

Adopt Sep 300, previously effective 9-28-17 (Document #12392, Interim), and expired 3-27-18, to read as follows:

CHAPTER Sep 300 LICENSURE REQUIREMENTS

PART Sep 301 APPLICATION REQUIREMENTS

Sep 301.01 Application Process.

(a) Persons wishing to become licensed as a septic system evaluator in New Hampshire shall complete and submit an “Application for Licensure as a Septic System Evaluator” form provided by the board containing the information specified in Sep 301.02 and shall submit the application fee specified in Sep 301.03 and Sep 301.04.

(b) An application, which is not signed by the applicant, or is not accompanied by cash, a valid check, or a valid credit card number for the application fee, shall not be accepted for processing and shall be returned to the applicant in accordance with RSA 541-A:29, I.

(c) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) Applications about which there has been no communication from the applicant to the board for one year shall be destroyed.

Sep 301.02 Application for Licensure.

(a) Each applicant for licensure shall provide, or cause to be provided, the following on the “Application for Licensure as a Septic System Evaluator” form supplied by the board:

- (1) The applicant’s name, including any names previously used;
- (2) The applicant’s written signature;
- (3) The applicant’s residence and business addresses and telephone numbers;
- (4) The applicant’s email address;
- (5) The applicant’s date of birth and place of birth;

(6) An indication as to whether the applicant has completed the classroom and field training of a board approved septic evaluator course and, if so:

- (a) The date of the course;
- (b) Where the course was taken; and
- (c) Name of the course provider;

(7) An indication as to whether the applicant has ever taken a granite state septic system evaluator course and, if so, the date the course was taken;

(8) An indication as to whether the applicant currently holds a septic system designer permit and, if so:

(a) The permit number; and

(b) The total number of evaluations completed;

(9) An indication as to whether the applicant is actively engaged in the business of septic system evaluations and, if so:

(a) The year the applicant began evaluating septic systems; and

(b) The total number of evaluations completed;

(10) The applicant's dated signature below the following attestation:

I have read the contents hereof and clearly understand that the correctness and truth of my statements certifying that I have completed 25 septic system evaluations as recorded in this application not only to the issuance of the certificate of licensure, as applied for, but also to the retention of said certificate, if issued;

(11) An indication as to whether the applicant has ever been licensed in any other state as a septic system evaluator;

(12) The applicant's dates of employment, titles of positions, and name and present address of employer;

(13) Character of employment including types of work performed and degree of responsibility;

(14) The name and present address of someone familiar with each position held by the applicant, preferably a person to whom the applicant reported or with whom the applicant was associated;

(15) The name, address, occupation, and business relationship to the applicant of 3 references that have personal knowledge of the applicant's experience and who will submit a completed reference form to the board for review which contains the following information:

(a) The name of the applicant;

(b) The full name of the reference,

(c) The address of the reference;

(d) The reference's present business or profession;

(e) An indication as to whether the reference is a certified or practicing septic system evaluator and, if so, the state and applicable certificate number;

- (f) The length of time the reference has known the applicant;
 - (g) An explanation of any relationship to the applicant;
 - (h) An explanation of any business connection to the applicant;
 - (i) Identification of anything the reference knows about the applicant that would reflect adversely on the applicant's integrity or general good character;
 - (j) A brief estimate of the applicant as a septic system evaluator;
 - (k) An indication as to whether the reference would employ the applicant in a position of trust;
 - (l) The name and address of the applicant's firm, if he or she is connected to one;
 - (m) Whether the reference thinks the applicant is qualified to be placed in a responsible charge of supervision of work;
 - (n) The nature of the applicant's individual practice, if he or she practices individually;
 - (o) Whether the reference recommends the applicant for certification as a septic system evaluator;
 - (p) An estimation of how many years of experience the reference believes the applicant to have;
 - (q) Any other remarks concerning the applicant; and
 - (r) The reference's dated signature below an attestation that the reference knows the person referred to is making application for licensure to the State of New Hampshire as a septic system evaluator;
- (16) Highest grade attended including name of institution, years attended, graduation date;
- (17) A listing of every state in which the applicant holds or has ever held registration or certification, licensure as a septic system evaluator with corresponding number and date of initial registration, certification, or licensure;
- (18) Whether the applicant has ever been denied registration, certification, or licensure as a septic system evaluator or disciplined by this board or another septic system evaluator licensing board in any other state and if so, an explanation of the circumstances;
- (19) Whether the registration, certification, or licensure as a septic system evaluator was issued by examination;
- (20) Whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;
- (21) The applicant's social security number required pursuant to RSA 161-B:11, VI-a;

