

## RULEMAKING NOTICE FORM

Notice Number	Rule Number	Mhp 305.02, Mhp 307, Mhp 308, Mhp 309
1. Agency Name & Address: <b>Board of Mental Health Practice            c/o Office of Professional            Licensure &amp; Certification            7 Eagle Square            Concord, NH 03301</b>	2. RSA Authority: <b>RSA 330-A:10, III, IX, and XI</b> 3. Federal Authority: <b>n/a</b> 4. Type of Action: Adoption <u>  X  </u> Repeal <u>          </u> Readoption <u>          </u> Readoption w/amendment <u>  X  </u>	
5. Short Title: <b>Continuing Education, Social Worker, Social Work Associate, and Conditional Licensure</b>		

6. (a) Summary of what the rule says and of any proposed amendments:

**The Board of Mental Health Practice is proposing to readopt with amendment Mhp 305.02 courses required for mental health counselors, adopt rules for licensure of social workers and social work associates, and adopt rules for conditional licensure for all license types, as follows:**

- **Mhp 305.02 describes courses required to become licensed as a mental health counselor and is being readopted with amendment to ensure that the education is evenly spread across the 11 areas of education;**
- **Mhp 307 is being adopted to describe the requirements to become licensed as a social worker including education, supervised work experience, and examination;**
- **Mhp 308 is being adopted to describe the requirements to become licensed as a social work associate including education, supervised work experience, and examination;**
- **Mhp 309 is being adopted to allow the issuance of conditional licenses to clinical social workers, school social workers, social workers, social work associates, clinical mental health counselors, and marriage and family therapist including how to apply for a license, fees, and duration of the conditional license.**

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

**These rules affect licensed mental health counselors, those individuals wishing to be licensed as social worker or social work associate, and those seeking conditional licensure as a clinical social worker, school social worker, social worker, social work associate, clinical mental health counselor, or marriage and family therapist.**

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

Rule	Statute Implemented
Mhp 305.02	RSA 330-A:19 I-III
Mhp 307	RSA 330-A:10 III and IX; RSA 330-A:18-b
Mhp 308	RSA 330-A:10 III and IX; RSA 330-A:18-c
Mhp 309	RSA 330-A:10 III and IX; RSA 330-A:18-d

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

Name: **Tina M. Kelley**

Title: **Program Specialist IV**

Address: **Office of Professional  
Licensure and Certification  
7 Eagle Square  
Concord, NH 03301**

Phone #: **(603) 271-5247**

Fax#: **(603) 271-0597**

E-mail: **OPLC-Rules@oplcnh.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, October 30, 2023 at 4:00 a.m.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, October 20, 2023 at 9:00 a.m.**

Place: **Office of Professional Licensure and Certification  
7 Eagle Square, Concord NH 03301**

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

FIS # 23:210, dated 9-8-2023

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

There is no difference in cost when comparing the proposed rules to the existing rules.  
Not applicable to Mph 307, Mph 308, and Mph 309 as these are new rules.

**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):**

When comparing the proposed rules to the existing rules the proposed new rules establish a new application fee for social workers, social work associates and conditional licenses. The fees are prescribed in Plc 1002.29. Because these are new application fees the OPLC is unable to determine how many applicants will apply and pay the fees. However, this will result in an indeterminable increase to the OPLC fund and an increase in fees to state citizens who are applying for the new applications with the fee or to independently owned businesses who choose to pay the new fees for their employees.

- A. **To State general or State special funds:**  
Not applicable as the OPLC is a self-funded agency.
- B. **To State citizens and political subdivisions:**  
See # 3 above.
- C. **To independently owned businesses:**  
See #3 above.

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 or responsibility to any political subdivision in any way.**