applicant who submits a complete application as required by Plc 306.03 and demonstrates that the statutory qualifications in RSA 310:16 are met.

(c) If the information submitted by the applicant shows that the applicant does not qualify for a temporary license, the executive director shall deny the application.

(d) If the information submitted by the applicant is insufficient to allow the executive director to issue or deny a temporary license, the executive director shall request the applicant to provide the additional information needed to allow a determination to be made.

Plc 306.07 Duration and Expiration of Temporary License under RSA 310:16.

(a) As provided in RSA 310:16, I, the temporary license shall be valid while completing the requirements for initial licensure in New Hampshire for not less than 180 days, so long as no cause for denial of a license exists under applicable law.

(b) As provided in RSA 310:16, III, an applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements.

(c) To request an extension, the applicant shall submit a request within 15 days prior to the temporary license's expiration date, as required by RSA 310:16, III.

(d) A temporary license shall expire 180 days after issuance if a final decision has not been made on the application for initial licensure unless the applicant requests and receives an extension under (c), above.

Readopt with amendments Plc 307, eff. 5-1-23 (doc. #13606), to read as follows:

PART Plc 307 LICENSEE OBLIGATIONS; INACTIVE STATUS FOR RESERVE MILITARY CALLED TO ACTIVE DUTY

Plc 307.01 Applicability.

(a) Plc 307.02 through Plc 307.05 shall apply to any person who has obtained a license on or after the ***May 1***, 2023 effective date of this chapter, whether an initial license, temporary license, provisional license, renewal license, or apprentice registration, and whether issued directly by a board or by the OPLC.

(b) Plc 307.05 also shall apply to any student practicing under a provision in applicable law that allows such practice, whether as an internship or under a student license.

(c) Plc 307.06 and Plc 307.07 shall apply to any licensee who is a member of any reserve component of the U.S. armed forces or the national guard and is called to active duty.

Plc 307.02 Licensee Obligations for Notifications.

(a) Unless a longer time period is established in an applicable statute, each licensee shall:

(1) Notify the licensing bureau within 10 working days when a change of name occurs; and

(2) Update the OPLC's records within 10 working days when a change of contact information or a change in business address occurs.

(b) Each licensee shall know, and have available in the licensee's office or other place of business, information regarding how complaints can be filed with the OPLC.

(c) Unless a longer time period is established in an applicable statute, each licensee shall inform the OPLC at customersupport@opl.nh.gov within 10 working days of:

- (1) Any disciplinary action, including the imposition of fines or penalties, taken or in the process of being taken against the licensee by any jurisdiction in which the licensee is authorized to practice in any profession;
- (2) The commencement of any civil action or insurance claim filed against the licensee that alleges malpractice and any decision(s) made in such civil actions or insurance claims; and
- (3) Conviction without annulment in any jurisdiction of any felony that:
 - a. Constitutes a sexual offense as defined in the convicting jurisdiction;
 - b. Constitutes a violation of controlled substance law; or
 - c. Is based on:
 1. Injury or the potential for injury to a victim;
 2. Any form of theft that would be covered in New Hampshire by RSA 637; or
 3. Any form of crime involving dishonesty, including but not limited to fraud, blackmail, extortion, graft, hoax, misrepresentation, or forgery.

Plc 307.03 Licensee Responsibilities for Renewal. Each licensee shall:

- (a) Know when the licensee's license is due to expire; and
- (b) For an initial license that is not conditional and for a license that has been renewed previously, file an application for renewal prior to the expiration of the current license in accordance with Plc 308 if the licensee intends to continue to practice in New Hampshire.

Plc 307.04 Licensee Obligations for Continuing Competence. Each licensee shall comply with all continuing competence requirements established in applicable law.

Plc 307.05 Obligations of Persons Subject to These Rules.

- (a) Each person subject to these rules shall comply with all applicable law.
- (b) In any application or other document filed with, or statement made to, the licensing bureau or the applicable board, each person subject to these rules shall provide information that, to the best of the person's knowledge and belief, is true, complete, and not misleading.
- (c) Each person subject to these rules shall cooperate with investigations and requests for information from the OPLC and the applicable board, wherein "cooperate" means to provide the information requested, answer any questions posed, and allow inspections in order to enable the OPLC or applicable board to determine compliance with applicable law.
- (d) Each person subject to these rules shall provide honest and accurate information in reports prepared as part of practicing the profession in which the person is authorized to practice.
- (e) Each person subject to these rules shall report evidence of professional misconduct on the part of another licensee when that conduct poses a potential threat to life, health, or safety.
- (f) Each person subject to these rules shall maintain sexual boundaries by:
 - (1) Refraining from any behavior that exploits the professional-client or professional-patient relationship in a sexual way; and

- (2) Avoiding any behavior that is sexual, seductive, suggestive, or sexually demeaning, or could be reasonably interpreted as such, even when initiated by or consented to by the target of the behavior.
- (g) Each person subject to these rules shall be truthful in publicly representing or advertising himself or herself by avoiding the following:
- (1) False, deceptive, or misleading statements, including the misleading use of credentials;
 - (2) Unreasonable or exaggerated claims of success;
 - (3) Guarantees of success;
 - (4) Claims or implications of professional superiority or of training that cannot be substantiated; and
 - (5) Unsubstantiated claims of expertise or certification of such in any specific areas of the scope of practice set forth in applicable law.
- (h) Each person subject to these rules shall interact with colleagues and clients or patients, as applicable, with honesty and integrity.
- (i) No person subject to these rules shall misrepresent professional qualifications or credentials.
- (j) Each person subject to these rules shall treat all individuals with whom the person interacts in a professional capacity with respect and civility.
- (k) No person subject to these rules shall engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity.
- (l) No person subject to these rules shall discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin, or any additional class protected by law.
- Plc 307.06 Inactive Status for Reserve Military Called to Active Duty.
- (a) As provided in RSA 310:8, V, the OPLC shall place the license of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty on inactive status at the request of the licensee.
- (b) To request inactive status under this section, the licensee shall submit a completed “Request for Inactive Status - Military Activation” form dated ~~November 2023~~ **March 2024** to CustomerSupport@oplc.nh.gov that contains the following information:
- (1) The licensee’s name as it appears on the license, license number, and profession;
 - (2) Whether the licensee is in the national guard or is in a reserve component of the U.S. armed forces, and if the latter, which component;
 - (3) The last 4 digits of the applicant’s social security number, for confirmation of identity;
 - (4) The date the licensee is required to report for active duty;
 - (5) If known, the estimated duration of active duty.
- (c) The licensee shall sign and date the request prior to submitting it to the OPLC.