(22) The applicant's signed and dated supplementary experience record, including the signed and dated attachments, which lists in detail the applicant's projects or assignments in chronological order by identifying:

- (a) The portion of the work the applicant personally did;
- (b) The project job title;
- (c) The name of the client; and
- (d) The location of the portion of the project completed by the applicant;

(23) The applicant's dated signature below the following pre-printed affidavit:

I have read the contents hereof and clearly understand that the correctness and truth of my statements as recorded in this application are material, not only to the issuance of the certificate of licensure, as applied for, but also to the retention of said certificate, if issued; and

(24) The application fee as specified in Sep 301.03 and Sep 301.04.

Sep 301.03 Application and Licensure Fees.

- (a) The application for licensure shall be \$100.00.
- (b) The examination administration fee shall be \$100.00.
- (c) The wall display certificate fee for licensees shall be \$50.00.
- (d) The biennial renewal fee shall be \$100.00.
- (e) If the renewal is not received by the date of expiration, there shall be a late fee of 20 percent per month.
- (f) The reinstatement fee after 12 months shall be the renewal fee plus 20 percent per month late fee totaling \$340.00.
- (g) The fee for verification of licensure shall be \$25.00.
- (h) The fee for replacement of a lost or mutilated certificate of licensure shall be \$50.00.
- (i) Course providers shall pay an evaluation fee of \$25.00 each time a course is submitted to the board to be evaluated for pre-licensing education credit.

Sep 301.04 Fees. All fees shall be paid in the form of cash, money order, bank draft, check, or credit card number payable to "Treasurer, State of New Hampshire" and are non-refundable. Applicants paying by credit card shall submit a completed "Credit Card Information" form, revised September 2018.

PART Sep 302 QUALIFICATION OF APPLICANTS

Sep 302.01 Candidate Requirements.

(a) Candidates for licensure shall meet the requirements established by RSA 310-A:210 before a license shall be granted. The board shall require documentation of the applicant's education and work experience to help determine competency if the application is unclear, contradictory, or incomplete.

(b) The candidate shall have committed no misconduct as set forth in RSA 310-A:205. The board shall consider all available evidence for all candidates for licensure, prior to granting a license.

(c) Qualifications shall be as follows:

(1) Candidates shall have successfully completed:

(a) A board- approved pre-licensing education program; and

(b). A board- approved pre-licensing fieldwork program;

(2) Candidates shall be at least 18 years of age; and

(3) Candidates shall be of good moral and professional character, as evidenced by the answers to questions on the application form and any attachments.

Sep 302.02 Denial of Application. An application shall be denied if, after notice and an opportunity for hearing, there is a finding that:

(a) The applicant, or someone acting on the applicant's behalf, has submitted false information to the board in connection with the application;

(b) There is evidence of past disciplinary action taken by another licensing body or a professional society or association, which indicates the applicant cannot be relied upon to practice competently and honestly, or adhere to the standards of conduct required by Sep 500 and RSA 310-A:205;

(c) There is evidence of conviction of a felony or misdemeanor which indicates the applicant cannot be relied upon to practice competently and honestly, or adhere to the ethical standards required by Sep 500;

(d) There is evidence of behavior that would violate the ethical and professional standards of Sep 500, Sep 600 and RSA 310-A:205, which indicates the applicant cannot be relied upon to practice competently and honestly, or adhere to the ethical and professional standards required by Sep 500, Sep 600, and RSA 310-A:205;

(e) The applicant failed to meet the educational and experience requirements of Sep 302 and RSA 310-A:210;

(f) The applicant failed to submit the documentation required by Sep 301.02;

(g) The applicant failed to submit the fee required by Sep 301.03 and Sep 301.04; or

(h) The applicant failed to successfully pass the examinations required per Sep 303.01.

Sep 302.03 Approval of Pre-Licensing Education Courses.

