

*Readopt with amendments Plc 1200, eff. 2-1-23 (doc. #13547, Interim), to read as follows:*

## CHAPTER Plc 1200 COURT REPORTERS

Statutory Authority: RSA 310-A:164

### 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 ~~received~~**receive** any indication that the email was not delivered shall be deemed to have been received by the ~~person~~**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 ~~rule~~**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 1202.0405~~ "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 1202.0506~~ "Executive director" means the executive director of the office of professional licensure and certification (OPLC) or designee.

Plc 1202.~~0607~~ “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 ~~as a court reporter~~*ing* in any jurisdiction.

Plc 1202.~~0708~~ “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.~~0809~~ “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.~~0912~~ “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.~~4013~~ “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.~~4114~~ “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.~~4215~~ “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.~~4316~~ “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) Have been a Registered Professional Reporter (RPR) with the National Court Reporters Association (NCRA) or a Certified Voice Reporter (CVR) with the National Verbatim Reporters Association (NVRA) for at least 3 years preceding the appointment;

(2) Be currently licensed in New Hampshire when appointed and for the duration of the term; and

(3) 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 *policy implementing the* retention schedule established pursuant RSA 310-A:1-d, II(e) ~~in accordance with RSA 5:33~~ *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) ~~Create~~ **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 ~~n~~ **"Universal Application for Initial Court Reporter License"** dated ~~January~~ **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 ~~certified~~ **attested to** as specified in Plc ~~1204.05~~ **304.05**;
  - (2) The documentation identified in Plc **304.04 and Plc 1204.04**; and
  - (3) ~~A n~~ **The** application processing fee of ~~\$155~~ **specified in Plc 1002**.

(c) Each applicant shall also complete the process established by the ~~New Hampshire department of safety (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/cpol/>, including paying any required fee and directing that the results be sent to the OPLC.

Plc 1204.03 Information Required for Initial License Application. ~~The~~ **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) The applicant's full legal name, including any suffix such as "Jr." or "III", and any other name(s) under which the applicant holds or has held a professional license;~~
- ~~(b) The applicant's date of birth, by month, day, and year;~~
- ~~(c) The applicant's gender assigned at birth, to be used solely for purpose of workforce data analysis by New Hampshire employment security;~~
- ~~(d) The applicant's social security number as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(15);~~

~~(e) The applicant's home physical address by street name and number, apartment number if any, municipality, county, state, and country if not the U.S., and home mailing address if different;~~

~~(f) The applicant's home or other personal telephone number;~~

~~(g) The applicant's designated email address;~~

~~(h) Whether the applicant speaks English as the primary language and, if not, the applicant's primary language and any other secondary language(s);~~

~~(i) Whether the applicant is on active duty in the U.S. armed forces or is the spouse of an active member of the U.S. armed forces;~~

~~(j-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;~~

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

~~(1) Whether the applicant graduated from high school or obtained an equivalent; and~~

~~(3**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*~~

~~(l) A list of each jurisdiction in which the applicant has applied for, holds, or has held a license as a court reporter, and for each, the following:~~

~~(1) The applicant's license number;~~

~~(2) The date the applicant was initially licensed; and~~

~~(3) The status of the license, including whether a license was denied or is active, suspended, revoked, denied renewal, or lapsed;~~

~~(m**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*:~~

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

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

~~e-(3) Name and present address of someone familiar with each position;~~

~~(n) A "yes" or "no" answer to the following questions relating to background and character:~~

~~(1) Whether the applicant is now or has any reason to believe that the applicant will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction;~~

~~(2) Whether any malpractice claim has been made against the applicant within the past 10 years;~~

~~(3) Whether the applicant has, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reduction from a position at the applicant's place of employment, or had any privileges limited, suspended, or revoked in any professional setting within the past 10 years;~~

~~(4) Whether the applicant has been denied the privilege of taking an examination required for any professional licensure within the past 10 years;~~

- ~~(5) Whether the applicant has committed any act(s) within the past 10 years that would violate the laws or rules that govern the practice of court reporting;~~
- ~~(6) Whether the applicant has ever been found guilty of or entered a plea of no contest to any felony that is related to professional practice;~~
- ~~(7) Whether the applicant has been found guilty of or entered a plea of no contest to, within the past 10 years, any felony that is not related to professional practice, or any misdemeanor;~~
- ~~(8) Whether the applicant has, within the past 10 years, been the subject of any disciplinary action by any professional licensing authority;~~
- ~~(9) Whether the applicant has, within the past 10 years, been denied a license or other authorization to practice in any jurisdiction; and~~
- ~~(10) Whether the applicant has, within the past 10 years, surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges;~~
- ~~(o) Whether the applicant is applying for facilitated licensure as a military spouse; and~~
- ~~(p) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's personal contact information.~~