(d) The OPLC shall confirm that the license has been placed on inactive status in writing by email sent to the licensee's designated email address.

Plc 307.07 Reactivation from Inactive Status.

(a) As provided in RSA 310:8, V, the license may be reactivated within one year of the licensee's release from active status by submitting a written request in accordance with (b), below, together with payment of the ~~renewal~~***application-related fee for renewal*** and proof of completion of applicable continuing competence requirements if the license term of the license that was put on inactive status has expired.

(b) To request the reactivation of a license that was put on inactive status under Plc 307.05, the licensee shall submit a completed "Request for License Reactivation" form dated ~~November 2023~~***March 2024*** to CustomerSupport@oplc.nh.gov that contains the following:

- (1) The licensee's name as it appeared on the license, license number, and profession;
- (2) The date the licensee was released from active status; and
- (3) The licensee's designated email address.

(c) If the expiration date of the license that was placed on inactive status has passed, the licensee shall submit proof of completing required continuing competence activities and the application-related fees for renewal with the reactivation request.

(d) The licensee shall sign and date the request prior to filing it with the OPLC.

(e) Upon receipt of a reactivation request, the licensing bureau shall review the request and determine whether a ~~renewal~~***application-related fees for renewal*** and proof of continuing competence are required, provided that:

- (1) If ~~the renewal~~***a*** fee and proof of continuing competence are required but were not provided, the licensing bureau shall notify the licensee in writing sent to the designated email address that:
 - a. Identifies the information or fee, or both, that must be submitted before the license will be reactivated; and
 - b. Establishes a deadline for submitting the required item(s), which shall be no sooner than 20 days from the date of the notification; or
- (2) If the inactive license has not expired, the licensing bureau shall reactivate the license and notify the licensee of the reactivation in writing sent to the designated email address.

Readopt with amendments Plc 308.01, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 308.01 License Expiration.

(a) As provided in RSA 310:8, II, all issued licenses shall expire 2 years from the date the license was issued, provided that the filing of a timely and complete application for license renewal by an eligible applicant shall continue the validity of the license being renewed until final action has been taken on the renewal application.

(b) As provided in RSA 310:8, III:

- (1) Applicants shall submit completed applications for renewal, the application-related fees for renewal, and any supporting documents required for that renewal on or before the expiration date of the license;

(2) A license shall expire if a completed renewal application, ***application-related fees for*** renewal-fee, and supporting documents have not been filed on or before the expiration date of the license; and

(3) The holder of an expired license shall not be authorized to practice unless and until the license has been reinstated or reobtained in accordance with Plc 312.

Readopt with amendments Plc 308.03 through Plc 308.13, eff. 5-1-23 (doc. #13606), to read as follows:

Plc 308.03 Notification of Pending License Expiration.

(a) As required by RSA 310:8, IV, at least 2 months prior to the expiration of a license, the licensing bureau shall notify, via email sent to the licensee's designated email address, each licensee whose license is expiring that the license is due to expire.

(b) The licensing bureau shall include the following in the email sent pursuant to (a), above:

(1) A clear statement that failure to submit a complete application on or before the expiration date shall result in the license expiring; and

(2) A registration code, if one is necessary, for the licensee to use to renew on-line or, if the renewal application is not yet available on-line, a renewal application.

(c) As provided in RSA 310:8, IV, failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the ~~office~~-OPLC, the rules of the applicable board, or RSA 310:8.

(d) If a licensee does not receive a registration code or application as provided in (b)(2), above, the licensee shall contact the OPLC at customersupport@oplc.nh.gov to obtain a registration code or application.

Plc 308.04 Continuing Competence; Documentation and Audits.

(a) Each licensee shall comply with all continuing competence requirements specified in applicable law.

(b) Upon being notified by the OPLC that an on-line system administered by a third party organization is available to manage continuing competence compliance, each licensee shall use the on-line system to track and report the completion of continuing competence activities unless a profession-specific on-line system is specifically authorized by the executive director based on the system being:

(1) Available to all licensees in the profession at no charge to the licensee; and

(2) Accessible by the OPLC at no additional charge to the licensee or the OPLC.

(c) Each licensee shall retain documentation of participating in and successfully completing continuing competence activities as described in applicable law for the specific course or activity for the longer of the time specified in applicable law or the current license term and most recent renewal period, which may be retained in the on-line system when available.

(d) Unless otherwise required by statute, 10% of licensees renewing in a given year shall be audited to determine continuing education compliance for each board. Each licensee shall provide such information as is requested as part of an audit conducted pursuant to this section or other applicable law.

Plc 308.05 Application for License Renewal.

(a) If a licensee wishes to renew, the licensee shall submit the information, materials, and fee(s) identified in (b), below, using the portal available at <https://www.oplc.nh.gov>, not more than 60 days prior to

the expiration of the license but on or before the expiration date, provided that if the portal is not yet available or if filing electronically is not practicable for the applicant, the application package shall be submitted by mailing to the address specified in Plc 102.03 so that the package is received by the OPLC on or before the expiration date.

(b) The licensee shall submit the following information, materials, and fee(s):

- (1) The information specified in Plc 308.06 on the “Universal Application for License Renewal”, dated ~~November 2023~~ **March 2024**, that is signed and attested to as provided in Plc 308.08;
- (2) Attestation or proof of having met applicable continuing competence requirements, as required by applicable law;
- (3) The supporting documentation identified in Plc 308.07; and
- (4) The application-related fees for renewal, provided that applicants applying for facilitated licensure as active military or a military spouse shall not pay the fee.

