

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number _____	Alc 400 various
1. Agency Name & Address: Board of Licensing for Alcohol and Other Drug Use Professionals c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: <u>RSA 330-C:9, RSA 310:5</u> 3. Federal Authority: _____ 4. Type of Action: Adoption <u>X</u> Repeal <u>X</u> Readoption <u>X</u> Readoption w/amendment _____	
5. Short Title: Fees and Ongoing Requirements		

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 Board of Licensing for Alcohol and Other Drug Use Professionals is proposing to repeal Alc 317 describing the fees associated with the Board, readopt with amendment Alc 401 through Alc 412 and Alc 414, and repeal Alc 415 in Chapter Alc 400 on ongoing requirements. The rules in Chapter Alc 400 with and without proposed amendments are summarized below:

Alc 401.01 provides the definitions for words used in Chapter 400 and is being readopted with amendment to add the definitions of Certified recovery support worker supervision and Practical training and amend the definition of Peer collaboration. The definitions for Certified recovery support worker (CRSW), Licensed Alcohol and Drug Counselor (LADC), Master Licensed Alcohol and Drug Counselor (MLADC), and licensed clinical supervisor are being deleted;

Alc 402.01 describe certification and licensure expiration dates and filing deadlines for renewals and is being readopted with amendment to update expiration dates for licenses and certificates and remove the grace period for renewing those licenses and certificates;

Alc 403.01 through Alc 403.03 describe CRSW's, LADC's, and MLADC's who wish to renew a certification or license and are being readopted with amendment to include continuing education audit requirements that include supervision or peer collaboration and refer to Plc 1002.03 and Plc 1001.08 of the Office of Professional Licensure and Certification for fees due for certification or licensure;

Alc 403.04 describe licensed clinical supervisors and is being readopted with amendment to remove supervision and peer collaboration from audit requirements and remove the renewal fee;

Alc 403.05 describe the workforce survey and is being readopt with no amendments;

Alc 404.01 through Alc 404.05 describe the supervision requirements for CRSW's including requirements for supervision, those who are eligible to supervise, and ongoing requirements and is being readopted with amendment to:

- **Change the amount of required supervision from 2 hours per month to 1 hour per week while actively practicing;**
- **Require 2 years of certification which is in good standing;**
- **Add the list of sponsors approved to provide supervision training;**
- **Add a list of how the supervision is to be provided;**
- **Require LADC's and MLADC's who supervise CRSW's to require the 6 hours of training to be in the 4 domains removing all other requirements for training;**
- **Clarify that the CRSW's are limited of 8 supervisees ;**
- **Clarify supervision is required when actively practicing; and**
- **Clarify requirements for documentation and maintenance of records;**

Alc 405.01 through Alc 405.06 describe clinical supervision of LADC's and is being readopted with amendment to:

- **Change the amount of supervision from one occasion during each week to one hour a week while actively practicing and removing the reference to Alc 405.04 for supervision;**
- **Add at least 1 year of post-licensure experience in the active practice;**
- **Add 2 years of post-licensure experience in the active practice of substance use counseling;**
- **Add for Psychiatric advanced practice at least 2 years of active practice of counseling of substance use and have pass the International Certification and Reciprocity Consortium (IC&RC) and hold an active professional certification;**
- **Add for licensees of the Board of Mental Health Practice or Board of Psychologists who have passed the IC&RC written alcohol and drug counselor examination and hold an active professional certification are permitted to supervise;**
- **Change group supervision in a setting of 8 supervisees and limit supervision to one hour per week while actively practicing;**
- **Describe documentation, the content of those records, and the length of time the records are to be maintained; and**
- **Add psychiatric advanced practice registered nurses and licensees of Board of Mental Health Practice and Board of Psychologists qualifications for supervision;**

Alc 406.01 through Alc 406.05 describe clinical supervision of MLADC's and is being readopted with amendment to:

- **Describe those eligible to provide supervision adding psychiatric advanced practice registered nurses, and those licensees of the Board of Mental Health Practice and Board of Psychologists;**
- **Limit the number of people to be supervised to 8;**
- **Require submission of Supervisory Agreement;**
- **Require documentation of supervision; and**
- **Set the length of time records are required to be maintained;**

Alc 407.01 and Alc 407.02 describe scope and approval for those approved to provide supervision and are being readopted with amendment to update rule citations and make various editorial changes;

Alc 408 describes peer collaboration and is being readopted with amendment to update rule citations and add to the written statement documenting peer collaboration the topics discussed and covered;

Alc 409.01 through Alc 409.03 describe the renewal requirements for CRSW's, LADCs, MLADC's, and clinical supervisors and is being readopted with amendment to:

- **Increase continuing education for CRSW's from 12 to 24 hours and increase the number of hours requiring preapproval from 6 to 12; and**
- **For CRSW's, LADC, and MLADC limit online continuing education hours earned and of those hours clarifying that live and simultaneously interactive do not applying to the limit;**