Plc 1204.04 ***Information and Documentation Required for Initial License Application.*** ~~The~~***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 certificate as a Registered Professional Reporter (RPR) from the NCRA or as a Certified Voice Reporter (CVR) from the NVRA, as applicable; ***and***
- ~~(e) If the applicant answered "yes" to any of the questions in Plc 1204.03(n) relative to background and character, a clear explanation of the circumstances and any disciplinary or non-disciplinary action(s) that resulted;~~
- ~~(f) For any applicant who served or is serving in the armed forces or who is applying for facilitated licensure as a military spouse, a description of experience gained in or while associated with the armed forces that demonstrates the applicant meets the requirements of RSA 310-A:167, as described in Plc 1204.01(c), if not covered by the answers provided to Plc 1204.03(m) relative to employment;~~
- ~~(g) For any applicant who is applying for facilitated licensure as a military spouse, the following:
  - ~~(1) Proof of your spouse's military status in the form of verification from the Defense Finance and Accounting Service at <https://www.dfas.mil/garnishment/verifyservice/>; and~~
  - ~~(2) Proof of marriage in the form of:
    - ~~a. A copy of the front and back of the applicant's current military spouse identification card; or~~~~~~

~~b. A copy of the applicant's official marriage certificate, and, if the certificate is not in English, an English translation of the certificate that is certified by the translator as being an accurate translation; and~~

~~(he)~~ 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 ~~DC~~.

~~Plc 1204.05 Signature and Certification Required for Initial License Application.~~

~~(a) The applicant for an initial license to practice court reporting shall sign and date the application, provided that once the application is available via an on-line portal, submission of the application electronically shall constitute the applicant's signature and the date of submission shall be the date.~~

~~(b) The applicant's signature shall constitute the applicant's certification that:~~

~~(1) The applicant is not under investigation by any professional licensing board and the applicant's credentials have not been suspended or revoked by any professional licensing board, unless a written explanation of each such occurrence is submitted pursuant to Plc 1204.04(e);~~

~~(2) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;~~

~~(3) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and~~

~~(4) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3, I.~~

~~Plc 1204.0605 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.***~~

~~(1) Accept the application as being complete; or~~

~~(2) Determine that the application is incomplete and notify the applicant in writing sent to the personal email address provided on the application that the application is incomplete, specifying what the applicant needs to submit to complete the application.~~

~~***(b) The application shall be subject to the abandonment provisions of Plc 304.06(h).***~~

~~(b) A notice of incompleteness sent pursuant to (a)(2), above, shall inform the applicant that the application will be deemed to have been abandoned if the application is not completed within 60 days.~~

~~(c) An applicant who is unable to complete the application by the specified deadline due to circumstances beyond the control of the applicant may request additional time to complete the application in accordance with (d), below.~~

~~(d) A request for additional time to complete an application shall:~~

~~(1) Be submitted in writing to the licensing bureau no later than the deadline specified for completing the application;~~

~~(2) Clearly explain why the application cannot be completed by the deadline; and~~

~~(3) Identify the date by which the applicant will complete the application, which shall be not more than 60 days from the deadline established pursuant to (b), above.~~

~~(e) The licensing bureau shall grant additional time to complete the application if the applicant is prevented by circumstances beyond the applicant's control from completing the application and requests additional time in accordance with (d), above.~~

~~(f) An application shall be deemed abandoned, and no decision shall be made to approve or deny the application, if the applicant submits an incomplete application for initial licensure and either:~~

~~(1) Does not provide the required information and does not request additional time to complete the application by the specified deadline; or~~

~~(2) Requests and receives additional time to complete the application but does not submit the required information by the new deadline.~~

~~(gc)~~ If the application is abandoned, the application processing fee shall not be refunded.

Plc 1204.~~0706~~ 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.~~0807~~ *by proceeding in accordance with Plc 304.07.*

~~(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted and the date the application was submitted.~~

~~(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.~~

~~(db)~~ If the application is withdrawn, the application processing fee shall not be refunded.

Plc 1204.~~0807~~ 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 conditionally 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 fee shall not be refunded.

Plc 1204.0908 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 month of issuance* as provided in RSA 310-A:1-h, III, 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 on the last day of the month in 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 Conditional Denial of Initial Licensure. An applicant who wishes to challenge the conditional 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 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 would violate the ethical standards of the applicable statutes and Plc 1200.

