

**Effective August 1, 2023, Plc 1200 reads as follows:**

## CHAPTER Plc 1200 COURT REPORTERS

Statutory Authority: RSA 310-A:164; RSA 310:6, II

## PART Plc 1201 PURPOSE AND APPLICABILITY; SENDING NOTICES AND LICENSES

Plc 1201.01 Purpose. The purpose of this chapter is to implement RSA 310-A:161-181 relative to regulating the practice of court reporting, to promote public welfare and maintain a high standard of integrity, skills, and practice in the profession of court reporting in New Hampshire, by establishing requirements for:

- (a) Obtaining and renewing a license to practice court reporting;
- (b) Obtaining the reinstatement of a license to practice court reporting that has expired or otherwise been rendered inactive or invalid; and
- (c) The regulation of the practices of licensed court reporters, including establishing ethical and professional standards required to be met by each holder of a license.

Plc 1201.02 Applicability. This chapter shall apply to any individual who intends to practice or who does practice court reporting in New Hampshire.

Plc 1201.03 Notifications; Issuance of Licenses.

- (a) All notifications sent to applicants and licensees and all licenses issued pursuant to this chapter shall be sent to the applicant's or licensee's designated email address.
- (b) All notifications and licenses sent to a designated email address for which the OPLC does not receive any indication that the email was not delivered shall be deemed to have been received by the individual who designated the email address.

## PART Plc 1202 DEFINITIONS

Plc 1202.01 "Advisory board" means the advisory board of court reporters established pursuant to RSA 310-A:163.

Plc 1202.02 "Court reporter" means "court reporter" as defined in RSA 310-A:162, II, namely "a person who has met the requirements set forth in this subdivision and is licensed to engage in shorthand reporting or voice writing." For purposes of this definition, "this subdivision" means RSA 310-A:161-81.

Plc 1202.03 "Court reporting" means capturing the live testimony in or for legal proceedings using machine writing or voice writing to create an official certified transcript of the proceedings.

Plc 1202.04 "Criminal records check" means the process undertaken by the NH department of safety (NHDOS) that requires live scanned prints to be taken digitally and submitted electronically to the NH criminal records unit and the FBI. The term includes a "criminal history record" but does not include an "online NH criminal conviction check".

Plc 1202.05 "Designated email address" means the email address provided by an applicant or licensee as the address for the OPLC to use when sending notifications and licenses.

Plc 1202.06 "Executive director" means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 1202.07 "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.” For purposes of this chapter, the term includes any similar form of approval to practice court reporting in any jurisdiction.

Plc 1202.08 “Licensing bureau” means the organizational unit within the OPLC’s division of licensing and board administration that is responsible for accepting and processing applications.

Plc 1202.09 “Machine writing” means “machine writing” as defined in RSA 310-A:162, III, namely “the making of a verbatim record of the spoken word by means of the use of phonetic entries into a stenotype machine.”

Plc 1202.10 “Military spouse” means an individual who is legally married to an individual who is on active military duty.

Plc 1202.11 “On active military duty” means on active duty in the U.S. armed forces. The term includes “active military”.

Plc 1202.12 “Personal contact information” means an individual’s home or other personal telephone number, home address, home mailing address if different, and designated email address.

Plc 1202.13 “Shorthand reporting” means “shorthand reporting” as defined in RSA 310-A:162, V, namely “the making by means of written symbols or abbreviations in shorthand or machine writing a verbatim record of the spoken word.”

Plc 1202.14 “Voice reporting” means “voice reporting” as defined in RSA 310-A:162, VI, namely “the making of a verbatim record of the spoken word by means of voice writing.”

Plc 1202.15 “Voice writing” means “voice writing” as defined in RSA 310-A:162, VII, namely “the making of a verbatim record of the spoken word by means of an individual repeating the words of the speaker into a device either capable of digital translation into English text, or a device capable of creating a tape or digital recording.”

Plc 1202.16 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observance of holidays.

## PART Plc 1203 ADVISORY BOARD

### Plc 1203.01 Advisory Board Members Appointment and Qualifications.

(a) Pursuant to RSA 310-A:163, the executive director shall establish an advisory board of court reporters consisting of 3 members.

(b) As required by RSA 310-A:163:

- (1) Two members shall be licensed court reporters and one member shall be licensed to practice law in New Hampshire;
- (2) Each member shall be appointed to a term of 3 years; and
- (3) No member shall serve more than 2 consecutive full terms.

