



State of New Hampshire
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Division of Licensing and Board Administration
7 Eagle Square, Concord, NH 03301
Phone: 603-271-2152

LINDSEY B. COURTNEY
Executive Director



March 3, 2023

STANDING ORDER

AUTHORIZED PROCEDURE TO FOLLOW WHEN INSPECTORS FOR THE BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS ARE UNABLE TO COMPLETE THE REQUIRED INSPECTION FOR AN INITIAL OR RENEWAL APPLICATION FOR A BOOTH OR SHOP LICENSE BECAUSE THE APPLICANT IS UNRESPONSIVE OR FAILS TO SCHEDULE THE INSPECTION

The Board of Barbering, Cosmetology, and Esthetics (“Board”) has the authority to issue booth or shop licenses pursuant to RSA 313-A:19 and Bar 301.09. Part of the application process requires the applicant to successfully pass an inspection. Bar 301.09(f). The shop inspection is conducted by an inspector employed by the Office of Professional Licensure and Certification (“OPLC”). RSA 313-A:21.

Applications for booth or shop licenses are received and processed by the OPLC and the agency is required to act on the application in “a reasonable time, not to exceed 60 days after receipt of the application...” and the application must be approved, denied, or an adjudicative proceeding must be commenced. RSA 541-A:29, II. If an agency fails to timely act on an application within the prescribed period of time, the application is deemed approved pursuant to RSA 541-A:29-a, I.

When an applicant is either unresponsive to the OPLC inspector’s attempts to contact the applicant and schedule the requisite inspection or delays the scheduling of the inspection, the inspectors are unable to complete the application process by verifying whether the booth or shop is in compliance with RSA 313-A and Bar 404.02 within the requisite 60 day time period. *See* Bar 301.09(h).



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Pursuant to RSA 310-A:1-d, IV, the Board has the authority to issue standing orders delegating non-discretionary tasks to OPLC staff. Accordingly, the Board issues the following standing order to address the aforementioned issue.

When the OPLC inspectors are notified of a completed booth or shop application that needs an inspection to complete the process, the inspectors will attempt to contact the applicant three (3) times via telephone and three (3) times via email. If after the third attempt the inspector has not received a response, the application will be denied and notice of the denial will be sent to the applicant.

Any applicant who has been contacted by an OPLC inspector and who fails to schedule an inspection within the 60 day time period, after rejecting more than two (2) proposed inspection dates, shall be deemed to have failed to schedule an inspection and the application will be denied and notice of the denial will be sent to the applicant.

This standing order shall remain in effect until such time as the order terminates by operation of law or until the Board votes to rescind the order.

By Order of the Board,

Date: March 3, 2023

Authorized representative of the
Board of Cosmetology, Barbering
and Esthetics