Plc 308.06 Information Required for Renewal Applications. The information required by Plc 308.05(b)(1) shall be as follows:

- (a) The applicant’s profession and the license number and expiration date of the license;
- (b) For individuals, the following:
 - (1) The applicant’s full legal name, including any suffix such as “Jr.” or “III”, and any name(s) under which the applicant holds or has held a professional license;
 - (2) The applicant’s date of birth by month, day, and year;
 - (3) The last 4 digits of the applicant’s social security number or other U.S. taxpayer identification number, for confirmation of identity;
 - (4) The applicant’s designated email address, home physical address, and home mailing address, if different;
 - (5) The applicant’s home or other personal telephone number;
 - (6) The name, physical address, and telephone number of the applicant’s office or other place of business;
 - (7) If the applicant routinely practices in more than one location, the name of each such location and, for each:
 - a. The business address and telephone number; and
 - b. Whether the applicant is an employee, a subtenant subletting space, an independent contractor, or the owner of the business;
 - (8) Whether the applicant is on active military duty or is a military spouse, and whether the applicant is applying for facilitated licensure;
 - (9) The following information, to be used solely for purpose of workforce data analysis, provided that “prefer not to answer” shall be an acceptable response to any question:
 - a. Highest level of education, whether or not related to the profession in which licensure is being sought;

- b. Relative to the applicant's employment status, whether the applicant is:
 1. Actively working in a position that requires the license being applied for;
 2. Actively working in a position in the same profession that does not require this license;
 3. Actively working in a position in a different profession;
 4. Not currently working; or
 5. Retired.
- c. Relative to the applicant's employment plans for the next 2 years, whether the applicant intends to:
 1. Increase hours in a field related to this license;
 2. Decrease hours in a field related to this license;
 3. Seek employment in a field unrelated to this license;
 4. Retire;
 5. Continue as is; or
 6. Not sure or plans unknown.
- d. Identification of the specialty, field, or area of practice in which the applicant spends the most professional time;
- e. Whether the applicant uses telehealth to deliver services to patients;
- f. The state in which the applicant's primary practice is located, if applicable;
- g. The 5-digit zip code of the applicant's primary practice location, if applicable;
- h. Relative to the applicant's current employment arrangement at their principal practice location, whether the applicant is:
 1. Self-employed or a consultant;
 2. A salaried employee;
 3. An hourly employee;
 4. In temporary employment or Locum Tenens;
 - 5.. Other arrangement; or
 6. Not employed;
- i. In the applicant's primary employment or practice, whether the applicant's primary role is that of:
 1. Administrator;
 2. Clinical practitioner;
 3. Faculty or other educator;

4. Researcher;
5. Other; or
6. Not applicable;

(10) For applicants in any health care profession:

- a. Identification of the practice setting at the applicant's primary practice location;
- b. What population groups the applicant provides services to;
- c. An estimate of the number of hours per week the applicant spends at their primary practice location; and
- d. An estimate of the number of hours per week the applicant spends in direct patient care;

(11) For applicants in any health care profession, whether the applicant intends to practice in New Hampshire more than 50% of the time, whether in-person or by telehealth; and

(12) Any other profession-specific information required by applicable law, such as proof of certification by, or registration with, a regional or national credentialing organization, to the extent not otherwise covered by this section;

(c) For entities, the following:

- (1) The applicant's full legal name as shown on the document(s) that created the entity and each name under which the applicant does business in New Hampshire;
- (2) The type of entity the applicant is, such as a corporation, limited liability corporation, professional association, partnership, or other form;
- (3) The entity's date and state of formation;
- (4) The employer identification number or other federal tax ID number assigned to the applicant by the U.S. Internal Revenue Service;
- (5) The applicant's primary location address in New Hampshire and New Hampshire mailing address, if different;
- (6) The applicant's main telephone number;
- (7) The applicant's designated email address;
- (8) The name, telephone number, and email address of the authorized signer and the name, telephone number, and email address of each contact individual, if other than the authorized signer;
- (9) Such information as is required by applicable law on partners, officers, directors, and similar individuals having responsibility for or control over the applicant; and
- (10) Any additional information required for entities by applicable law;

(d) Identification of all jurisdictions where the applicant is currently licensed and, for each, the date of most recent licensure and status of the license;

(e) A "yes" or "no" answer to the following questions regarding the applicant's background and character, provided that "not previously reported" shall not include anything that was not required to be submitted by Plc 304.03(e):

- (1) Whether during the past 27 months or not previously reported, the applicant has been found guilty of or entered a plea of no contest to any felony or misdemeanor;
 - (2) Whether during the past 27 months or not previously reported, the applicant has been the subject of any disciplinary action by any professional licensing authority;
 - (3) Whether during the past 27 months or not previously reported, the applicant has been denied a license or other authorization to practice in any jurisdiction;
 - (4) Whether during the past 27 months or not previously reported, the applicant has surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges;
 - (5) Whether the applicant is now or has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction;
 - (6) Whether during the past 27 months or not previously reported, any malpractice claim has been made against the applicant;
 - (7) Whether during the past 27 months or not previously reported, the applicant has, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant's place of employment, or had any privileges limited, suspended or revoked in any professional setting; and
 - (8) Whether during the past 27 months or not previously reported, the applicant has committed any act(s) that would violate the laws and/or rules that govern the practice of the profession in which the applicant is licensed;
- (f) Whether the applicant has a DEA registration number and, if so, what the number is;
- (g) Whether the applicant stores, administers, or dispenses controlled drugs in a setting that is not regulated under RSA 318 relative to pharmacists and pharmacies;
- (h) For applicants in any health care field, whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c; and
- (i) Whether the applicant consents to the disclosure to third parties of:
- (1) For individuals, any or all of the applicant's contact information; or
 - (2) For entities, the entity's designated email address.

Plc 308.07 Additional Information and Documentation Required for Renewal Applications. At the time that an applicant for renewal licensure submits a completed license renewal application form, the applicant shall submit, or arrange for the licensing bureau to receive, the following:

- (a) A clear explanation, including all relevant facts, the date(s) of the action, and the sanction(s) imposed, of any "yes" answer to the background and character questions listed in Plc 308.06(d);
- (b) If a credential from a regional or national organization is required for licensure, proof that the applicant holds the credential;
- (c) For applicants who are on active military duty, proof of service status as specified in Plc 304.04(e);
- (d) For any applicant applying for facilitated licensure as a military spouse, proof of service status and marriage as specified in Plc 304.04(f);

(e) For any applicant that is an entity:

(1) A copy of the legal document that confers authority on the authorized signer to sign the application on the applicant's behalf; and

(2) Confirmation from the New Hampshire secretary of state's office that the entity applying for licensure is in good standing and authorized to do business in New Hampshire; and

(f) Any additional information or materials required by applicable law, except that no photograph shall be required to be submitted unless required by an applicable statute.

