

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_

Rule Number Plc 1001.17

<p>1. Agency Name &amp; Address:</p> <p><b>Office of Professional Licensure &amp; Certification</b>  <b>7 Eagle Square</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <u><b>RSA 310-A:1-d, II(h)(1)</b></u></p> <p>3. Federal Authority: <u><b>n/a</b></u></p> <p>4. Type of Action:</p> <p>Adoption <u><b>X</b></u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Fees for Site Visits and Inspections Not Related to Licensure**

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

**The Office of Professional Licensure and Certification (OPLC) is proposing to establish fees for site visits and inspections that are not related to initial or renewal licensure, so that the fees are not co-mingled with the application-related fees in Plc 1002.**

**The Initial Proposal contains a proposed fee for inspections of body art facilities based on rules that had been proposed earlier this year. However, after the FIS for these rules was filed, the Executive Director withdrew those rules from rulemaking. The fees will be deleted in the final proposal.**

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

**The rules affect individuals who own or operate facilities that are subject to inspections, unrelated to licensing, by a board, commission, or council listed in RSA 310-A:1-a, I.**

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>State Statute Implemented</b>
Plc 1001.17	RSA 310-A:1-e, I(a)

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

Name: <b>Gretchen Hamel</b>	Title: <b>Program Specialist IV</b>
Address: <b>OPLC</b> <b>7 Eagle Square</b> <b>Concord, NH 03301</b>	Phone #: <b>Please contact via email</b>
	Fax #: <b>[discontinued]</b>
	E-mail: <a href="mailto:Gretchen.R.Hamel1@oplcnh.gov"><b>Gretchen.R.Hamel1@oplcnh.gov</b></a>

**The rules can be reviewed on-line at**  
[\*\*https://www.oplc.nh.gov/oplc-laws-and-rules\*\*](https://www.oplc.nh.gov/oplc-laws-and-rules)

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: **4:00 PM on Thursday, April 20, 2023**

**Please submit comments to [\*\*OPLC-Rules@oplcnh.gov\*\*](mailto:OPLC-Rules@oplcnh.gov)**

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Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, April 12, 2023 at 10:00 AM**

Place: **Board Room, Office of Professional Licensure & Certification,  
7 Eagle Square, Concord, NH 03301**

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

FIS # 23:035, dated 02/16/2023

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

Not applicable 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):**

The proposed rules establish fees for site visits and inspections not related to licensure. The Office of Professional Licensure and Certification (OPLC) states the fees being adopted into Plc 1001.14 will replace fees that were previously established in statutes or in rules adopted by the boards, councils, and commissions listed in RSA 310-A:1-a. The OPLC states the fee for site visits by the Board of Nursing are being reduced as the current fee does not comply with RSA 310-A:1-a, and exceeds the up to 125% of the total operating expense requirement. The OPLC also states, based on RSA 310-A:1-e, that any costs or benefits associated with the proposed rules are attributable to the statute. The Office of the Legislative Budget Assistant does not agree with this statement, and we believe, based on the same statute, that any such costs or benefits are attributable to the proposed rules.

**A. To State general or State special funds:**

The proposed rules will result in an indeterminable decrease in revenue to the State general fund and to the OPLC Fund. After paying all costs and salaries associated with operating the OPLC, the remaining balance in the OPLC fund lapses to the general fund at the close of each biennium. The OPLC state it is possible that the amount that lapses to the general fund will change under the proposed rules, but due to the number and variability of factors, such as how many applications are received and potential increases in overhead costs, no estimate can be made of any change.

**B. To State citizens and political subdivisions:**

See #3 above. There will be no cost or benefit to political subdivisions.

**C. To independently owned businesses:**

See #3 above.

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

**The rules do not apply to political subdivisions. The rules thus 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.**