

**Adopt Eng 401.01 through Eng 408, previously effective 1/1/12 (Document #10045) and expired 1/1/22, as follows:**

Eng 401.01 Expirations and Renewals. Licensees shall renew their licenses by applying for renewal prior to the expiration date and by paying the renewal fee.

Eng 401.02 Renewal of License. Any licensee wishing to renew a license shall submit:

- (a) The renewal application supplied by the OPLC;
- (b) The fee specified in Plc 1002.41; and
- (c) Proof of completion of the continuing professional development requirements of Eng 403.

Eng 401.03 Renewal Application.

(a) The applicant for renewal of licensure shall complete and submit the “Universal Application for License Renewal” pursuant to Plc 308.06;

(b) In addition to the application required by (a) above, the applicant shall complete and submit the “Addendum to the Renewal Application Required in Plc 308.06” by providing the following:

- (1) List all names the applicant has ever been known by; and
- (2) Answer yes or no to the question “I have completed 30 hours of professional development as described in Eng 403.”;
- (c) Sign and date the application in (a) in accordance with Plc 308.08; and
- (d) Pay the fee required in Plc 1002.41.

Eng 401.04 Denial of Renewal.

(a) Renewal applicants shall be investigated for the purpose of verifying all application materials.

(b) The OPLC shall notify the applicant of any deficiencies in the renewal application within 60 days of receipt. Failure to remedy the deficiencies within 60 days thereafter shall result in denial of the renewal application. An application shall be considered complete when all deficiencies are corrected.

(c) Renewal shall be denied if, after notice and an opportunity for hearing, there is a finding of:

- (1) Noncompliance with the continuing education requirements of Eng 403;
- (2) Any unethical act for which discipline shall be imposed under Eng 500;
- (3) Reasons for which an initial application would have been denied; or
- (4) Failure to furnish complete or accurate information on a renewal license application.

Eng 401.05 Reinstatement. A professional engineer whose license to practice engineering in this state has been allowed to lapse for a period of 12 months or more shall:

- (a) Complete and submit the “Universal Application for License Renewal” ;
- (b) In addition to the application required by (a) above, complete and submit the “Addendum to the Renewal Application Required in Plc 308.06 for Reinstatement” by answering yes or no to the question “I have completed 30 hours of professional development as described in Eng 403.”;
- (c) Sign and date the renewal application in accordance with Plc 308.08;
- (d) Pay the reinstatement fees as specified in Plc 1002.41; and
- (e) Include copies of documentation showing completion of continuing education as described in Eng 403.

Eng 401.06 Certificate of Authorization Renewal. Certification of authorization for the practice of engineering shall expire on the last day of the month 2 years from the month of issuance. A renewal notification shall be sent to all engineering certified business organizations at least one month prior to expiration by the OPLC.

Eng 401.07 Certificate of Authorization for Business Organization Renewal Application.

- (a) Each business organization applicant for renewal of the certificate of authorization shall complete and submit the “Universal Application for License Renewal” form required by Plc 308.06.
- (b) Personnel legally authorized to sign contracts for the business organization for engineering services shall sign and date the application for renewal pursuant to Plc 308.08.
- (c) The completed form shall be submitted with the fee pursuant to Plc 1002.41.

## PART Eng 402 DISCIPLINARY MATTERS

Eng 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, when warranted, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct and shall be in accordance with Plc 200.

Eng 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 notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction has been received, the OPLC shall issue an order providing the opportunity for a hearing and 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 certificate holder shall be subject to any disciplinary sanction authorized by RSA 310-A:23 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:23.

(e) The board shall determine the sanctions to be imposed after considering the presence of aggravating or mitigating circumstances as specified in Eng 402.02 (f) and (g).

(f) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) The licensee's prior disciplinary record;
- (3) Lack of willingness to cooperate;
- (4) Potential harm to public health and safety; and
- (5) The purpose of the rule or statute violated.

(g) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) Willingness to cooperate;
- (3) Acknowledgment of wrongdoing; and
- (4) The purpose of the rule or statute violated.

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

(i) 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, or which have a legitimate professional interest in the decision and may receive notice consistent with applicable state or federal law.

#### Eng 402.03 Civil Fines.

(a) Adjudicative procedures seeking the assessment of a civil penalty shall be commenced against any person subject to such penalties under any provision of RSA 310-A:2 through RSA 310-A:27 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 civil penalties in accordance with Eng 402.02, such penalties shall be assessed in accordance with the factors stated in Eng 402.02 (f) and (g) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee’s ability to pay a civil penalty assessed by the board.

(c) Civil penalties shall not exceed the following amounts:

- (1) When no violation of the same type has occurred within the 5 years preceding the board’s notice to the respondent, the penalty 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 within the 5 years preceding the board’s notice to the respondent, the penalty 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 within the 5 years preceding the board’s notice to the respondent the penalty 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 penalty 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 Eng 402.03 (c).

Eng 402.04 Procedures for Assessing and Collecting Civil Penalties.

(a) Payment of a civil penalty 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 a civil penalty, the board shall issue a “notice of apparent liability” describing the alleged offense, stating the amount of the assessed penalty, and notifying the alleged offender that they shall pay the penalty 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 a civil penalty.