(c) The members who are licensed court reporters shall:

- (1) Be currently licensed in New Hampshire when appointed and for the duration of the term; and
- (2) Have actively practiced in New Hampshire for at least one year immediately preceding appointment to the advisory board.

Plc 1203.02 Meetings and Records of Advisory Board.

- (a) The advisory board shall meet at the call of the executive director.
- (b) Meetings of the advisory board shall be held at the OPLC's offices in Concord, NH, or in such other location as the executive director determines will be most convenient for the largest number of anticipated attendees.
- (c) Notice of meetings shall be provided as required by RSA 91-A.
- (d) Records of the advisory board shall be maintained by the OPLC as required by RSA 91-A.

Plc 1203.03 Responsibilities of Advisory Board.

- (a) As provided in RSA 310-A:163, the advisory board shall advise the executive director regarding the implementation of RSA 310-A:161-181, including in particular reviewing and commenting on proposed rules and proposed revisions to rules intended to implement RSA 310-A:161-181.
- (b) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, members of the advisory board shall sit as part of a panel for an adjudicative hearing conducted pursuant to applicable provisions in Plc 200 and RSA 541-A.
- (c) If requested by the executive director based on a determination that the expertise of the advisory board members is needed, the advisory board shall assist with an investigation commenced pursuant to RSA 310-A:1-j and Plc 204 relative to investigations.

Plc 1203.04 Records of Predecessor Board. The records of the board of court reporters that existed prior to July 19, 2022, the effective date of Laws of 2022, ch. 64, shall be:

- (a) Retained by the executive director in accordance with the retention schedule established pursuant RSA 310:4, II(e) and available in the frequently asked questions (FAQ) section of the OPLC website at <https://www.oplc.nh.gov>; and
- (b) Available for public review as provided in Plc 100.

PART Plc 1204 INITIAL LICENSURE

Plc 1204.01 Statutory Qualifications for Licensure. To qualify for licensure as a court reporter in New Hampshire, an applicant shall:

- (a) As required by RSA 310-A:169, hold one of the following titles:
  - (1) Registered Professional Reporter (RPR), from the National Court Reporters Association (NCRA); or
  - (2) Certified Voice Reporter (CVR), from the National Verbatim Reporters Association (NVRA);
- (b) As required by RSA 310-A:170, III:
  - (1) Be at least 18 years of age;
  - (2) Be a citizen of the United States or legally able to work;
  - (3) Be of good moral character; and
  - (4) Have a high school education, or the equivalent thereof, as defined by the department of education; and

(c) As required by RSA 310-A:167, demonstrate competence in:

- (1) The use of verbatim methods and equipment to capture, store, retrieve, and transcribe pretrial and trial proceedings or other information;
- (2) Creating verbatim transcripts of speeches, conversations, legal proceedings, meetings, and other events when written accounts of spoken words are necessary for correspondence, records, or legal proof;
- (3) Ensuring a complete, accurate, and secure legal record; and
- (4) Working in varieties of settings, such as taking depositions in attorney's offices, documenting proceedings of meetings, conventions, and other private activities, and documenting proceedings taking place in government agencies at all levels from the United States Congress to the state and local government bodies.

Plc 1204.02 Applying for Initial Licensure.

(a) Any individual who meets the statutory qualifications as reiterated in Plc 1204.01 and wishes to become licensed as a court reporter in New Hampshire shall submit an application for licensure in accordance with this section.

(b) Each applicant for initial licensure shall submit to the executive director:

- (1) A "Universal Application for Initial License" dated March 2023, as tailored for court reporter licenses, that contains the information specified in Plc 304.03 and Plc 1204.03 and is signed and attested to as specified in Plc 304.05;
- (2) The documentation identified in Plc 304.04 and Plc 1204.04; and
- (3) An application processing and licensing fee as required by Plc 1002.10.

(c) Each applicant shall also complete the process established by the NHDOS for requesting a criminal records check, accessible via the NHDOS website at <https://www.nh.gov/safety/> or directly at <https://services.dos.nh.gov/chri/cpo/>, including paying any required fee and directing that the results be sent to the OPLC.

Plc 1204.03 Information Required for Initial License Application. In addition to the information required by Plc 304.03, the applicant for an initial license to practice court reporting shall provide the following information:

(a) Whether the applicant is certified by the NCRA or the NVRA and the date(s) of the applicant's receipt of initial certification and most recent certification, if different;

(b) Information about the applicant's education, as follows:

- (1) Whether the applicant graduated from high school or obtained an equivalent; and
- (2) For each institution of higher education attended by the applicant, the name and address of the institution, the years attended, the degree earned, if any, and the graduation date, if any; and

(c) Information on the applicant's experience in positions that require the skills identified in RSA 310-A:167, as follows for each position held within the last 10 years:

- (1) Dates of employment, title(s) of position(s), and present address of employer;

(2) Character of employment including types of work performed and degree of responsibility; and

(3) Name and present address of someone familiar with each position.