Plc 308.08 Signature and Attestation Required for Renewal Applications.

(a) The applicant for license renewal, or the duly-authorized individual for an applicant that is an entity, shall sign and date the application, provided that for applications that are submitted electronically, the act of submitting the application shall constitute the signature and the date of submittal shall be the date.

(b) The signature shall constitute the applicant's attestation that:

(1) The applicant is not under investigation by any professional licensing board and the applicant's credentials have not been suspended or revoked by any professional licensing board, or a written explanation of each such occurrence is being submitted with the application pursuant to Plc 308.07(a);

(2) If required by applicable law, the applicant has completed the survey or opt-out form provided by the Office of Rural Health, department of health and human services;

(3) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;

(4) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and

(5) The applicant understands that providing false material information constitutes a misdemeanor under RSA 641:3 relative to falsification in official matters.

Plc 308.09 Initial Review of Renewal Applications.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 308.05, the licensing bureau shall:

(1) Accept the application as being complete; or

(2) Determine that the application is incomplete and notify the applicant in writing sent to the applicant's designated email address that the application is incomplete, specifying what the applicant needs to submit to complete the application.

(b) A notice of incompleteness sent pursuant to (a)(2), above, shall clearly inform the applicant that if the application is not completed on or before the date on which the license expires, then:

(1) The applicant's NH license will expire and the applicant will not be able to work legally in New Hampshire unless and until the license is reinstated; and

(2) The application for reinstatement will require payment of the application-related fees for reinstatement, and the application-related fees paid with the renewal application shall not be refunded.

Plc 308.10 Withdrawal or Abandonment of Renewal Application.

(a) An applicant may withdraw the application for licensure renewal at any time prior to being notified of a decision under Plc 308.11.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau via email to customersupport@oplc.nh.gov that:

(1) Clearly states the applicant's intention to withdraw the application; and

(2) Clearly identifies the name in which the application was submitted, the profession for which the application was submitted, and the date the application was submitted.

(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.

(d) A renewal application shall be deemed to be abandoned if the applicant files an incomplete application and does not provide all information necessary to complete the application when directed to do so pursuant to Plc 308.09.

(e) If the application is withdrawn or abandoned, then:

(1) The licensee shall no longer be authorized to practice after the expiration date;

(2) If the person wishes to practice in New Hampshire, licensure shall be sought as provided in Plc 312; and

(3) The *application-related* fees paid with the renewal application shall not be refunded.

Plc 308.11 Review of Complete Renewal Applications; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for the license renewal being applied for, provided that if the technical or professional expertise of the applicable board is needed to determine whether the applicant meets the criteria for license renewal, the licensing bureau shall refer the application to the applicable board for review and a recommendation.

(b) If an application is referred to the applicable board pursuant to (a), above, the applicable board shall inform the licensing bureau of its recommendation regarding whether the applicant meets the qualifications for licensure within 50 days of receiving the application from the licensing bureau, provided that if the board does not so inform the licensing bureau, the licensing bureau shall make a decision without the board's input.

(c) If the applicant has demonstrated that all eligibility criteria specified in applicable law for a renewal license have been met and that none of the grounds for refusing to renew a license specified in Plc 311.04 apply, the licensing bureau shall approve the application and renew the license with notification to the applicant at the applicant's designated email address.

(d) If the applicant has not demonstrated that all eligibility criteria specified in applicable law have been met for license renewal or if any of the grounds for refusing to renew a license specified in Plc 311.04 apply, the licensing bureau shall:

(1) Issue a denial of the application; and

(2) Inform the applicant of the reason(s) for the denial and that the denial shall become final if the applicant does not file a request for a hearing before the applicable board within 30 calendar days of

the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following.

(e) The licensing bureau shall forward the application file, including the denial, to the applicable board when notified that a hearing has been requested.

(f) If the applicant does not file a request for a hearing with the applicable board within the time period specified in the notice issued pursuant to (d), above, the denial shall become final.

(g) If the application is denied, then:

(1) The licensee shall no longer be authorized to practice as of the date the denial becomes final;

(2) If the person wishes to practice in New Hampshire, a complete application for reinstatement shall be filed, including new application-related fees; and

(3) The *application-related* fees paid with the renewal application shall not be refunded.

Plc 308.12 Challenging a Denial of Renewal Licensure.

(a) An applicant who wishes to challenge the denial of an application for renewal licensure shall submit a written request for a hearing before the applicable board within 30 days of the notification of denial in accordance with Plc 206.31.

(b) Upon receipt of a written request for a hearing, the applicable board shall commence an adjudicative proceeding as required by RSA 541-A and applicable law.

(c) An applicant who requests a hearing who is on active military duty may request that the hearing be deferred until the applicant is no longer on active duty.

Plc 308.13 Renewal Licenses.

(a) Each renewal license issued under this chapter shall specify:

(1) The name of the licensee;

(2) The profession in which the licensee is authorized to practice;

(3) The effective date of the license;

(4) The license number; and

(5) Any conditions imposed pursuant to Plc 311.07.

(b) A renewal license shall be effective for 2 years from the date of issuance unless:

(1) A complete renewal application is filed on or before the expiration date; or

(2) The license is sooner suspended or revoked pursuant to Plc 311 or other applicable law.

Readopt with amendments Plc 310, eff. 5-1-23 (doc. #13606), and renumber as Plc 309, so that Plc 309 reads as follows:

PART Plc 309 ETHICAL AND PROFESSIONAL STANDARDS

Plc 309.01 Purpose and Applicability.

(a) The purpose of this part is to identify the professional and ethical conduct standards that apply to all licensees, in order to engender public confidence in licensing of professionals by the state of New Hampshire.

(b) This part shall apply to any person who receives an initial, temporary, provisional, renewal, or reinstated license or an apprentice registration on or after the 2023 effective date of this chapter.

Plc 309.02 Profession-Specific Ethical and Professional Standards. Each licensee shall adhere to the code of ethics required by rules of the applicable board or other applicable law, including any codes adopted by a regional or national certifying organization if incorporated by reference in rules of the applicable board.