(a) Applicants for approval of pre-licensing courses shall submit the following:

(1) A course outline describing content and course hours to be taught, at least 3 months prior to the implementation of the course on subject areas approved by the board, including:

(a) RSA 310-A; and

(b) Sep 100-600;

(2) Documentation that substantiates the following:

(a) How the program curriculum reflects current practice standards; and

(b) The organization of the curriculum including:

(1) The content of each of the courses;

(2) The goals and objectives of each of the courses;

(3) The total number of hours of classroom instruction;

(4) Credentials of the instructor(s);

(5) Expected student outcomes;

(6) Curricular organization;

(7) Course and unit objectives; and

(8) The processes used to evaluate the progress of the students; and

(3) The fee required pursuant to Sep 301.03(i).

(b) If necessary to make effective the permission described in Sep 302.03 (c), written permission shall be required from the program's sponsoring institution for the board to visit the program site for the purpose of assessing the program's compliance with the requirements for board approval; and

Sep 302.04 Approval of Pre-Licensing Fieldwork Programs. A pre-licensing fieldwork program shall meet the following requirements:

(a) Formal pre-licensing fieldwork programs shall:

(1) Require candidates to complete at least 3 different evaluations;

- (2) Require candidates to evaluate at least 2 different types of septic systems; and
- (3) Evaluate students on a pass or fail basis; or

(b) Informal pre-licensing fieldwork programs shall require candidates for licensure to complete at least 25 septic evaluations under the supervision of a licensed septic system evaluator, provided that the applicant provides copies of the inspection reports that are signed by the supervisor with his or her application for licensure.

PART Sep 303 EXAMINATIONS

Sep 303.01 Examinations. Candidates for licensure shall have successfully passed the exam as administered by the board-approved pre-licensing education provider.

PART Sep 304 RECIPROCITY

Sep 304.01 Reciprocity.

(a) Candidates for licensure who are licensed or registered in another state shall be eligible for licensure by reciprocity pursuant to RSA 310-A:214, provided that the candidate's current state of licensure grants reciprocity to residents of this state and has licensure, registration, or certification requirements that are substantially equivalent to or higher than those of this state.

(b) Candidates applying for licensure under this section shall bear the burden of demonstrating to the board that the licensure, certification, or registration requirements maintained by their current state are substantially equivalent to or higher than those of this state.

(c) Candidates applying for licensure under this section shall complete and submit the "Application for Licensure as a Septic System Evaluator" form specified by Sep 301.02 and pay the fee pursuant to Sep 301.03 (a). The verification of licensure or examination shall be obtained by the candidate for licensure and submitted to the board directly from the verifying state for approval.

PART Sep 305 CREDENTIALS

Sep 305.01 License. An applicant for licensure as a septic system evaluator, who has satisfactorily met all the requirements of RSA 310-A and who has paid all of the fees, shall be issued a license by the board. The licensee shall be issued a license authorizing the practice of septic system evaluations that shall show the full name of the licensee, shall have a serial number, and shall be signed by members of the board.

Sep 305.02 Pocket Cards. Biennially, the board shall issue a licensure card, numbered to correspond with the septic system evaluator's assigned number to each licensed septic system evaluator upon renewal of the license. The card shall certify that the septic system evaluator holds a license in good standing and is authorized to practice as a septic system evaluator to the date of expiration as shown on the card.

Sep 305.03 Licensed Septic System Evaluator Seal, Stamp, and License Number.

(a) Upon issuance by the board of a license to an applicant as a licensed septic system evaluator, the licensee shall acquire an impression type seal or rubber stamp of the design described in (b) below. This seal shall bear the licensee's name and number as shown on the license.

(b) The seal shall consist of 2 concentric circles with the outer circle having a diameter of 1- 9/16 inches and the inner circle diameter of 15/16 inches. In the space between the circles, the top shall be the words "Licensed Septic System Evaluator " and at the bottom "State of New Hampshire." In the space inside the inner circle shall be the full name of the licensee over an image of a probe and a shovel and the license number written under the image.

(c) The stamping or sealing of any documents by the licensee with the licensee's seal after the license has expired, has been suspended, revoked, or surrendered voluntarily shall be a violation of these rules. The stamping or sealing of any documents by the licensee not prepared by the licensee personally or under the licensee's direct supervision shall be a violation of these rules.

Adopt Sep 400 – 500 to read as follows:

CHAPTER Sep 400 CONTINUED STATUS

PART Sep 401 RENEWAL OF LICENSE

Sep 401.01 Expirations and Renewals. Pursuant to RSA 310-A:215, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The board shall notify each septic system evaluator one month prior to expiration of their license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board.