Plc 1204.04 Information and Documentation Required for Initial License Application. In addition to the information and documentation required by Plc 304.04, the applicant shall provide the following with an application submitted pursuant to Plc 1204.02:

- (a) A copy of the applicant's high school diploma or equivalency certificate;
- (b) Proof of being at least 18 years of age, such as a copy of an official government identification card or driver's license showing a date of birth or a copy of the applicant's birth certificate;
- (c) Proof of U.S. citizenship, such as a birth certificate or naturalization papers, or if not a U.S. citizen, proof of the applicant's legal status and ability to work in the U.S.;
- (d) A copy of the applicant's current certification as a Registered Professional Reporter (RPR) from the NCRA or as a Certified Voice Reporter (CVR) from the NVRA, as applicable; and
- (e) As required by RSA 310-A:177, a valid surety bond for the penal sum of \$1,000 that meets the conditions specified in the statute, reprinted in Appendix C.

Plc 1204.05 Initial Review of Applications for Initial Licensure; Abandonment.

- (a) Within 30 days of receipt of an application submitted pursuant to Plc 1204.02, the licensing bureau shall process the application as provided in Plc 304.06.
- (b) The application shall be subject to the abandonment provisions of Plc 304.06(h).
- (c) If the application is abandoned, the application processing and licensing fee shall not be refunded.

Plc 1204.06 Withdrawal of Application for Initial Licensure.

- (a) An applicant may withdraw an application for licensure at any time prior to being notified of a decision under Plc 1204.07 by proceeding in accordance with Plc 304.07.
- (b) If the application is withdrawn, the application processing and licensing fee shall not be refunded.

Plc 1204.07 Review of Complete Applications for Initial Licensure; Decisions.

- (a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria for licensure.
- (b) The licensing bureau shall issue a license to any applicant:
  - (1) Who meets the statutory qualifications referenced in Plc 1204.01;
  - (2) Who has submitted an application that meets the requirements of Plc 1204.02; and
  - (3) For whom none of the circumstances listed in Plc 1204.10 apply, provided that:
    - a. If any of the circumstances listed in Plc 1204.10 form any part of the basis for denial, the licensing bureau shall refer the application to the executive director to commence an adjudicative proceeding in accordance with Plc 206; and

b. The circumstances shall be disregarded unless proven by a preponderance of the evidence as a result of the adjudicative proceeding.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain a license, other than those addressed in (a)(3), above, are met, then:

(1) The licensing bureau shall deny the application; and

(2) The notice sent pursuant to (b), above, shall inform the applicant that the denial shall be final in 30 days unless the applicant requests a hearing in writing within 30 days.

(e) If the application is denied, the application processing and licensing fee shall not be refunded.

Plc 1204.08 Initial Licenses: Issuance and Duration.

(a) Each initial license to practice court reporting issued by the OPLC shall specify:

(1) The name of the licensee;

(2) The effective date of the license;

(3) The license number; and

(4) The method of reporting the licensee is licensed to use.

(b) An initial license shall:

(1) Be valid for 2 years from the date of issuance as provided in RSA 310:8, II, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;

(2) Expire 2 years from the date on which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked in accordance with Plc 1208; and

(3) Be subject to renewal.

Plc 1204.09 Challenging a Denial of Initial Licensure. An applicant who wishes to challenge the denial of an application for initial licensure shall do so as provided in Plc 304.10.

Plc 1204.10 Grounds for Denial of Application. An application for licensure shall be denied if, after notice and an opportunity for hearing, there is a finding based on a preponderance of the evidence that:

(a) The applicant, or someone acting on the applicant's behalf, has submitted false material information to the OPLC in connection with the application;

(b) Disciplinary action has been taken by another licensing body or a professional society or association based on circumstances that indicate the applicant cannot be relied upon to practice competently and honestly, or adhere to the standards of conduct required by the applicable statutes and Plc 1200;

(c) The applicant has been convicted of a felony or misdemeanor based on circumstances that indicate the applicant cannot be relied upon to practice competently and honestly, or adhere to the ethical standards required by the applicable statutes and Plc 1200; or

(d) The applicant has engaged in behavior that violates the ethical standards of the applicable statutes and Plc 1200.