Change the heading of Plc 311, eff. 5-1-23 (doc. #13606), and renumber as Plc 310, to read as follows:

PART Plc 310 COMPLAINTS; INVESTIGATIONS; DISPOSITION WITHOUT ADJUDICATION

Readopt with amendments Plc 311.01 and Plc 311.02, eff. 5-1-23 (doc. #13606), and renumber as Plc 310.01 and Plc 310.02, so that Plc 310.01 and Plc 310.02 read as follows:

Plc 310.01 Applicability. This part shall apply to any person who received or receives a license on or after the May 1, 2023 effective date of this chapter, whether a temporary, initial, *provisional*, or renewal license.

Plc 310.02 Rules of Practice and Procedure. The rules in Plc 200 shall govern:

- (a) Waivers of rules;
- (b) Voluntary surrender of licenses; and
- (c) Any other procedures not included in this chapter.

Adopt Plc 310.03 to read as follows:

Plc 310.03 Complaints. Complaints shall be filed as ~~provided~~*required* in Plc 204.02 and Plc 204.03.

Readopt with amendments Plc 311.03 and Plc 311.04, eff. 5-1-23 (doc. #13606), and renumber as Plc 310.04 and Plc 310.05, so that Plc 310.04 and Plc 310.05 read as follows:

Plc 310.04 Investigations. Investigations initiated to determine whether a licensee has committed misconduct shall be conducted as provided in Plc 204.04 through Plc 204.06 and applicable law.

Plc 310.05 Commencement and Conduct of Disciplinary Proceedings. If an investigation determines that ~~it more likely than not that it could be proved at an adjudicative hearing that a licensee committed misconduct warranting sanctions~~*there is a reasonable basis to proceed with a disciplinary proceeding*, the licensee who was investigated shall be notified and an adjudicative proceeding shall be conducted as provided in RSA 541-A, Plc 200, and applicable law.

Adopt Plc 310.06 to read as follows:

Plc 310.06 Settlement Procedures; Non-Disciplinary Remedial Actions. The provisions of Plc 205 shall apply to:

- (a) Any disciplinary matter that does not proceed to an adjudicative hearing or that is otherwise settled by agreement between the parties; and
- (b) Any proceeding to impose non-disciplinary remedial measures.

Renumber the part heading for Plc 213, eff. 8-4-22, (doc. #13427), as Plc 311, to read as follows:

PART Plc 311 DISCIPLINARY PROCEEDINGS; LICENSE CONDITIONS

Adopt Plc 311.01 to read as follows:

Plc 311.01 Purpose. This purpose of this part is to establish standard procedures for conducting disciplinary or non-disciplinary remedial proceedings and imposing license conditions.

Readopt with amendments Plc 213.01 through Plc 213.03, eff. 8-4-22, (doc. #13427), and renumber as Plc 311.02 through Plc 311.04, so that Plc 311.02 through Plc 311.04 read as follows:

Plc 311.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) “Applicant” means a person who has applied for a license to practice in New Hampshire, whether a temporary, initial, or renewal license, prior to a final decision being made on the application;

(b) “Chronic non-complier” means a person who:

(1) Has committed, within 3 years of the date of application or of the violation(s) for which a disciplinary proceeding has been initiated, as applicable:

a. More than 2 violations that remain uncorrected after a regulatory authority has notified the respondent, in writing, of the violations and the need to correct them, which demonstrates that the respondent is unable or unwilling to comply with applicable requirements; or

b. More than 3 violations that are corrected by the respondent after a regulatory authority has notified the respondent, in writing, of the violations and the need to correct them, but recur with a frequency that demonstrates that the respondent is unable or unwilling to maintain compliance with applicable requirements; or

(2) Has been the subject, within 3 years of the date of the application or of the violation(s) for which a disciplinary proceeding or show cause hearing on an application has been initiated, as applicable, of 2 or more administrative or civil enforcement actions or one criminal enforcement action that have not been overturned on appeal for violations of any applicable law pertaining to any of the respondent’s activities;

(c) “Regulatory authority” means, unless specifically limited to New Hampshire:

(1) “Board” as defined in Plc 302; and

(2) Any comparable authority in any other jurisdiction in which a licensee is authorized to practice; and

(d) “Respondent” means the person against whom a disciplinary or non-disciplinary remedial proceeding is initiated.

Plc 311.03 Additional Grounds for Denying an Initial License Application. In addition to such grounds for denying an initial license application as are identified in applicable law, such as not meeting the specified requirements *for the profession*, the following shall constitute good cause to deny a license application:

(a) The applicant owes any fees to a regulatory authority, unless the fees are being paid in accordance with a payment schedule and the applicant is current with all payments;

(b) The applicant owes any administrative fines to a regulatory authority, unless the fines are being paid in accordance with a payment schedule and the applicant is current with all payments;

(c) The applicant has failed to comply with any order issued by a regulatory authority, unless the applicant is complying in accordance with a compliance schedule and is current with all items;

(d) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by a regulatory authority, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(e) The applicant has failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by a regulatory authority, unless the applicant is complying in accordance with a compliance schedule and is current with all items; or

(f) The applicant is a chronic non-complier.

Plc 311.04 Additional Grounds for Suspension, Revocation, or Refusal to Renew. In addition to such grounds for suspending, revoking, or refusing to renew a license as are identified in applicable law, such as not meeting the specified requirements *for the profession*, the following shall constitute good cause to suspend, revoke, or refuse to renew a license:

(a) The licensee owes any fees to a regulatory authority, unless the fees are being paid in accordance with a payment schedule and the license holder is current with all payments;

(b) The licensee owes any administrative fines to a regulatory authority, unless the fines are being paid in accordance with a payment schedule and the license holder is current with all payments;

(c) The licensee has failed to comply with any order issued by a regulatory authority, unless the license holder is complying in accordance with a compliance schedule and is current with all items;

(d) The licensee owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by a regulatory authority, unless the penalties are being paid in accordance with a payment schedule and the license holder is current with all payments;

(e) The licensee has failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by a regulatory authority, unless the license holder is complying in accordance with a compliance schedule and is current with all items; or

(f) The licensee is a chronic non-complier.

