

Notice Number 2025-39

Rule Number Sep 400

<p>1. Agency Name & Address:</p> <p>Board of Septic System Evaluators Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 310-A:207, I</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Continued Status**

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:

Chapter Sep 400 describes the process for license renewal, sanctions available to discipline licensees for misconduct, and continuing education requirements for license renewal. The Board of Septic System Evaluators (Board) proposes to readopt with amendment Chapter Sep 400.

Sep 401.01 through Sep 401.06 describes license expiration, renewal application process, application form, and associated application licensing fees for license renewal. The Board proposes to readopt with amendment Sep 401.01 on license expiration; Sep 401.02 on license renewal; and Sep 401.03 on the application form for license renewal to incorporate by reference Plc 308.05 on applications for license renewal; Plc 308.06 and Plc 308.07 on information required with applications for license renewal; Plc 308.08 on the signature required for renewal applications; and Plc 1002.49 on application fees. The Executive Director of the Office of Professional Licensure and Certification (OPLC) was granted rulemaking authority in RSA 310:6, II to adopt rules for application procedures, pursuant to 2023, 235:8, effective July 15, 2023. OPLC was granted rulemaking authority in RSA 310:6, I to adopt rules relative to the establishment and collection of the fees set forth in RSA 310:5, I.

The Board proposes to readopt with amendment Sep 401.04 on application denial to clarify that OPLC will receive and review applications.

Sep 401.05 and Sep 401.06 describes the license reinstatement process. The Board proposes to readopt with amendment Sep 401.05 to incorporate by reference the Plc 304 rules on licensure for formerly licensed applicants whose license has lapsed for more than one year. The Board proposes to readopt with amendment Sep 401.06 on reinstatement applications that have been denied providing clarity and to incorporate Plc 206.31 on how to request a rehearing. OPLC was granted rulemaking authority in RSA 310:6, II to adopt organizational rules governing the administration of hearings, pursuant to 2023, 235:8, effective July 15, 2023, and 2024, 371:1, effective October 22, 2024.

Part Sep 402 describes licensee discipline. The Board proposes to repeal Sep 402.01 and hold said section in reserve. Pursuant to RSA 310:11 the Boards shall conduct licensing proceedings pursuant to rules adopted by the OPLC, 2023, 235:8, effective July 15, 2023, and amended by 2024, 364:5, effective October 22, 2024.

The Board proposes to readopt with amendment Sep 402.02 to incorporate Plc 311.14 on reciprocal discipline. Further amendments are proposed to align with current statute.

Sep 402.03 and Sep 402.04 describe the procedure to assess and collect administrative fines. The Board proposes to readopt with amendment Sep 402.03 to incorporate by reference RSA 310:12, I-a(e) on and repeal Sep 402.04 but hold said section in reserve.

Part Sep 403 describes the continuing education requirements for licensees. The Board proposes to readopt without change Sep 403.01 through Sep 403.03. The Board proposes to readopt with amendment Sep 403.04 to increase the percentage of licensees selected for audit from 5% to 10%.

The Board proposes to readopt with amendment Sep 403.05 on exemptions for continuing education requirements to incorporate Plc 211.04 on the content of petitions for waivers. The Board proposes to hold Sep 403.06 on waivers and in reserve.

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

Applicants for licensure as a septic system evaluator are affected by these rules, as well as providers of pre-licensing education courses.

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

Rule	Specific State Statute the Rule Implements
Sep 401.01	RSA 310-8; RSA 310-A:211
Sep 401.02	RSA 310-8; RSA 310-A:211
Sep 401.03	RSA 310-8; RSA 310-A:211
Sep 401.04	RSA 310:11
Sep 401.05	RSA 310:4, II(c); RSA 310:11
Sep 401.06	RSA 310:4, II(c); RSA 310:11
Sep 402.01 (repeal)	2023, 212:63(I), effective October 3, 2023
Sep 402.02	RSA 310-A:207, I (i); RSA 310-A:216
Sep 402.03	RSA 310-A:207, I (i); RSA 310-A:216
Sep 402.04 (repeal)	RSA 310:12, I-a(e)
Sep 403.01	RSA 310-A:207, I (c), (f); RSA 310-A:212
Sep 403.02	RSA 310-A:207, I (c), (f); RSA 310-A:212
Sep 403.03	RSA 310-A:207, I (c), (f); RSA 310-A:212
Sep 403.04	RSA 310-A:207, I (c), (f); RSA 310-A:212
Sep 403.05	RSA 310-A:207, I (c); RSA 310-A:212
Sep 403.06 (repeal)	RSA 310-A:207, I (d); RSA 310-A:212; RSA 541-A:16, I (b), intro.

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

Name: **Chantell B. Wheeler** Title: **Rules Administrator**
Mailing Address: **OPLC, 7 Eagle Square, Concord, NH 03301** Phone #: **603-271-8311**
Fax#: **N/A**
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, May 5, 2025, at 4:00 p.m.**

Fax

E-mail

Other format
(specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 21, 2025, at 10:00 a.m.**
Physical Location: **OPLC, 7 Eagle Square, Concord, NH 03301**
Electronic Access (if applicable): **N/A**

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

FIS # 25:012, dated January 31, 2025

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

There is no difference in costs when comparing the proposed rule to the existing rules. Any costs associated with the proposed rules are attributable to RSA 310:12, I-a(e).

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):

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 apply to political subdivisions. These rules 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.