Plc 1204.11 Facilitated Licensing for Active Duty Military and Military Spouses.

(a) An applicant for licensure who is on active military duty or who is a military spouse shall apply for licensure as provided in Plc 1204.02, except that no application processing and licensing fee shall be required.

(b) Each applicant who applies for facilitated licensing under this section shall be eligible to obtain a facilitated license if the applicant:

- (1) Meets the qualifications for licensure summarized in Plc 1204.01; or
- (2) Is licensed or registered in another jurisdiction, provided that the other jurisdiction's licensure or registration requirements are substantially equivalent to, or more stringent than, New Hampshire's requirements as described in Plc 1204.01.

(c) Any individual who obtains a facilitated license under this section shall comply with all license renewal requirements specified in Plc 1206 if the individual wishes to continue to work as a court reporter in New Hampshire after the term of the initial license.

Plc 1204.12 Temporary Licensure. An applicant for an initial license to practice court reporting may apply for a temporary license as provided in Plc 305 or Plc 306, as applicable, if the individual is licensed and in good standing in another U.S. jurisdiction having requirements for court reporter licensure that are substantially the same as, or more stringent than, New Hampshire's.

PART Plc 1205 LICENSEE OBLIGATIONS; CONTINUING EDUCATION

Plc 1205.01 Licensed Court Reporter Seal Required.

(a) As required by RSA 310-A:172, upon receiving a license as a court reporter, the licensee shall acquire an impression type seal or rubber stamp of the design specified in (b), below.

(b) The seal shall consist of 2 concentric circles, with the outer circle having a diameter of 1-9/16 inches and the inner circle having a diameter of 15/16 inches. In the space between the circles, the top shall be the words "Licensed Court Reporter" and at the bottom "State of New Hampshire". In the space inside the inner circle shall be the full name of the licensee and the license number written horizontally, and the reporting method as shown on the license.

(c) As required by RSA 310-A:172, the licensee shall affix the seal to all transcripts prepared by the licensee or prepared under this licensee's direct supervision for use in New Hampshire.

(d) As prohibited by RSA 310-A:172, no licensee shall:

- (1) Stamp or seal any document with the licensee's seal or do any other act as a licensed court reporter after the license has expired or has been suspended, revoked, or surrendered voluntarily; or
- (2) Stamp or seal any document that was not prepared by the licensee personally or under the licensee's direct supervision.

(e) As required by RSA 310-A:179, each licensed court reporter shall display the license number on any transcripts produced by the licensee and on all business cards and other information made available to the public by the licensee.

(f) Each licensed court reporter also shall display the license number on any transcripts produced by the licensee and on all business cards and other information made available to the public by the licensee in electronic format.

(g) Each licensed court reporter shall ensure that the license number is displayed on any of the items listed in (e), above, that are prepared or made available to the public on behalf of the licensee, whether in material form or electronically.

Plc 1205.02 Licensee Obligations to Notify.

(a) Each licensee shall:

- (1) Notify the licensing bureau within 10 working days when a change of name occurs; and
- (2) Update the OPLC's records within 10 working days when a change of home or business address or change in personal telephone number or designated email address occurs.

(b) Each licensee shall notify the licensing bureau within 10 working days of any disciplinary action, including the imposition of fines or penalties, taken or in progress of being taken against the licensee by another jurisdiction in which the licensee is licensed.

(c) Each licensee shall know, and shall make available upon request, the process for filing a complaint with the OPLC.

(d) Each licensee shall inform the licensing bureau within 10 working days of:

- (1) The commencement of any civil action or insurance claim filed against the licensee that alleges malpractice; and
- (2) Any decision(s) made in such civil actions or insurance claims.

Plc 1205.03 Licensee Responsibilities for Renewal. Each licensee shall:

(a) Know when the license is due to expire; and

(b) File an application for renewal prior to the expiration of the current license in accordance with Plc 1206.02 if the individual wishes to continue to practice in New Hampshire.

Plc 1205.04 Inactive Status.

(a) Any licensee may request that the license be put on inactive status in accordance with this section.

(b) To request inactive status, the licensee shall submit a written request to the licensing bureau that:

- (1) Explains the reason(s) why inactive status is being requested; and
- (2) Specifies:
  - a. The length of time for which inactive status is requested; or
  - b. If a finite time period is not being requested, identifies the event(s) that will result in the licensee wishing to become active again, such as discharge from active duty service in the armed forces.