Readopt with amendments Plc 213.05 and Plc 213.06, eff. 8-4-22, (doc. #13427), and renumber as Plc 311.05 and Plc 311.06, so that Plc 311.05 and Plc 311.06 read as follows:

Plc 311.05 Determination to Deny a License Application Based on Alleged Misconduct or to Suspend, Revoke, or Refuse to Renew a License Based on Alleged Misconduct.

(a) The determination of whether to deny a license application based on alleged misconduct or to suspend, revoke, or refuse to renew a license based on alleged misconduct shall be made in accordance with the procedural rules in Plc 200 and this chapter.

(b) If the respondent has not already had the opportunity to contest, through an adjudicative proceeding, the prior violation(s) on which the OPLC proposes to base a decision to deny a license application or on which a board proposes to suspend, revoke, or refuse to renew a license, the respondent shall have the opportunity to contest or otherwise explain such prior violation(s) through an adjudicative proceeding prior to a final decision being made.

Plc 311.06 License Conditions.

(a) The executive director, in consultation with the applicable board, shall include conditions in a license whenever such conditions are necessary to:

- (1) Provide greater assurance that the licensee will comply with applicable law; or
- (2) Minimize the potential for harm to public health, safety, or welfare from any violations of applicable requirements.

(b) Any conditions so added shall relate directly to the activity for which the license is issued and shall be no more than reasonably necessary to achieve the criteria in (a), above.

(c) The determination of whether such conditions are reasonably necessary shall be made by the executive director in consultation with the applicable board based on:

- (1) The nature and scope of the license being issued; and
- (2) The compliance history of the applicant, including whether the applicant is a chronic non-complier.

(d) The licensee may appeal any conditions included in a license pursuant to this section in accordance with existing appeal routes established under applicable law.

Adopt Plc 311.07 to read as follows:

Plc 311.07 Misconduct. Misconduct shall be:

(a) Any conduct identified in the ***RSA 310:12 or the*** applicable board's practice act, ***or both***, as ***professional*** misconduct ~~or as a violation~~;

(b) Knowingly, recklessly, or negligently providing inaccurate material information to the OPLC or applicable board or failing to provide complete and truthful material information upon inquiry by an authorized representative of the OPLC or applicable board, including during the process of applying for an initial license, a license renewal, or the reinstatement of a license;

~~(c) Failing to report, within the time period specified, any of the events required to be reported by Plc 307.02(e);~~

~~(d)~~ ***Willfully or repeatedly*** ~~v~~violating:

~~(1)~~ ***A***ny applicable ethical or professional standard specified in Plc 309;

~~(h)(42)~~ Any provision of the applicable board's practice act; or

~~(h)(23)~~ Any provision of the rules that apply to the regulated profession, whether in title Plc or a profession-specific title.

~~(e)~~ ***d*** Engaging in the practice of a regulated profession despite actual or potential inability to render care with reasonable skill and safety by reason of any impairment, including but not limited to physical or mental illness or use of alcohol, drugs, or any other substance that adversely affects human health or critical thinking skills;

~~(f)~~ ***e*** Being subject to final disciplinary action that results in revocation of a license or any credential required for licensure by:

(1) A regulatory authority in another domestic or foreign jurisdiction; or

(2) The applicable credentialing organization; ***and***

~~(g)~~ Practicing a regulated profession without a current license; ~~and~~.

~~(h) Violating:~~

{(h)(1)-(2) moved to be (c)(2)-(3)}

Readopt with amendments Plc 311.05 and Plc 311.06, eff. 5-1-23 (doc. #13606), and renumber as Plc 311.08 and Plc 311.09, so that Plc 311.08 and Plc 311.09 read as follows:

Plc 311.08 Sanctions.

(a) Subject to (b), below, if the applicable board determines, after conducting an adjudicative proceeding or upon agreement of the respondent, that the criteria established in applicable law for imposing sanctions have been met, the applicable board shall impose such sanctions as are allowed under applicable law, including but not limited to RSA 310:12 and the applicable board's practice act.

(b) No license shall be revoked unless the misconduct necessary for revocation is:

- (1) Established at an adjudicative hearing by clear and convincing evidence; or
- (2) Admitted by the respondent on the record or in a consent order.

Plc 311.09 Procedures for Imposing Sanctions; Notice to Other Jurisdictions and Organizations.

(a) Other than immediate license suspension authorized by RSA 541-A:30, III, or other applicable law, an applicable board shall impose disciplinary sanctions only:

- (1) After prior notice to the respondent in accordance with Plc 206 and the opportunity for the respondent to be heard; or
- (2) By agreement between the applicable board and the respondent that is reflected in a consent order.

(b) The OPLC shall send copies of orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees to the licensing body of each jurisdiction in which the respondent is licensed, to the respondent's credentialing organization, and to such other entities, organizations, associations, or boards as are required to be notified under applicable law.

Adopt Plc 311.10 through Plc 311.12 to read as follows:

Plc 311.10 Method for Determining Sanctions.

(a) To determine which sanction or combination of sanctions to impose, the applicable board shall:

- (1) Determine the nature of the act(s) or omission(s) constituting the misconduct committed by the licensee;
- (2) Determine whether any aggravating or mitigating circumstances are present, as provided in (b) and (c), below; and
- (3) Apply the standards in Plc 311.12 ~~II~~.

(b) The following shall be considered aggravating circumstances:

- (1) The rule or statute violated was clear as to what was required or prohibited;
- (2) The respondent has a record of disciplinary sanctions being imposed;

- (3) The respondent committed the misconduct intentionally or recklessly;
 - (4) The respondent did not cooperate during the investigation and adjudicative proceeding; and
 - (5) The misconduct caused actual harm or posed a material threat of harm to patients, clients, colleagues, or the public.
- (c) The following shall be considered mitigating circumstances:
- (1) The respondent does not have a record of prior discipline;
 - (2) The respondent committed the misconduct negligently or inadvertently;
 - (3) The respondent cooperated fully during the investigation and adjudicative proceeding;
 - (4) The respondent acknowledged that the identified actions constituted violations; and
 - (5) The rule or statute violated was arguably unclear.