(c) Nonpayment of a civil penalty by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be grounds for discipline by the board and a basis for judicial action seeking to collect the penalty.

PART Eng 403 CONTINUING PROFESSIONAL DEVELOPMENT

Eng 403.01 Renewal Requirements.

(a) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that they have completed the minimum required

hours of approved professional development hours required by Eng 403.01(b) and lists the specific basis for each credit.

(b) Each licensee shall obtain at least 30 professional development hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.

(c) If a licensee exceeds the requirement, a maximum of 15 professional development hours may be carried forward into the subsequent renewal period.

Eng 403.02 Continuing Professional Development Requirements for New Licensees. New licensees shall be exempt from obtaining professional development hours for their first biennial renewal period.

Eng 403.03 Requirements for Reciprocity. Licensees who are residents of jurisdictions other than New Hampshire shall meet the continuing professional development or equivalent requirements of their resident jurisdiction. The requirements for the state of New Hampshire shall be satisfied when a non-resident licensee provides evidence of having met the requirements of their resident jurisdiction. If licensees reside in a jurisdiction that has no continuing professional development requirements, the resident shall meet the requirements of the state of New Hampshire.

Eng 403.04 Reinstatement. An applicant may bring an inactive license to active status by obtaining the professional development hours required pursuant to Eng 403.01 (b) and payment of any and all outstanding renewal and reinstatement fees as specified in Plc 1002.41.

Eng 403.05 Professional Development Hour Requirements. Professional development hours shall meet the following criteria:

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

(b) The content of each presentation shall be well organized and presented in a sequential manner; and

(c) There is a provision for individual participant course or program registration including information required for record keeping and reporting.

Eng 403.06 Professional Development Hour Credits. Professional development hours shall be credited as follows:

(a) A maximum of 6 professional development hours shall apply to activity on a state or national board of licensure;

(b) Courses or programs awarded one college semester hour of credit shall equal 45 professional development hours based on course credit established by the college or university;

(c) Courses or programs awarded one college quarter hour shall equal 30 professional development hours;

(d) Courses or programs awarded one continuing education unit shall equal 10 professional development hours;

(e) Credit shall be awarded for one hour of professional development 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 professional development hour units for the actual time of each program;

(f) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn professional development hours credit at twice that of participants. 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;

(g) Each published article for a trade journal shall equal 2 professional development hours;

(h) Each published professional journal, article or published engineering text book shall equal 30 professional development hours;

(i) Active participation in professional or technical societies shall equal 2 professional development hours and shall require that a registrant serve as an officer or actively participate in a committee of the organization. Professional development hour credits shall not be earned until each year service is completed and shall be limited to 2 professional development hours per organization;

(j) Credit awarded for one patent shall equal 10 professional development hours; and

(k) Professional development credits shall not be recognized for any repeat program attended or completed.

Eng 403.07 Record Keeping.

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

(b) Records required 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 professional development hours 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 and course agenda; or

c. A copy of a listing of attendees signed by a person sponsoring the course or program or the course or 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 OPLC for random audit or verification purposes. Documentation shall support professional development hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than 3% of the licensees shall be randomly selected each year by the OPLC for compliance with Eng. 403.01.

Eng 403.08 Exemptions. A licensee shall be exempt from the professional development educational requirements for any of the following reasons:

(a) 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 professional development hours required during that year; and

(b) Licensees who list their occupation as “retired” on the renewal form provided by the OPLC and who further certify that they are no longer providing professional engineering services shall be exempt from the professional development hours required.

**Adopt Eng 403.09 and Eng 403.10, previously effective 10/19/04 (Document #8109) previously effective 10/19/12, as follows:**

Eng 403.09 Waiver of Professional Development Hours Deadline.

(a) A licensee may request a waiver of professional development hour deadlines.

(b) A waiver shall be granted provided the waiver petition meets the following criteria:

(1) A petition requesting a waiver shall be filed at least 30 days before the expiration of the biennial continuing education period in question;

(2) Showing of good cause that includes serious accident, illness, or other circumstances beyond the control of the licensee which actually prevents the licensee from satisfying the continuing education requirements;

(3) Relevant supporting documentation from the licensee’s physician or medical professional shall be furnished to the board when necessary for a fair and informed determination by the board; and

(4) A waiver petition shall include a specific timetable for completing specific courses, which will meet the petitioner’s continuing education unit deficiency.

Eng 403.10 Noncompliance. Failure to submit documentation required per Eng 403.07 (b) and (c) which establishes that said requirements were so completed, shall after notice and opportunity for hearing, result in disciplinary action including license suspension or revocation unless a waiver petition has been timely filed and duly granted by the board.

<b>Rule</b>	<b>Specific State Statute which the Rule Implements</b>
Eng 401	RSA 310-A:6 ,I, (d); RSA 310-A:21
Eng 402.01	RSA 310-A:22, I
Eng 402.02	RSA 310-A:22, II

<b>Rule</b>	<b>Specific State Statute which the Rule Implements</b>
Eng 402.03	RSA 310-A:6 ,I, (q);
Eng 402.04	RSA 310-A:6 ,I, (q);
Eng 403	RSA 310-A:6, I, (d); RSA 310-A:21