(c) Upon receipt of a request in accordance with (b), above, the licensing bureau shall place the licensee on inactive status.



(d) To request a return to active status prior to the expiration date of the inactive license, the licensee shall submit a written request that specifically requests a return to active status to the licensing bureau.

(e) To request a return to active status after the expiration date of the inactive license, the licensee shall submit to the licensing bureau:

- (1) A written request that specifically requests a return to active status;
- (2) A complete application for renewal as specified in Plc 1206.02; and
- (3) Payment of the renewal application processing and licensing fee specified in Plc 1206.02(d).

Plc 1205.05 Continuing Education Required. As required by RSA 310-A:178, any person holding a license to practice court reporting in New Hampshire shall comply with the continuing education requirements of the NCRA or the NVRA, as applicable.

Plc 1205.06 Documentation Requirements; Audits.

(a) Each licensee shall retain documentation of participating in continuing education for the current license term and the most recent renewal period, which may be a print-out of the tracking system used by the NCRA or NVRA, as applicable.

(b) The executive director shall audit licensee participation in continuing education by:

- (1) Randomly selecting 10% of licensees each year to be audited; and
- (2) Notifying each selected licensee of the audit by email sent to the licensee's designated email address.

(c) The notice sent pursuant to (b)(2), above, shall direct the licensee to submit documentation for the continuing education claimed by the licensee for the most recent renewal period to the executive director by a specified date, which shall be no sooner than 30 days from the date of the notice.

(d) A licensee selected for audit shall submit the requested documentation to the executive director no later than the date specified in the notice.

## PART Plc 1206 RENEWAL OF LICENSES; REINSTATEMENT

Plc 1206.01 Notification of Pending License Expiration.

(a) At least 60 days prior to the expiration of a license issued pursuant to RSA 310-A:161-181 and Plc 1200 or rules of the predecessor board in title Rep, the licensing bureau shall:

- (1) Notify, in writing to the licensee's designated email address, each licensee whose license is expiring that:
  - a. The license is due to expire;
  - b. Failure to file a complete and timely application for renewal shall result in the license expiring;
  - c. If the license expires, the licensee shall not be able to work legally in New Hampshire unless and until a license is reinstated;

d. The application for reinstatement shall require a new application processing and licensing fee and proof of certification by the NCRA or NVRA, as applicable; and

e. The application processing and licensing fee paid with the renewal application shall not be refunded; and

(2) Include with the notice a copy of the application identified in Plc 1206.02(a) or, when the application becomes available on-line, a registration code for the licensee to use to renew on-line.

(b) A licensee who wishes to renew a license who does not receive an application or registration code shall contact OPLC customer support at [CustomerSupport@oplc.nh.gov](mailto:CustomerSupport@oplc.nh.gov) to obtain an application or code.

(c) A licensee whose license has expired shall not practice court reporting in New Hampshire unless and until the license has been reinstated.

Plc 1206.02 Applying for License Renewal. A licensee who wishes to renew a license to practice court reporting shall submit the following to the licensing bureau:

(a) A completed “Universal Application for License Renewal” dated March 2023, as tailored for court reporter licenses, that provides the information required by Plc 308.06 and is signed and attested to as specified in Plc 308.08;

(b) The information and documentation required by Plc 308.07 and Plc 1206.03, as applicable;

(c) The information and attestation relative to meeting continuing competence requirements, as specified in Plc 1206.04; and

(d) An application processing and licensing fee as required by Plc 1002.10, provided that applicants applying for facilitated licensure as active military or a military spouse shall not pay the fee.

Plc 1206.03 Information and Documentation Required for Renewal Application. In addition to the information and documentation required by Plc 308.07, the applicant shall submit the following with a renewal application:

(a) If the applicant is not a U.S. citizen, proof of authorization to work in the U.S.; and

(b) Proof of a valid surety bond for the penal sum of \$1,000 that meets the conditions specified in RSA 310-A:177, reprinted in Appendix C.

Plc 1206.04 Information and Attestation Relative to Continuing Competence.

(a) An applicant for renewal of a court reporter license shall provide the following information relative to continuing competence:

(1) The total number of hours achieved by the applicant in continuing professional education courses since the beginning of the current license term; and

(2) The following information for each continuing professional education course for which credit is claimed:

a. The name of the course or activity;

b. The beginning and ending date(s) of the course or activity;

c. The name of the sponsor or provider of the course or activity; and

d. The total number of hours attributable to the course or activity.

(b) Submission of the information shall constitute the applicant's attestation that the applicant has met all continuing competence requirements of the NCRA or NVRA, as applicable.

