

APPENDIX II-C

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_ Rule Number Opt 500

<p>1. Agency Name &amp; Address:</p> <p><b>Board of Registration in Optometry c/o Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 327-31, IV and VII</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal <u>X</u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
---	--

5. Short Title: **Ethical Standards and Opioid Prescribing**

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 Registration in Optometry (Board) is proposing to readopt with amendment and repeal various parts of Opt 500 regarding ethical standards and disciplinary matters as follows:**

**Rename “Opt 500 Ethical Standards and Disciplinary Matters” as “Opt 500 Ethical Standards and Opioid Prescribing”;**

**Repeal Opt 501 describing disciplinary matters, specifically initiation of action, action on complaints and misconduct allegations, misconduct investigations, and disciplinary hearings, as those are now part of the Plc 200 rules adopted by the Board on 12/28/2023. Also being repealed is disciplinary sanctions which is being moved to the Opt 400 rules;**

**Readopt with amendment and renumber Opt 502 as Opt 501 describing the ethical standards licensees are required to abide by. The rule is being amended to make various editorial changes and remove what licensees are required to call themselves while practicing;**

**Repeal Opt 503 describing inactive license and disciplinary actions as this is now in either the Plc 200 rules or the Opt 400 rules;**

**Readopt with amendment and renumber Opt 504 as Opt 502 describing opioid prescribing. The rule is being amended as follows:**

- **Remove Opt 504.02 describing noncompliance with standards of unprofessional conduct as that is described in Opt 400 rules;**
- **Remove from Opt 502.02 (formerly Opt 504.03) the definition of “Prescription”;** and
- **Make various editorial changes.**

**RULEMAKING NOTICE FORM - Page 2**

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

**The group affected by these proposed rules are optometrist’s license in the State of NH.**

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

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Opt 501.01 (repeal)	RSA 327:21; RSA 327:27; RSA 327:31, V
Opt 501.02 (repeal)	RSA 327:21; RSA 327:22; RSA 327:27; RSA 327:31, V
Opt 501.03 (repeal)	RSA 327:21; RSA 327:27; RSA 327:31, V
Opt 501.04 (repeal)	RSA 327:21; RSA 327:22; RSA 327:27; RSA 327:31, V
Opt 501.05 (repeal)	RSA 327:21; RSA 327:22; RSA 327:27; RSA 327:31, V
Opt 501.01 (formerly Opt 502.01)	RSA 327:21; RSA 327:22; RSA 327:27; RSA 327:31, V
Opt 501.02 (formerly Opt 502.02)	RSA 327:21; RSA 327:22; RSA 327:27; RSA 327:31, V
Opt 501.03 (formerly Opt 502.03)	RSA 327:31, V
Opt 503 (repeal)	RSA 327:13-a; 327:31, V
Opt 502 (formerly Opt 504)	RSA 327:31, VIII
Opt 502.01 (formerly Opt 504.01)	RSA 327:31, VIII
Opt 504.02 (repeal)	RSA 327:31, V, X
Opt 502.02 (formerly Opt 504.03)	RSA 327:31, V, X
Opt 502.03 (formerly Opt 504.04)	RSA 327:31, V, X
Opt 502.04 (formerly Opt 504.05)	RSA 327:31, V, X
Opt 502.05 (formerly Opt 504.06)	RSA 327:31, IV and VIII
Opt 502.06 (formerly Opt 504.07)	RSA 327:31, V, X

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

Name: **Tina M. Kelley**

Title: **Rules Coordinator**

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

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

Fax#: **None**

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: **Friday, December 20, 2024 at 4:00 pm.**

Fax

E-mail

Other format (specify):

**RULEMAKING NOTICE FORM - Page 4**

9. Public hearing scheduled for:

Date and Time: **Tuesday, December 10, 2024 at 9:15 a.m.**

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

Electronic Access (if applicable): **N/A**

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

FIS # 24:240, dated 10/31/2024

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 rules to the existing 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):**
  - A. **To State general or State special funds:**  
None
  - B. **To State citizens and political subdivisions:**  
None
  - C. **To independently owned businesses:**  
None

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

**This proposal does not violate Part I, Article 28-a of the New Hampshire Constitution. The proposal does not mandate or assign this program to any political subdivision in any way.**