

Readopt with amendments Plc 101.01 through Plc 101.05, eff. 11-24-21 (doc. #13293), cited and to read as follows:

PART Plc 101 DEFINITIONS

Plc 101.0501 ~~“Supported b~~**Boards, commissions, and councils”** means ~~the various legal entities that are supported by the OPLC, as listed in RSA 310-A:1-a, I. The term includes the singular form and the alternate form, such as “supported board, commission, or council”.~~**“board” as defined in RSA 310:2, I(a), namely “a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.”**

Plc 101.0402 ~~“Executive director”~~ means the executive director of the office of professional licensure and certification **or designee**.

Plc 101.0203 ~~“License”~~ means “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.”

Plc 101.0304 ~~“Office of professional licensure and certification (OPLC)”~~ means the New Hampshire office of professional licensure and certification established by RSA ~~310-A:1 through 1-f~~**310**.

Plc 101.0405 ~~“Office of the executive director”~~ means the legal authority conferred by law on the executive director as implemented by OPLC staff who are not assigned to the division of licensing and board administration or the division of enforcement.

Readopt with amendments Plc 101.06, eff. 12-6-2022 (#13506), to read as follows:

Plc 101.06 ~~“Telephone number”~~ means ~~the a 10-digit number that includes the area code is assigned to a particular telephone and used in making connections to it.~~

Readopt with amendments Plc 102 and Plc 103, eff. 11-24-21 (doc. #13293), to read as follows:

PART Plc 102 DESCRIPTION OF OFFICE

Plc 102.01 Office of Professional Licensure and Certification - Purpose. The OPLC’s purpose is to safeguard the public health, safety, welfare, environment and the public trust of the citizens of the State of New Hampshire by promoting efficiency and economy in the administration of the business processing, recordkeeping, and other administrative and clerical operations of the ~~supported boards, commissions, and councils~~ **identified in RSA 310:2, II**.

Plc 102.02 Authority of the Executive Director.

(a) ~~RSA 310:4, I, authorizes t~~The executive director’s general powers are described in RSA 310-A:1-d, II **to:**

- (1) Employ such clerical or other assistants as are necessary for the proper performance of the office's work;**
- (2) Make expenditures for any purpose that the executive director determines are reasonably necessary for the proper performance of the OPLC’s duties under RSA 310; and**
- (3) Contract for the services of investigators, presiding officers, legal counsel, and industry experts as necessary and in consultation with the appropriate board.**

(b) ***RSA 310:4, II authorizes the executive to, among other duties:***

(1) ***Examine applicants, process applications, and issue or deny licenses for all license types, based on objective standards developed by the boards and adopted as rules in accordance with RSA 541-A;***

(2) ***Investigate all complaints of professional misconduct in accordance with RSA 310:9; and***

(3) ***Draft and coordinate rulemaking for all boards in accordance with RSA 541-A, with the advice and recommendations of the boards.***

(c) ***RSA 310:6 authorizes the executive director to adopt rules pursuant to RSA 541-A for:***

(1) ***All fees set forth in RSA 310:5, with the advice and recommendations of the respective board;***

(2) ***Such organizational and procedural rules necessary to administer the boards, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures;***

(3) ***The rate of per diem compensation and reimbursable expenses for all boards;***

(4) ***Rules governing the professionals' health program as set forth in RSA 310:5; and***

(5) ***Temporary licensure of out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction.***

~~(b) Pursuant to RSA 310-A:1-d, II, the executive director has supervision and control of all administrative, business processing functions, and employees of the OPLC.~~

~~(c) Every classified or unclassified state employee position authorized in the supported boards, councils, and commissions are subject to the supervisory authority of the executive director pursuant to RSA 310-A:1-e, II and RSA 310-A:1-d, II(a).~~

~~(d) The executive director has rulemaking authority as granted in RSA 310-A:1-d, II(h) and various statutes that establish the supported boards, commissions, and councils.~~

Plc 102.03 ~~Office Hours, Office Location, Mailing Address, and Telephone~~ ***Contact Information.***

(a) The OPLC is located at 7 Eagle Square, Concord, ~~N.H.~~ ***New Hampshire.***

(b) The OPLC's normal business hours, during which it is open to the public, are 8:00 a.m. to 4:00 p.m. on weekdays, excluding ***days on which state offices are closed in observance of*** holidays.

(c) Correspondence shall be addressed to the ~~executive director~~ ***OPLC*** at:

New Hampshire Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301-~~4980~~

(d) The OPLC's main telephone number is (603) 271-2152.