Plc 311.11 Standards for the Selection of Sanctions. The applicable board shall select one or more appropriate sanctions from the available sanctions by choosing the sanction(s) most likely to:

- (a) Protect public health and safety;
- (b) Prevent future misconduct by the respondent;
- (c) Take into account any acknowledgement of fault by the respondent and any cooperation by the respondent with the investigation of misconduct;
- (d) Correct any attitudinal, educational, or other deficiencies that contributed to the misconduct;
- (e) Encourage the responsible practice of the regulated profession; and
- (f) Demonstrate to the respondent, other licensees in the regulated profession, and the public, the applicable board's intent to ensure that licensees in a regulated profession practice in accordance with applicable law to support and protect public safety and welfare.

Plc 311.12 Administrative Fines.

(a) Boards are authorized by RSA 310:12, I(e) to assess administrative fines in amounts established by the board in its rules, that 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.

(b) If a board determines, based on Plc 311.12II, that an administrative fine is warranted for misconduct for which a fine is not specifically identified in the board's rules, the amount of the fine to be sought shall be:

- (1) Not more than the maximum identified in (a), above; and
- (2) Scaled to reflect the scope and severity of the violation based on:
 - a. How much the misconduct deviated from the requirement;
 - b. Whether the misconduct was committed negligently, recklessly, or intentionally; and
 - c. The extent of harm or potential for harm that occurred.

(c) To initiate an administrative fine proceeding independent of other disciplinary action, the board shall issue a written notice to any person proposed to be subjected to an administrative fine that notifies the person:

- (1) Of the violation(s) or misconduct for which the administrative fine is proposed;
- (2) Of the amount of the proposed administrative fine;
- (3) That the person may request a hearing prior to the imposition of the fine; and
- (4) Of the deadline for requesting a hearing, which shall be no sooner than 20 days from the date of the notice.

(d) If the recipient of the notice requests a hearing, the hearing shall be conducted in accordance with the provisions in Plc 200 and RSA 541-A that govern adjudicative proceedings.

(e) The person may choose to waive the right to a hearing and pay the proposed fine, in which case the fine shall be paid to and received by the OPLC within 30 days of receipt of the notice.

Readopt with amendments Plc 311.07 and Plc 311.08, eff. 5-1-23 (doc. #13606), and renumber as Plc 311.13 and Plc 311.14, so that Plc 311.13 and Plc 311.14 read as follows:

Plc 311.13 Conditions of License Suspension or Revocation.

(a) If a license is suspended, the licensee shall prepare and submit a plan of correction to address each violation that provided a basis for the disciplinary proceeding.

(b) The applicable board shall review the submitted plan of correction and:

- (1) Approve the plan, if it:
 - a. Addresses each violation that provided a basis for the disciplinary proceeding; and
 - b. Identifies one or more specific actions that the license shall take and specifies a deadline for taking each action that is reasonable based on the nature of the action to be taken; or
- (2) Return the plan to the licensee for revision and resubmission if the plan does not meet the requirements for approval specified in (1), above.

(c) A licensee whose license was suspended may request the license to be reactivated as provided in Plc 312.04.

(d) If a license is revoked, any subsequent application for licensure shall include a plan of correction that addresses each violation that provided a basis for the disciplinary proceeding and meets the criteria for approval specified in (b)(1), above.

(e) An individual whose license has been revoked and who wishes to reobtain a New Hampshire license shall apply for initial licensure in accordance with Plc 312.05.

(f) A license shall not be granted to an individual who previously held a license but whose license was revoked unless and until the individual has complied with the requirements on which the revocation was based and has paid the costs associated with the revocation, if imposed pursuant to RSA 310:12, V or other applicable law.

Plc 311.14 Reciprocal Discipline.

(a) When the applicable board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the regulatory authority in another jurisdiction, the applicable board shall issue an order in accordance with Plc 206.06 or Plc 206.07, as applicable.

(b) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction, the licensee shall be subject to any disciplinary sanction authorized by applicable law.

Readopt with amendments Plc 213.04, eff. 8-4-22, (doc. #13427), and renumber as Plc 311.15, so that Plc 311.15 reads as follows:

Plc 311.15 Burden of Persuasion in Reciprocal Discipline Cases. The burden of persuasion in cases initiated to determine whether to impose discipline based on discipline imposed against a licensee in another jurisdiction in which the licensee is licensed shall be as stated in Plc 206.24(h).

Readopt with amendments Plc 311.09, eff. 5-1-23 (doc. #13606), and renumber as Plc 311.16, so that Plc 311.16 reads as follows:

Plc 311.16 Rehearings and Appeals.

(a) As provided in RSA 310:14, I and II, any person who has been refused a license or certification by the applicable board or who has been disciplined by the applicable board shall have the right to request or petition for rehearing within 30 days after the original final decision.

(b) A petition for rehearing shall be filed and considered as provided in Plc 206.31 and Plc 206.32 relative to petitions for rehearing.

(c) As provided in RSA 310:14, III, "Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541, except as specified in RSA 674:34 or other applicable statutes."

(d) As also provided in RSA 310:4, III, no sanction shall be stayed by the applicable board during an appeal.

Readopt with amendments Plc 309, eff. 5-1-23 (doc. #13606), and renumber as Plc 312, so that Plc 312 reads as follows:

PART Plc 312 OBTAINING A LICENSE AFTER EXPIRATION, SUSPENSION, OR REVOCATION

Plc 312.01 Practice Prohibited After License Expiration, Suspension, or Revocation.

(a) An individual licensee who fails to timely file a complete application to renew a license shall not practice in New Hampshire unless and until a license is obtained in accordance with this part and any other provisions of applicable law.

(b) Any entity for which a complete application to renew is not timely filed shall not operate as a licensed entity in New Hampshire unless and until a license has been obtained in accordance with this part and any other provisions of applicable law.

(c) Any person whose license is suspended shall not practice in New Hampshire unless and until a license is reinstated or reobtained as specified in Plc 312.04.

(d) Any person whose license is revoked shall not practice in New Hampshire unless and until a license is reobtained by applying for initial licensure as specified in Plc 312.05.

Plc 312.02 Reinstatement of Expired License Not More Than One Year After Expiration. To request reinstatement of an expired license not more than one year after the license expired, the former licensee shall complete the process for renewing a license specified in Plc 308, including demonstrating that the applicant has:

- (a) Met all continuing competence requirements; and
- (b) Retained or re-obtained the certification(s) or other credential(s) required for licensure, if any.