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

(a) ~~Each~~ *An* applicant for licensure who is *on active military duty or who is* a military spouse pursuant to RSA 332-G:7, III shall apply for licensure as provided in Plc 1204.02, except that no application processing fee shall be required.

~~(b) Each applicant for facilitated licensing as a military spouse shall provide:~~

- ~~(1) Proof of the spouse's military status, in the form of verification from the Defense Finance and Accounting Service at <https://www.dfas.mil/garnishment/verifyservice/>; and~~

~~(2) Proof of marriage in accordance with Plc 1204.04(g)(2).~~

~~(eb)~~ Each applicant who applies for facilitated licensing as a ~~military spouse~~ *under this section* shall be eligible to obtain a facilitated license if the ~~military spouse~~ *applicant*:

*(1) Meets the qualifications for licensure summarized in Plc 1204.01; or*

*(2) Is licensed or registered in another state or jurisdiction, provided that the other state's or jurisdiction's licensure or registration requirements are substantially equivalent to, or greater more stringent than, New Hampshire's requirements as described in Plc 1204.01.*

~~(dc)~~ Any *individual* ~~military spouse~~ who obtains a facilitated license *under this section* shall comply with all license renewal requirements specified in Plc 1206 if the ~~military spouse~~ *individual* remains in New Hampshire after the term of the initial license and 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 ~~he or she~~ *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 to the licensing bureau:

(1) A written request that specifically requests a return to active status; *and*

(2) Documentation of the credential required by RSA 310-A:169; ~~and~~.

*(e) To request a return to active status after the expiration date of the inactive license, the license 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, including documentation of the credential required by RSA 310-A:169; and*
- (3) Payment of the renewal fee specified in Plc ~~1206.02(e)~~-1002.*

Plc 1205.05 Maintenance of Credential and Continuing Education Required.

*(a) Each licensee shall maintain the applicable credential listed in Plc 1204.01(a) at all times during a license period.*

*(b) 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 not less than 3 years, 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** preceding 3 years 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 ~~original~~**requested** documentation for ~~each course~~ to the executive director no later than the date specified in the notice.*

*(e) Failure to submit documentation when directed to do so shall constitute a violation of these rules for which disciplinary action shall be taken **unprofessional conduct that subjects the licensee to discipline** as provided in RSA 310-A:174 and Plc 1208.*

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 will require a new application processing fee; and
- e. The application processing fee paid with the renewal application shall not be refunded; and

(2) Include with the notice a copy of the ~~“Application to Renew License to Practice Court Reporting” dated January 2023~~ ***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 to Renew Court Reporter for License Renewal” dated January-March 2023, as tailored for court reporter licenses,~~ that provides the information required by ~~Plc 1206.03-308.06~~ and is signed and ~~certified~~ ***attested to*** as specified in ~~Plc 1206.05-308.08~~;

(b) The ***information and*** documentation required by ~~Plc 308.07 and Plc 1206.0403~~, as applicable; and

(c) ~~An~~ ***The*** application processing fee of ~~\$155~~ ***specified in Plc 1002, provided that applicants applying for facilitated licensure as active military or a military spouse shall not pay the fee.***

~~Plc 1206.03 Information Required for Renewal Application. An applicant for renewal of a license to practice court reporting shall provide the following information:~~

- ~~(a) The applicant’s license number and expiration date;~~
- ~~(b) The applicant’s full legal name, including any suffix such as “Jr.” or “III”, and any other name(s) in which the applicant holds or has held a professional license;~~
- ~~(c) The applicant’s date of birth by month, day, and year;~~
- ~~(d) The applicant’s social security number, as required by RSA 161-B:11, VI a and 42 U.S.C. 666(a)(13);~~
- ~~(e) The applicant’s home physical address by street name and number, apartment number if any, municipality, county, state, and country if not the U.S., and home mailing address if different;~~
- ~~(f) The applicant’s home or other personal telephone number;~~
- ~~(g) The applicant’s designated e-mail address;~~
- ~~(h) Relative to the business or other organization where the applicant works, the name and address of the organization, its telephone number, the URL of the organization’s website, if any, and the business email address, if any;~~
- (i) An update of the information the applicant has previously provided relative to professional licensing in other jurisdictions, including the date of most recent licensure, if the information has changed;

~~(j) A “yes” or “no” answer to the following questions regarding the applicant’s background and character, provided that “not previously reported” shall not include anything not required by Ple 1204.03(n):~~