(e) ***The OPLC's TDD Access number is Relay NH 1-800-735-2964. {previously in Plc 103.01(c)}***

(f) ***The OPLC's website URL is www.oplc.nh.gov.***

(g) ***General inquiries may be directed to CustomerSupport@oplc.nh.gov.***

~~(e)~~ ***Plc 102.04 OPLC Organizational Structure.*** The OPLC is made up of 2 divisions and comprises:

- (a) ~~The~~ office of the executive director, *described in Plc 102.05*;
- (b) *The division of licensing and board administration, described in Plc 102.06; and*
- (c) *The division of enforcement, described in ~~Plc 102.04 through~~ Plc 102.0607.*

~~Plc 102.0605~~ ***Office of the Executive Director.*** The office of the executive director is responsible for the following: *implementing the authority conferred on the executive director by RSA 310 that has not been delegated to the division of licensing and board administration or the division of enforcement, including but not limited to:*

- (a) Human resource functions;
- (b) All business administration and accounting functions, including but not limited to:
 - (1) Supervision of the purchase of all equipment, materials, supplies, and services;
 - (2) Management of the agency's fleet vehicles; and
 - (3) Maintenance of the ~~office's~~ *OPLC's* equipment and consumable inventory;
- (c) Establishing a retention policy for the retention and disposal of records of the *OPLC and the supported boards, commissions, and councils*; and
- (d) Adopting, maintaining, and implementing *the* rules ~~governing:~~ *authorized by RSA 310:6.*
 - ~~(1) The administration of complaints and investigations, hearings, disciplinary proceedings, payment processing procedures, and application procedures, as provided in RSA 310 A:1 d, II(h)(2);~~
 - ~~(2) Fees for applications for initial and renewal applications and related activities, as provided in RSA 310 A:1 d, II(h)(1) and RSA 310 A:1 e, I(a);~~
 - ~~(3) Per diem reimbursement rates for members of the supported boards, commissions, and councils, as provided in RSA 310 A:1 d, II(h)(3); and~~
 - ~~(4) The professionals' health program as set forth in RSA 310 A:1 e, I a, as provided in RSA 310 A:1 d, II(h)(4).~~
- (f) ~~The executive director is responsible for the administrative, clerical, and business processing functions of the OPLC and the supported boards, commissions, and councils.~~
- ~~(g) The executive director determines costs for the services provided by the OPLC, with such costs allocated equitably, determined by the executive director in accordance with RSA 310 A:1 e, II.~~

~~Plc 102.0406~~ ***Division of Licensing and Board Administration.***

- (a) The division of licensing and board administration ~~provides and~~ supports the licensing and administrative functions of the *OPLC and the supported boards, commissions, and councils. including but not limited to:*
 - (1) *Processing applications for licensure;*
 - (2) *Issuing licenses to qualified applicants and referring applicants whose applications cannot be approved to the board;*
 - (3) *Notifying licensees of the pending expiration of their licenses as required by RSA 310:8, IV;*

- (4) Supporting the meetings held by each board, including ensuring that the notice required by RSA 91-A is given;***
- (5) Supporting adjudicative proceedings initiated in accordance with Plc 200; and***
- (6) Maintaining the records of each board as required by RSA 91-A.***

(b) Except for boards that are advisory boards, the ~~supported boards, commissions, and councils~~ are separate and distinct for the purpose of regulating various professions and protecting the public health, safety, welfare, environment, and the public trust.

Plc 102.0507 Division of Enforcement. The division of enforcement supports the compliance, investigative, and disciplinary functions of the ***OPLC and the*** ~~supported boards, commissions, and councils~~ ***including but not limited to:***

- (a) Conducting inspections of places where regulated professions are practiced to determine compliance with the standards established by the boards, whether in connection with an application for licensure or on an on-going basis;***
- (b) Conducting inspections of mechanical and electrical installations in locations where the local authority has requested assistance;***
- (c) Reviewing allegations of misconduct to determine whether the allegation is viable and recommending the board dismiss the allegation if it is not viable, in accordance with RSA 310:9, II;***
- (d) Investigating viable allegations of misconduct, whether on its own initiative or upon receiving a written complaint, in accordance with RSA 310:9, III;***
- (e) Supporting adjudicative proceedings initiated in accordance with Plc 200.***

PART Plc 103 ~~INFORMATION REQUESTS~~ ***FOR INFORMATION AND ACCESS TO RECORDS***

Plc 103.01 Requests for Information or Access to Records.

(a) Requests for ~~information~~ ***access to governmental records*** pursuant to RSA 91-A:4 shall be made directly to the executive director ***by sending a request with the information specified in Plc 103.02 either:***

- (1) Electronically, to righttoknow@opl.nh.gov; or***
- (2) By mail or other delivery to at the address specified in Plc 102.03(c).***

(b) Requests for other ~~information~~ ***records*** shall be addressed to the executive director or directly to the division that is responsible for the program for which the ~~information~~ ***records*** is being requested.

~~(c) The OPLC's main telephone number is (603) 271-2152, the OPLC's main fax number is (603) 271-0597, and the OPLC's TDD Access number is Relay NH 1-800-735-2964.~~

{Telephone number and TDD Access number now in Plc 102.03}

Plc 103.02 Contents of Requests for Access to Records. The request for access to governmental records shall contain as much information as the requestor can provide to reasonably describe the records, including but not limited to:

- (a) The type of record(s) sought, such as meeting minutes, orders, or reports;***
- (b) The date or date range the records were created, such as "April 2021" or "from January 1, 2019 through December 31, 2022";***

(c) The board, specific profession, or topic to which the records relate, for example “the Funeral Board”, “midwives”, or “reports filed with the Legislature or Governor’s Office”; and

(d) If records of a specific licensee are sought, as much information as the requestor has to identify the licensee, including name, location of practice, and license number.

APPENDIX

| Rule | State Statute Implemented |
|-------------|----------------------------------|
| Plc 101 | RSA 310 |
| Plc 102 | RSA 310; RSA 541-A:16, I(a) |
| Plc 103 | RSA 310; RSA 91-A:4 |