Sep 401.02 Renewal of License.

(a) Any licensee wishing to renew a license shall submit:

- (1) A completed "Septic System Evaluator Renewal Application" form, revised September 2018, supplied by the board;
- (2) The fee specified in Sep 301.03;
- (3) If the renewal is not received by the date of expiration, a late fee of 20 percent per month for a period of 12 months;
- (4) Proof of completion of the continuing education requirements of Sep 403; and
- (5) If applicable, a copy of the licensee's military orders calling them to active duty pursuant to Sep 401.02 (b).

(b) Upon request of the licensee who is a member of the armed forces or the reserves or the national guard of the United States that is called to active duty, the board shall place the license in inactive status. The license may be reactivated by the licensee within one year of the licensee's release

from active status by paying the renewal fee and completing and submitting the “Septic System Evaluator Renewal Application” form, unless still within the renewal period.

Sep 401.03 Renewal Application. The applicant shall supply the following information on the “Septic System Evaluator Renewal Application” form, revised September 2018 and provided by the board, for license renewal:

- (a) The applicant’s license number and expiration date;
- (b) The applicant’s full name;
- (c) The applicant’s business address and telephone number;
- (d) The applicant’s home address and telephone number;
- (e) The applicant’s email address;
- (f) Certification that the applicant has complied with the continuing education requirements of Sep 403;
- (g) A statement indicating any disciplinary action brought against the applicant;
- (h) A statement indicating whether the applicant has ever been convicted of any felony, or any misdemeanor, and if so, the name of the court, the details of the offense, and the date of conviction and the sentence imposed;
- (i) A statement indicating that to his or her knowledge the applicant has adhered to the ethical and professional standards of RSA 310-A:205 and Sep 500 – and Sep 600;
- (j) Acknowledgment that the provision of materially false information in the application known by the applicant to be untrue is a basis for denial;
- (k) Acknowledgement that, if the applicant provided false information that is discovered after the license is renewed, it is a basis for disciplinary action by the board;
- (l) Evidence of successful completion of 6 hours of board approved education pursuant to RSA 310-A:212;
- (m) The renewal fee as specified in Sep 301.03; and
- (n) The applicant’s signature and date.

Sep 401.04 Denial of Renewal. Renewal shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Sep 403.01;
- (b) Any unethical act for which discipline shall be imposed under RSA 310-A:205;

- (c) Reasons for which an initial application could be denied;
 - (d) Failure to furnish complete or accurate information on an initial or renewal license application;
- or
- (e) Failure to file a renewal application within 12 months of license expiration.

Sep 401.05 Reinstatement. A septic system evaluator on inactive status or whose license to practice in this state has been lapsed for a period of 12 months or more shall:

(a) Complete and submit a “Septic System Evaluator Reinstatement” form, revised September 2018, to the board that shall include at least the following:

- (1) The applicant’s full name;
 - (2) The date the applicant’s initial license was issued and the license number;
 - (3) The applicant’s business address and telephone number;
 - (4) The applicant’s home address and telephone number;
 - (5) The applicant’s email address;
 - (6) Documentation that the applicant has complied with the continuing education requirements of Sep 403;
 - (7) A statement indicating any disciplinary action brought against the applicant;
 - (8) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense, and the date of conviction and the sentence imposed;
 - (9) A statement indicating that to their knowledge the applicant has adhered to the ethical and professional standards of RSA 310-A:205 and Sep 500;
 - (10) A representation that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board; and
 - (11) The applicant’s signature and date; and
- (b) Applicants shall submit the application and reinstatement fees as specified in Sep 301.03.

Sep 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Sep 403.01;
- (b) Any unethical act for which discipline shall be imposed under RSA 310-A:205;

- (c) Reasons for which an initial application could be denied under Sep 302.02; or
- (d) Failure to furnish complete or accurate information on an initial or renewal license application.

PART Sep 402 DISCIPLINARY MATTERS

Sep 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Sep 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:

- (1) After prior notice and an opportunity to be heard; or
- (2) Pursuant to a mutually agreed upon settlement or consent decree.

(b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(c) 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 RSA 310-A:216 after considering the presence of aggravating or mitigating circumstances.

(d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:217, V after considering the presence of aggravating or mitigating circumstances.