Plc 1206.05 Initial Review of Renewal Applications. Within 30 days of receipt of an application submitted pursuant to Plc 1206.02, the licensing bureau shall process the application as provided in Plc 308.09.

Plc 1206.06 Withdrawal or Abandonment of Renewal Application.

(a) An applicant may withdraw an application to renew a license at any time prior to being notified of a decision under Plc 1206.07 by proceeding in accordance with Plc 308.10.

(b) A renewal application shall be deemed to be abandoned if the applicant files an incomplete application and does not provide all information necessary to complete the application when directed to do so pursuant to Plc 308.09.

(c) If the application is withdrawn or abandoned, the application processing and licensing fee shall not be refunded.

Plc 1206.07 Review of Complete Renewal Applications; Decisions.

(a) The licensing bureau shall review complete applications as provided in Plc 308.11.

(b) The licensing bureau shall renew the license of any applicant:

- (1) Who continues to meet the statutory qualifications referenced in Plc 1204.01;
- (2) Who has submitted an application that meets the requirements of Plc 1206.02;
- (3) Meets the eligibility for renewal criteria specified in Plc 308.02; and
- (4) For whom none of the circumstances listed in Plc 1206.09 apply, provided that:

a. If any of the circumstances listed in Plc 1206.09 form any part of the basis for denial, the licensing bureau shall refer the application to the executive director to commence an adjudicative proceeding in accordance with Plc 206; and

b. The circumstances shall be disregarded unless proven by clear and convincing evidence as a result of the adjudicative proceeding.

(c) The licensing bureau shall notify the applicant of the decision on the application in writing sent to the applicant's designated email address.

(d) If the licensing bureau determines that the applicant has not demonstrated that all requirements to obtain, other than those addressed in (a)(3), above, a license are met, then:

- (1) The licensing bureau shall deny the application; and
- (2) The notice sent pursuant to (c), above, shall inform the applicant that the denial shall be final in 30 days unless the applicant requests a hearing in writing within 30 days.

(e) If the application is denied, the application processing and licensing fee shall not be refunded.

Plc 1206.08 Renewal Licenses: Issuance and Duration.

- (a) Each renewal license to practice court reporting issued by the OPLC shall specify:
- (1) The name of the licensee;
  - (2) The effective dates of the license;
  - (3) The license number; and
  - (4) The method the licensee shall be authorized to use.
- (b) Renewal licenses shall:
- (1) Be valid for 2 years from the date of issuance, provided that the timely filing of a complete renewal application shall continue the validity of the license being renewed until final action is taken on the renewal application;
  - (2) Expire 2 years from the date on which the license was issued unless a timely and complete renewal application is filed or the license is sooner suspended or revoked pursuant to Plc 1208; and
  - (3) Be subject to renewal biennially.

Plc 1206.09 Grounds for Denial of Renewal. Renewal shall be denied if, after notice and an opportunity for hearing, the executive director finds by clear and convincing evidence that:

- (a) The applicant has committed an unethical act for which discipline shall be imposed under Plc 1208; or
- (b) The applicant no longer complies with the other statutory qualifications for licensure.

Plc 1206.10 Challenging a Denial of License Renewal. An applicant who wishes to challenge the denial of an application for license renewal shall do so as provided in Plc 308.12.

Plc 1206.11 Reinstatement of a License After Expiration.

- (a) An individual whose license has expired shall not practice in New Hampshire unless and until the individual has obtained a license in accordance with RSA 310-A:161-181 and Plc 1200.
- (b) An individual whose license has expired who wishes to obtain a license in New Hampshire shall apply for a renewal license in accordance with Plc 1206 and demonstrate that the applicant is certified by the NCRA or NVRA, as applicable, provided that an individual who did not renew the license prior to its expiration based on a good faith belief that the individual would no longer be practicing in New Hampshire may request a waiver of the certification requirement in accordance with (c), below.
- (c) To request a waiver of the certification requirement, the individual shall submit a written request for a waiver in writing to the licensing bureau that:
- (1) Explains the basis for the individual's good faith belief that the individual would no longer be practicing in New Hampshire, such as a business or personal reason for leaving the area; and
  - (2) Provides such proof as is available for the belief, such as a copy of a job offer in another jurisdiction or an affidavit stating the personal reasons for leaving.
- (d) The executive director, in consultation with the advisory board, shall grant the waiver if the individual demonstrates that the failure to timely renew was based on a good faith belief that the individual would no longer be practicing in New Hampshire and was not due to neglect.