Alc 409.04 describe the pre-approval of continuing education courses and is being readopted with amendment to describe the form to apply for pre-approval, specify the documents to be included with the application, clarify the organizations with automatic preapproval, and limit the pre-approval of a course not listed as automatically provided to 1 year from the date of approval;

Alc 409.05 describe documentation of continuing education continuing education courses attended and is being readopted with no changes;

Alc 410.01 describe the audit procedure and is being readopted with amendment to add the requirement to complete the Continuing Education Audit Worksheet when audited and what information is included on the form;

Alc 411.01 describe the renewal documents required for CRSWs, LADC, MLADC, and supervisors and is being readopted with amendment to require the Universal Application, and an addendum to that form;

Alc 412.01 describe inactive status and is being readopted with amendment to describe what the letter of request for inactive status must contain, describe where the fee for inactive status is located, described the forms to be use for renewal and reactivation of inactive licenses

Alc 414.01 through Alc 414.03 describe reinstatement of certificate or license that has lapsed for non-renewal or after suspension and is being readopted with amendment to:

- **Create 2 types of reinstatement after non-renewal, those lapsed from 30 days to 5 years and those lapsed for 5 years or more and not being active in the profession;**
- **Describe the application and documentation for each type of reinstatement;**
- **Make all pronouns to be non-gender specific; and**
- **Correct various rule citations; and**

Repeal Alc 415 describing fees is being repealed.

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

The groups affected by these rules are the general public and individual licensees with licenses as:

- **Certified Recovery Support Worker;**
- **Licensed Alcohol and Drug Counselor;**

- **Licensed Clinical Supervisor; and**
- **Master Licensed Alcohol and Drug Counselor.**

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

Rule	Statute Implemented
Alc 317.01 (repeal)	RSA 541-A:7
Alc 401.01	RSA 541-A:7
Alc 402.01	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.01	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.02	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.03	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.04	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.05	RSA 330-C:9-a
Alc 404.01	RSA 330-C:9, V-b
Alc 404.02	RSA 330-C:9, V-a
Alc 404.03	RSA 330-C:9, V-b
Alc 404.04	RSA 330-C:9, V-b
Alc 404.05	RSA 330-C:9, V-b
Alc 405.01	RSA 330-C:9, V-b; RSA 330-C:11, II
Alc 405.02	RSA 330-C:9, V-b
Alc 405.03	RSA 330-C:9, V-a
Alc 405.04	RSA 330-C:9, V-b
Alc 405.05	RSA 330-C:9, V-b
Alc 405.06	RSA 330-C:9, V-b
Alc 406.01	RSA 330-C:9, V-b; RSA 330-C:10, II
Alc 406.02	RSA 330-C:9, V-a
Alc 406.03	RSA 330-C:9, V-b
Alc 406.04	RSA 330-C:9, V-b
Alc 406.05	RSA 330-C:9, V-b
Alc 407.01	RSA 330-C:9, V-a
Alc 407.02 (Repealed)	RSA 330-C:9, V-a
Alc 408.01	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 408.02	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 408.03	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 409.01	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.02	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.03	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.04	RSA 330-C:9, V; RSA 330-C:24
Alc 409.05	RSA 330-C:9, III; RSA 330-C:24
Alc 410.01	RSA 541-A:16, I (b) intro.; RSA 330-C:24
Alc 411.01	RSA 330-C:9, I, III
Alc 412.01	RSA 541-A:16, I(b) intro.; RSA 330-C:22, V
Alc 414.01	RSA 330-C:9, II; RSA 330-C:23
Alc 414.02	RSA 330-C:9, II; RSA 330-C:23
Alc 414.03.03 (formerly Alc 414.02)	RSA 330-C:9, II; RSA 330-C:23
Alc 415.01	RSA 330-C:8; RSA 330-C:9, IV

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

Name: **Tina M. Kelley** Title: **Program Specialist IV**
Mailing Address: **Office of Professional Licensure and Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **None**
Concord, NH 03301 E-mail: **OPLC-Rules@oplc.nh.gov**

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, December 26, 2023, by 4:00 pm.**

☐ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, December 14, 2023 at 9:00 a.m.**
Physical Location: **Office of Professional Licensure and Certification**
7 Eagle Square
Concord, NH 03301
Electronic Access (if applicable):

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

FIS # 23:256 , dated 10/20/2023

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

- When compared to the existing rules, the proposed rules will result in an indeterminable fiscal impact to certain State citizens who are members or pursuing being members of the regulated professions, and to independently owned business that pay licensing fees on behalf of their licensed or soon to be licensed employees.
- Not applicable to Alc 317 and Alc 415.01 as these rules are being repealed.

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):**

The proposed rules repeal all stated fees within Alc 317 and Alc 400. Individuals are now directed to Plc 1002.03 for specified fee amounts. Because the fee structure has not yet been adopted for Plc 1002.03 the fiscal impact to State Citizens and any independently owned business paying their employee's fees relative to this chapter is indeterminable. However, once Plc 1002.03 is adopted any change in fees will be attributable to that rule.

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:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.