(e) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) Prior disciplinary record;
- (3) Lack of willingness to cooperate with the board; and
- (4) Potential harm to public health and safety.

(f) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) Willingness to cooperate with the board;
- (3) Acknowledgment of his or her wrongdoing; and

(4) The purpose of the rule or statute violated.

(g) No hearing date established in a proceeding conducted under Sep 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period, if any, pending issuance of the board's final decision.

(h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Sep 402.03 Administrative Fines.

(a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay fines pursuant to Sep 402.03(c), such fines shall be assessed in accordance with the factors stated in Sep 402.02(e) and (f) and the following additional financial considerations:

(1) As an aggravating factor, the cost of any investigation or hearing conducted by the board;
and

(2) As a mitigating factor, the licensee's ability to pay a fine assessed by the board.

(c) Administrative fines shall not exceed the following amounts:

(1) When no violation of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,000.00 per offense, whichever is greater;

(2) When a single disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater; and

(3) When more than one disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater.

(d) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues.

(e) A single course of continuing conduct shall be treated as a single violation for purposes of Sep 402.03 (c), (1), (2), and (3).

Sep 402.04 Procedures for Assessing and Collecting Fines.

(a) Payment of a fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board’s disciplinary options shall not be limited to the assessment of an administrative fine.

(c) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement, or promise to pay, shall be a separate ground for discipline by the board, a basis for denying a subsequent license and renewal application, and a basis for judicial action seeking to collect the fine.

PART Sep 403 CONTINUING EDUCATION

Sep 403.01 Renewal Requirements.

(a) Continuing education hours shall be earned pursuant to RSA 310-A:212.

(b) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that he or she has completed the minimum required hours of approved continuing education hours required pursuant to RSA 310-A:212.

(c) Each licensee shall obtain at least 6 continuing education hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.

(d) Continuing education courses taken in the armed services, to be creditable, shall be of a character equivalent to that which would have been gained in the civilian sector doing similar work.

Sep 403.02 Continuing Education Hour Requirements. Continuing education hours shall meet the following criteria:

(a) Continuing education activities shall be relevant to the practice of septic system evaluations or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content; and

(b) Education may be earned in one of the following categories:

- (1) Wetlands science;
- (2) Safety, including dig safe;
- (3) Ethics;
- (4) Soil science;
- (5) Septic components, design, and installation; and

(6) Septic system evaluations.

Sep 403.03 Continuing Education Hour Credits. Continuing education hours shall be credited as follows:

(a) A maximum of 2 continuing education hours per renewal cycle shall apply to activity on a state or national board of licensure;

(b) Successful completion of college courses in one of the topics outlined in Sep 403.02(b) shall count towards a maximum of 3 continuing education hours per renewal cycle;

(c) Credit shall be awarded for one hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings shall earn continuing education hour units for the actual time of each program;

(d) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn continuing education hours credit at twice that of participants, up to 3 hours per renewal cycle. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty;

(e) Continuing education credits shall not be recognized for any repeat program attended or completed; and

(f) Successful completion of all requirements necessary for initial licensure by the New Hampshire department of environmental services shall count towards a maximum of 3 continuing education hours in the renewal cycle during which such licensure was obtained.

Sep 403.04 Record Keeping.

(a) The responsibility of maintaining records to be used to support credits claimed shall be the responsibility of the licensee.

(b) Records shall contain at least the following documentation:

(1) A log showing the type of activity claimed, sponsoring organization, location, instructor's or speaker's name, and continuing education hour credits earned; and

(2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:

(a) Signed attendance receipts;

(b) Paid receipts; or

(c) A copy of a listing of attendees signed by a person sponsoring the course or program or the course/program provider.

(c) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit and verification purposes. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 5% of the licensees shall be randomly selected by the board for audit in each renewal cycle for compliance with Sep 403.01.

Sep 403.05 Exemptions.

(a) A licensee shall be exempt from the continuing education requirements for any of the following reasons:

(1) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year; or

(2) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours shall apply in writing to the board for a waiver pursuant to Sep 219.01.

(b) Relevant supporting documentation shall be furnished to the board when necessary for a fair and informed determination by the board.