Plc 1206.12 Reinstatement of a License Previously Suspended or Revoked.

(a) An individual whose license was suspended pursuant to Plc 1208, or whose license was suspended by the New Hampshire board of court reporters prior to July 19, 2022, who wishes to have the license reinstated shall:

- (1) If the request is made before the expiration date of the suspended license, submit a written request to the licensing bureau that demonstrates compliance with all conditions of the suspension order and plan of correction, including completing any additional continuing competence activities, being certified by the NCRA or NVRA, as applicable, and paying any monetary penalties imposed, but not paying an additional application processing and licensing fee; or
- (2) If the request is made after the expiration date of the suspended license:
  - a. Submit an application for renewal, including demonstrating all requirements for renewal have been met including certification by the NCRA or NVRA, as applicable;
  - b. Pay all monetary penalties imposed, if any;
  - c. Pay the costs associated with the suspension, if imposed pursuant to RSA 310: 12,V or other applicable law; and
  - d. Demonstrate that all conditions imposed in the suspension order have been met.

(b) An individual whose license was revoked pursuant to Plc 1208, or whose license was revoked by the New Hampshire board of court reporters prior to July 19, 2022, who wishes to have a license reinstated shall:

- (1) Submit an application for renewal licensure in accordance with Plc 1206.02, including demonstrating that the applicant is certified by the NCRA or NVRA, as applicable; and
- (2) Demonstrate that all conditions imposed in the revocation order have been met.

(c) If the licensing bureau makes a preliminary determination that the applicant does not qualify for a license or does not qualify for an unrestricted license, the licensing bureau shall refer the matter to the executive director, who shall initiate an adjudicative proceeding pursuant to Plc 200 to determine whether to deny the application or to reinstate the license with conditions.

(d) A license shall not be granted to an individual who previously held a license whose license was suspended or revoked unless and until the individual has:

- (1) Complied with any requirements that are part of the suspension or revocation order;
- (2) Paid the costs associated with the suspension or revocation, if imposed pursuant to RSA 310:12, V or other applicable law;
- (3) Paid any monetary penalties imposed under Plc 1208 or predecessor rules in title Rep; and
- (4) Demonstrated that the individual meets all other requirements for a renewal license and is certified by the NCRA or NVRA, as applicable.

## PART Plc 1207 ETHICAL AND PROFESSIONAL STANDARDS

Plc 1207.01 Purpose and Applicability.

(a) The purpose of this part is to establish ethical and professional standards to maintain a high standard of integrity, skills, and practice in the profession of court reporting.

(b) These rules shall be binding upon each individual who is licensed as a court reporter in New Hampshire.

Plc 1207.02 National Associations Codes of Ethics as Binding Ethical Standards.

(a) Licensees who obtained initial licensure based on being certified by the NCRA shall comply with the NCRA Code of Ethics available as noted in Appendix B, except as modified in RSA 310-A:180, I and II, reprinted in Appendix C.

(b) Licensees who obtained initial licensure based on being certified by the NVRA shall comply with the NVRA Code of Ethics available as noted in Appendix B, except as modified in RSA 310-A:180, I and II, reprinted in Appendix C.

Plc 1207.03 Additional Licensee Obligations. Each person to whom these standards apply also shall:

(a) Comply with RSA 310-A:161-181, Plc 307.04 as effective May 1, 2023, reprinted in Appendix D, and Plc 1200;

(b) Obey in good faith, and within any time periods specified, any disciplinary or remedial orders issued by the executive director;

(c) Interact with colleagues and clients with honesty and integrity;

(d) Not misrepresent professional qualifications or certifications;

(e) Cooperate with lawful investigations by the executive director;

(f) Treat all individuals with whom the person interacts in a professional capacity with respect and civility;

(g) Not engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity; and

(h) Not discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin.

## PART Plc 1208 PROCEDURES; DISCIPLINARY ACTIONS

Plc 1208.01 Rules of Practice and Procedure; Definition.

(a) The rules in Plc 200 shall govern procedures for:

(1) The receipt of misconduct complaints and the investigation thereof;

(2) The conduct of disciplinary proceedings, including emergency proceedings;

(3) Waivers;

(4) Voluntary surrender of licenses; and

(5) Any other procedures not included in this chapter.

(b) For purposes of this part, “respondent” means the person against whom a disciplinary sanction is proposed to be imposed.

Plc 1208.02 Procedures for Imposition of Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III, the executive director shall impose disciplinary sanctions only:

- (1) After prior notice; and
- (2) An opportunity for an adjudicative hearing or pursuant to a mutually agreed upon settlement or consent decree.

