

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 1500

<p>1. Agency Name & Address:</p> <p style="text-align: center;">Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 326-E:2</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Respiratory Care Practitioners**

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

Laws of 2022, 72:10-20, eff. 7-19-22, amended RSA 326-E to convert the Respiratory Care Practitioners Governing Board to an advisory board and transfer the Board’s authority to the Executive Director of the Office of Professional Licensing and Certification (OPLC), in consultation with the advisory board. The Executive Director adopted Interim rules effective November 24, 2022 to implement RSA 326-E.

The Executive Director is now proposing to readopt the interim rules with amendments as regular rules to implement RSA 326-E. The amendments would add a definition of “personal contact information”, revise language in the rules to align with updated language in other OPLC rules, clarify certain provisions including the use of an on-line system to track continuing competence requirements, require payment of any penalties imposed prior to a license being renewed or reinstated, and clarify the procedures for license reinstatement after suspension. An amendment is also proposed to allow an unlicensed individual who delivers respiratory care equipment to set up, calibrate, and instruct on the use of the equipment under the oversight of a licensed respiratory care practitioner.

The OPLC also is considering adding language to the Final Proposal to expressly address RSA 326-E:6, I(a), which allows respiratory care students to engage in clinical education/internships under supervision, and so is inviting comment on this also.

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

The rules affect individuals who are, or who wish to become, licensed respiratory care practitioners in New Hampshire. The rules also affect individuals and companies that deliver respiratory care equipment to private homes.

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

Rule	State Statute(s) Implemented
Plc 1500 (see below for additional/specific provisions)	RSA 326-E
Plc 1503	RSA 326-E:5
Plc 1504	RSA 326-E:3
Plc 1505	RSA 326-E:3, IV

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Rule	State Statute(s) Implemented
Plc 1506	RSA 310-A:1-f
Plc 1507	RSA 326-E:10; RSA 326-E:11
Plc 1508	RSA 326-E:10
Plc 1509	RSA 326-E:2, VI
Plc 1510	RSA 326-E:2, VI
Plc 1511	RSA 326-E:9
Plc 1512	RSA 326-E:2, I

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

Name: **Gretchen Hamel** Title: **Program Specialist IV**
 Address: **OPLC** Phone #: **Please contact via email**
7 Eagle Square Fax #: **[discontinued]**
Concord, NH 03301 E-mail: **Gretchen.R.Hamel1@opl.nh.gov**

The rules can be reviewed on-line at
<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 Friday, March 17, 2023**

Please submit comments to OPLC-Rules@opl.nh.gov

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, March 1, 2023 at 1:30 PM**

Place: **3rd floor Hearing Room, Office of Professional Licensure & Certification,
 7 Eagle Square, Concord, NH 03301**

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

FIS # **23:012**, dated **01/23/2023**

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 interim 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

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.