Sep 403.06 Waiver of Continuing Education Deadline. A waiver of continuing education deadlines shall be granted provided that a petition to that effect is filed at least 30 days before the expiration of the biennial renewal period in question or that late filing is justified by a showing of good cause. Good cause shall include accident, illness, or other circumstances beyond the control of the licensee. No waiver petition shall be granted which does not propose a specific timetable for completing specific courses which will meet the petitioner's continuing education deficiency.

CHAPTER Sep 500 ETHICAL STANDARDS AND PROFESSIONAL CONDUCT

PART Sep 501 ETHICAL STANDARDS AND PROFESSIONAL CONDUCT

Sep 501.01 Purpose and Scope.

- (a) To establish and maintain a high standard of integrity, skills, and practice in the practice of home inspection, the following rules of professional conduct are adopted in accordance with RSA 310-A.
- (b) The rules shall be binding upon every person holding a license issued by the board.

Sep 501.02 Obligation To Obey.

- (a) The professional standards set forth in this part shall bind all licensees, and violation of any such standard shall result in disciplinary sanctions. Conduct proscribed by these ethical standards, when performed by a candidate for licensure as a home inspector in this state, or during a prior period of licensure, shall result in denying a license application.
- (b) All persons licensed under RSA 310-A shall be considered to have knowledge of the existence of the code of ethics pursuant to RSA 310-A:205 and shall be deemed to be familiar with its provisions. Such knowledge shall encompass the understanding that the practice of septic system evaluation is a privilege, as opposed to a right, and the licensee shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

Sep 501.03 Code of Ethics. The ethical standards binding licensees shall be the code of ethics pursuant to RSA 310-A:205.

APPENDIX

Rule	Statute Implemented
Sep 301.01	RSA 310-A:207, I (a), (e)
Sep 301.02	RSA 310-A:207, I (a); RSA 310-A:211
Sep 301.03	RSA 310-A:207, I (e); RSA 310-A:208
Sep 301.04	RSA 310-A:207, I (e); RSA 310-A:208
Sep 302.01	RSA 310-A:207, I (b); RSA 310-A:210
Sep 302.02	RSA 310-A:207, I (a); RSA 541-A:16, I (b), intro.
Sep 302.03	RSA 310-A:207, I (h)
Sep 302.04	RSA 310-A:207, I (h)
Sep 303.01	RSA 310-A:207, I (i), II
Sep 304.01	RSA 310-A:207, I (a); RSA 310-A:214; RSA 541-A:16, I (b) intro.
Sep 305.01	RSA 310-A:207, I (j); RSA 310-A:213; RSA 541-A:16, I (b) intro.
Sep 305.02	RSA 310-A:207, I (j); RSA 310-A:213; RSA 541-A:16, I (b) intro.
Sep 305.03	RSA 310-A:207, I (j); RSA 310-A:213; RSA 541-A:16, I (b) intro.
Sep 401.01	RSA 310-A:207, I (d); RSA 310-A:215
Sep 401.02	RSA 310-A:207, I (d), (e); RSA 310-A:215
Sep 401.03	RSA 310-A:207, I (d)
Sep 401.04	RSA 310-A:207, I (d); RSA 541-A:16, I (b), intro.
Sep 401.05	RSA 310-A:207, I (d)
Sep 401.06	RSA 310-A:207, I (d); RSA 541-A:16, I (b), intro.
Sep 402.01	RSA 310-A:207, I (g); RSA 310-A:216
Sep 402.02	RSA 310-A:207, I (g); RSA 310-A:216
Sep 402.03	RSA 310-A:207, I (g), (k); RSA 310-A:216
Sep 402.04	RSA 310-A:207, I (g), (k); RSA 310-A:216
Sep 403.01	RSA 310-A:207, I (d), (h); RSA 310-A:212
Sep 403.02	RSA 310-A:207, I (d), (h); RSA 310-A:212
Sep 403.03	RSA 310-A:207, I (d), (h); RSA 310-A:212
Sep 403.04	RSA 310-A:207, I (c), (d), (h); RSA 310-A:212
Sep 403.05	RSA 310-A:207, I (d), (h); RSA 310-A:212
Sep 403.06	RSA 310-A:207, I (d), (h); RSA 310-A:212; RSA 541-A:16, I (b), intro.
Sep 501.01	RSA 310-A:207, I (f); RSA 310-A:205
Sep 501.02	RSA 310-A:207, I (f); RSA 310-A:205
Sep 501.03	RSA 310-A:207, I (f); RSA 310-A:205