

RULEMAKING NOTICE FORM

| Notice Number _____ | Rule Number _____ | Plc 300 various parts and sections _____ |
|--|--|--|
| <p>1. Agency Name & Address:</p> <p>Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p> | <p>2. RSA Authority: <u>RSA 310:6, II & V; RSA 310:16; RSA 332-G:7, IV(b) & (c)</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Repeal <u> </u></p> <p>Readoption <u> X </u></p> <p>Readoption w/amendment <u> X </u></p> | |
| <p>5. Short Title: Licensure and Discipline of Regulated Professions</p> | | |

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

The existing rules in Plc 301-311, adopted by the Executive Director of the Office of Professional Licensing and Certification (OPLC), all effective 05-01-23 except for Plc 302.19 which is an interim rule that was effective on 10-15-23 and relates only to licensure by endorsement, set forth uniform procedures for the submittal of applications for initial and renewal licensure and for reinstatement of licensure; uniform procedures for the OPLC to process and make decisions on such applications or to implement decisions made by the supported boards, commissions, and councils; uniform procedures for temporary licensing under RSA 310-A:1-f and RSA 332-G:14; uniform procedures for facilitated temporary licensing of military personnel and spouses of military personnel under RSA 310-A:1-p; uniform basic responsibilities and obligations and basic ethical and professional standards for licensees; and uniform procedures for imposing disciplinary sanctions against licensees.

In this rulemaking, the Executive Director is proposing to readopt various sections and parts of the rules with amendments to reflect the recodification of the statutes that authorize the OPLC and confer authority on the Executive Director, and to readopt with amendments and renumber Plc 213 from Chapter Plc 200, “Practice and Procedure”, to incorporate it into Chapter Plc 300, as was previously recommended by the Joint Legislative Committee on Administrative Rules. The amendments are intended to:

- **Change the chapter heading from “Licensure of Regulated Professions” to “Licensure and Discipline of Regulated Professions”;**
- **Align the rules with the recodified statutes that establish the OPLC;**
- **Make revisions in response to comments received since the previous rulemaking;**
- **Adopt rules to establish the process for licensees who are called to active duty to request inactive status and reactivation of the license per RSA 310:8, V;**
- **Move Plc 309 (“Reinstatement”) to be Plc 312 (“Obtaining a License After Expiration, Suspension, or Revocation”);**
- **Renumber Plc 310 (“Ethical and Professional Standards”) as Plc 309;**
- **Renumber sections from Plc 311 (“Disciplinary Actions”) as Plc 310 (“Complaints; Investigations; Disposition Without Adjudication) and add relevant sections;**
- **Readopt with amendments Plc 213 (“Disciplinary Proceedings; License Conditions”) with the**

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remaining sections of Plc 311, and add new sections, into an amended Plc 311 (“Disciplinary Proceedings; License Conditions”); and

- **Clarify and supplement the criteria and procedures for discipline of licensees and reinstatement of licenses.**

The Executive Director is also proposing to readopt Plc 302.19 Interim, the definition of “substantially similar” for purposes of licensure by endorsement, with amendments and renumbering. Licensure by endorsement is covered in Plc 313 Interim. The remaining Interim rules (Plc 313) will be readopted in a separate rulemaking.

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

The rules will apply to any individual or business who is licensed, or who seeks to become licensed, in any of the professions listed in RSA 310:2, II.

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

| Rule(s) | State Statute(s) Implemented |
|---|---|
| Plc 301.01, 301.03 | RSA 310 |
| Plc 302 | RSA 310 |
| Plc 304.01-304.05, 304.08-304.12, 304.14 | RSA 310:4, II(c) |
| Plc 305.01, 305.02, 305.05, 305.07 | RSA 310:6, V; RSA 332-G:14 |
| Plc 306.01-306.03, 306.05-306.07 | RSA 310:16 |
| Plc 307 | RSA 310:6, II; RSA 310:8 |
| Plc 308.01, 308.03-308.07, 308.09-308.13 | 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; RSA b490-C:4, I(e) |
| Plc 310.01 & Plc 310.02 [formerly Plc 311.01 & Plc 311.02], Plc 310.03 [new], 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-Plc 311.04 [formerly Plc 213.01-Plc 213.03], Plc 311.05 & Plc 311.06 [formerly Plc 213.05 & Plc 213.06], Plc 311.06, Plc 311.07 [new], Plc 311.08 [formerly Plc 311.05], Plc 311.09 [formerly Plc 311.06], Plc 311.10-311.12 [new], Plc 311.13-Plc 311.14 [formerly Plc 311.07 & Plc 311.08], Plc 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 |

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

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

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

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

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8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Friday, January 19, 2024**

Please submit comments to OPLC-Rules@oplcnh.gov

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, January 10, 2024 at 1:30 PM**

Physical Location: **Board Room (2nd Floor), Office of Professional Licensure & Certification, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **Not applicable**

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

FIS # 23:274, dated 11/17/2023

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

There is no difference in cost when comparing the proposed rules to the existing rules.
Not applicable to the various new rules.

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

No federal mandate, no impact on state funds.

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

There is no cost or benefits attributable to the proposed rules.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

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

There are no costs associated with the proposed rules and the rules do not apply to political subdivisions. The rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.