(b) After a finding that misconduct has occurred, the executive director shall impose one or more of the disciplinary sanctions authorized by RSA 310:12 or RSA 310-A:174, III, reprinted in Appendix C, after considering the presence of aggravating or mitigating circumstances as specified in (c) and (d), below.

(c) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) Prior disciplinary record;
- (3) State of mind at the time of the offense;
- (4) Lack of willingness to cooperate with the executive director; and
- (5) Potential harm to public health and safety.

(d) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) State of mind at the time of the offense;
- (3) Willingness to cooperate with the executive director;
- (4) Acknowledgment of wrongdoing; and
- (5) The purpose of the rule or statute violated.

(e) Copies of orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each jurisdiction 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.

Plc 1208.03 Conditions of License Suspension or Revocation.

(a) If a license is suspended, the licensee shall prepare and submit a plan of correction to address each violation that provided a basis for the disciplinary proceeding.

(b) The executive director shall review the submitted plan of correction and:

- (1) Approve the plan, if it:
  - a. Addresses each violation that provided a basis for the disciplinary proceeding; and

b. Identifies one or more specific actions that the licensee shall take and specifies a deadline for taking each action that is reasonable given the nature of the action to be taken; or

(2) Return the plan to the licensee for revision and resubmission if the plan does not meet the requirements for approval specified in (1), above.

(c) A licensee whose license was suspended may request the license to be reinstated in accordance with Plc 1206.11(a).

(d) If a license is suspended or revoked, any subsequent application for licensure shall include a plan of correction that addresses each violation that provided a basis for the disciplinary proceeding.

(e) An individual whose license has been revoked and who wishes to reapply for a license shall apply as for license reinstatement in accordance with Plc 1206.11(b).

(f) A license shall not be granted to an individual who previously held a license but whose license was revoked unless and until the individual has complied with the requirements on which the revocation was based, has paid all monetary penalties imposed, and has paid the costs associated with the revocation, if imposed pursuant to RSA 310:12, V or other applicable law.

#### Plc 1208.04 Reciprocal Discipline.

(a) When the executive director receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, the executive director shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.

(b) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction, the licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:174, III, reprinted in Appendix C, or RSA 310:12, I, after considering the presence of aggravating or mitigating circumstances as specified in Plc 1208.02(c) and (d).

#### Plc 1208.05 Administrative Fines.

(a) The executive director shall issue a written notice to any individual proposed to be subjected to an administrative fine that notifies the individual:

- (1) Of the violation(s) for which the administrative fine is proposed;
- (2) Of the amount of the proposed administrative fine;
- (3) That the individual may request a hearing prior to the imposition of the fine; and
- (4) Of the deadline for requesting a hearing, which shall be no sooner than 20 days from the date of the notice.

(b) If the recipient of the notice requests a hearing, the hearing shall be conducted in accordance with the provisions in Plc 200 and RSA 541-A that govern adjudicative proceedings.

(c) The individual may choose to waive the right to a hearing and pay the proposed fine, in which case the fine shall be paid to and received by the executive director within 30 days of receipt of the notice.

(d) Administrative fines for violations of RSA 310-A:161-181 and Plc 1200 shall not exceed the following amounts, and in no event shall exceed \$2,000 per violation:



- (1) When no violation of the same type has occurred during a period of licensure within the 5 years preceding the executive director's notice to the respondent, the fine assessed shall not exceed \$100 per day or \$500 per violation, whichever is greater;
  - (2) When a single violation of the same type has occurred during a period of licensure within the 5 years preceding the executive director's notice to the respondent, the fine assessed shall not exceed \$200 per day or \$1,500 per violation, whichever is greater;
  - (3) When more than one violation of the same type has occurred during a period of licensure within the 5 years preceding the executive director's notice to the respondent, the fine assessed shall not exceed \$200 per day or \$2,000 per offense whichever is greater; and
  - (4) In the case of repeated violations, a separate fine shall be assessed for each occurrence of the violation, but the total amount of the fine and the respondent's promptness and cooperativeness in ceasing the prohibited conduct in question shall be considered in assessing the daily fines.
- (e) A single course of continuing conduct shall be treated as a single violation for purposes of Plc 1208.03(d)(1), (2), and (3).
- (f) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement, or promise to pay shall be:
- (1) A separate ground for discipline;
  - (2) A basis for denying a subsequent license or renewal application; or
  - (3) A basis for judicial action seeking to collect the fine.