Plc 312.03 Process if License Has Been Expired More than One Year. An individual whose license has been expired more than one year who wishes to obtain a license shall:

- (a) Apply for initial licensure as provided in Plc 304; and
- (b) Comply with any additional requirements specified for reobtaining a lapsed license in applicable law, such as demonstrating that the individual has the knowledge and skills necessary to practice competently, except that no late fee or penalty shall be paid in addition to the application-related fees for initial licensure.

Plc 312.04 Reinstatement of Suspended Licenses.

(a) Any license that has been suspended shall be subject to reinstatement within 30 days of the end of the specified suspension term or within one year of expiration of the suspended license, whichever is later.

(b) An individual whose license was suspended who wishes to have the license reinstated shall:

(1) If the request is made withing 30 days of the termination of the suspension period and before the expiration date of the suspended license, submit a written request to the licensing bureau that demonstrates compliance with all conditions of the suspension order and plan of correction, including completing any additional continuing competence activities and paying any monetary penalties imposed, but not paying any additional application or reinstatement fee; or

(2) If the request is made withing 30 days of the termination of the suspension period and after the expiration date of the suspended license but within one year of the expiration date:

a. Submit an application for reinstatement licensure in accordance with Plc 312.02, including paying the application-related fees and demonstrating all requirements for reinstatement have been met;

b. Pay all monetary penalties imposed, if any;

c. Pay the costs associated with the suspension, if imposed pursuant to RSA 310:12, V or other applicable law; and

d. Demonstrate that all conditions imposed in the suspension order have been met.

(c) Reinstated licenses shall be:

(1) Fully reinstated; or

(2) Conditionally reinstated, with conditions specified pursuant to Plc 311.07.

(d) Any person whose license was suspended who does not apply for reinstatement within the time period specified in (a), above, who wishes to be licensed in New Hampshire shall apply for initial licensure in accordance with Plc 304.

Plc 312.05 Application After Revocation of License.

(a) Any person whose license was revoked who wishes to practice in New Hampshire shall:

(1) Submit an application for initial licensure in accordance with Plc 304, including demonstrating that the applicant:

- a. Holds any certification(s) or other credential(s) required for licensure; and
- b. Has met the continuing competence requirements specified in Plc 308.04 for the 2-year period prior to applying;

(2) If required by applicable law, obtain a criminal records check using the process established by the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC; and

(3) Demonstrate that:

- a. All conditions imposed in the revocation order have been met;
- b. All monetary penalties imposed have been paid; and
- c. Any waiting period established by applicable law has been in met.

(c) If the licensing bureau makes a preliminary determination based on the information submitted by the applicant that the applicant does not qualify for a license or does not qualify for an unrestricted license, the licensing bureau shall refer the matter to the applicable board, which shall initiate a licensing proceeding pursuant to Plc 200 to determine whether to deny the application or to reinstate the license with conditions.

(d) No license shall be granted to an individual who previously held a license whose license was revoked unless and until the individual has:

- (1) Satisfied the terms of the revocation order;
- (2) Paid all outstanding administrative and civil penalties imposed, if any, whether or not related to the revocation; and
- (3) Paid any costs associated with the revocation that were imposed pursuant to RSA 310:12, V or other applicable law.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule(s)	State Statute(s) Implemented
Plc 301.01, Plc 301.03	RSA 310
Plc 302	RSA 310
Plc 304.01-Plc 304.05, Plc 304.08-Plc 304.12, Plc 304.14	RSA 310:4, II(c)
Plc 305.01, Plc 305.02, Plc 305.05, Plc 305.07	RSA 310:6, V; RSA 332-G:14
Plc 306.01-Plc 306.03, Plc 306.05-Plc 306.07	RSA 310:16

Rule(s)	State Statute(s) Implemented
Plc 307	RSA 310:6, II; RSA 310:8
Plc 308.01, Plc 308.03-Plc 308.13	RSA 310:8
Plc 309 [formerly Plc 310]	RSA 151-A:4, I(a); RSA 205-D:20, VIII; RSA 309-B:4, VI(d); RSA 310-A:6, I(f); RSA 310-A:32, I(f); RSA 310-A:58, VI; RSA 310-A:82, VI; RSA 310-A:102, VI; RSA 310-A:121, I(e); RSA 310-A:126; RSA 310-A:143, I(f); RSA 310-A:164, IV; RSA 310-A:185 & 187, I(c); RSA 310-A:205 & 207, I(d); RSA 310-B:18-a; RSA 310-C:17, I(e); RSA 313-A:8, VI; RSA 314:8, VII; RSA 315:4, III; RSA 317-A:12, VI; RSA 318:5-a, VI; RSA 319-C:6-a, V; RSA 325:9, VI; RSA 326-B:9, VIII; RSA 326-F:11, II(b); RSA 326-E:2, VI; RSA 326-H:9, IV; RSA 327:31, IV; RSA 327-A:12, IV; RSA 328-C:4-a, V; RSA 328-E:10, (a), (f); RSA 328-G:7, V; RSA 328-J:7, IV; RSA 329:9, V; RSA 329-B:10, VII; RSA 330-A:10, IV-VII; RSA 330-C:9, VII; RSA 332-B:7-a, VI; RSA490-C:4, I(e)
Plc 310.01 [formerly Plc 311.01], Plc 310.02 [formerly Plc 311.02], Plc 310.03 [new], Plc 310.04 [formerly Plc 311.03], Plc 310.05 [formerly Plc 311.04], Plc 310.06 [new]	RSA 310:4, II(d), RSA 310:9
Plc 311.01 [new], Plc 311.02-311.04 [formerly Plc 213.01-213.03], Plc 311.05 & Plc 311.06 [formerly Plc 213.05 & Plc 213.06], Plc 311.07 [new], Plc 311.08 [formerly Plc 311.05], Plc 311.09 [formerly Plc 311.06], Plc 311.10-Plc 311.12 [new], Plc 311.13 & Plc 311.14 [formerly Plc 311.07 & Plc 311.08], 311.15 [formerly Plc 213.04], Plc 311.16 [formerly Plc 311.09]	RSA 310:10, RSA 310:12
Plc 312 [formerly Plc 309]	RSA 310:8, III