- ~~(1) During the past 27 months or not previously reported, have you been found guilty *of* or entered a plea of no contest to any felony or misdemeanor?;~~
- ~~(2) During the past 27 months or not previously reported, have you been the subject of any disciplinary action by any professional licensing authority?;~~
- ~~(3) During the past 27 months or not previously reported, have you been denied a license or other authorization to practice in or jurisdiction?;~~
- ~~(4) During the past 27 months or not previously reported, have you surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges?;~~
- ~~(5) Are you now or do you have any reason to believe that you will soon be the subject of a disciplinary proceeding, settlement agreement, or consent decree undertaken or issued by a professional licensing board of any jurisdiction?;~~
- ~~(6) During the past 27 months or not previously reported, has any malpractice claim been made against you?;~~
- ~~(7) During the past 27 months or not previously reported, have you, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at your place of employment, or had any privileges limited, suspended or revoked in any professional setting?; and~~
- ~~(8) During the past 27 months or not previously reported, have you been denied the privilege of taking an examination required for any professional licensure?; and~~

~~(k) Whether the applicant consents to the disclosure to third parties of any or all of the applicant’s personal contact information.~~

Plc 1206.0403 ***Information and Documentation Required for Renewal Application.*** *In addition to the information and documentation required by Plc 308.07,* ~~t~~The applicant shall submit the following ~~documentation~~ with a renewal application:

- (a) Documentation of current NCRA or NVRA credential(s), as applicable;
- ~~(b) If the applicant answered “yes” to any of the background and character questions in Ple 1206.04(j), a written explanation detailing the circumstances surrounding each that includes the date, the underlying facts, any official action(s) taken based on the circumstances, and any other information the applicant believes is relevant; and~~
  - (b) If the applicant is not a U.S. citizen, proof of authorization to work in the U.S.; and***
- (c) 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 ~~DC~~.

~~Plc 1206.05 Signature and Certification Required for Renewal Application.~~

- ~~(a) The applicant shall sign and date the application, provided that when the application is available via an on line portal, the submission of the application shall constitute the signature and the date of submission shall be the date.~~
- ~~(b) The applicant's signature shall constitute the applicant’s certification that:~~

- ~~(1) The applicant is in full compliance with RSA 310-A:161-181 and all corresponding New Hampshire rules;~~
- ~~(2) The applicant's credentials have not been suspended or revoked by any professional licensing board, or an explanation of each such occurrence has been attached;~~
- ~~(3) The information and documentation provided are true, complete, and not misleading to the best of the applicant's knowledge and belief;~~
- ~~(4) The applicant understands that providing false or misleading information constitutes grounds for denial, suspension, or revocation of a license; and~~
- ~~(5) The applicant understands that knowingly providing false information constitutes a misdemeanor under RSA 641:3, I relative to falsification in official matters.~~

Plc 1206.0604 Initial Review of Renewal Applications. ~~(a)~~ 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.***

- ~~(1) Accept the application as being complete; or~~
- ~~(2) Determine that the application is incomplete and notify the applicant in writing sent to the applicant's designated email address that the application is incomplete, specifying what the applicant needs to submit to complete the application.~~

~~(b)~~ A notice of incompleteness sent pursuant to ~~(a)(2)~~, above, shall clearly inform the applicant that if the application is not completed by the end of the month in which the license expires, then:

- ~~(1) The applicant's NH license will expire and the applicant will not be able to work legally in New Hampshire unless and until the license is reinstated;~~
- ~~(2) The application for reinstatement will require a new application fee; and~~
- ~~(3) The application processing fee paid with the renewal application shall not be refunded.~~

Plc 1206.0705 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 1206.0806 ***by proceeding in accordance with Plc 308.10.***

~~(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau that clearly states the applicant's intention to withdraw the application and clearly identifies the name in which the application was submitted and the date the application was submitted.~~

~~(c) Upon receipt of a notice of withdrawal, the licensing bureau shall cease processing the application and mark the file to indicate the application was voluntarily withdrawn by the applicant.~~

***(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.***

~~(d)~~ If the application is withdrawn ***or abandoned***, the application processing fee shall not be refunded.

Plc 1206.0806 Review of Complete Renewal Applications; Decisions.

~~(a) After determining that an application is complete,~~ The licensing bureau shall review the ***complete*** applications to determine whether the applicant meets all criteria for renewal of the license ***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; ~~and~~
  - (3) *Meets the eligibility for renewal criteria specified in Plc 308.02; and***
  - ~~(34)~~ For whom none of the circumstances listed in Plc 1206.~~4008~~ apply, provided that:
    - a. If any of the circumstances listed in Plc 1206.~~4008~~ 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 conditionally 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 fee shall not be refunded.

~~Plc 1206.0907~~ 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 is authorized to use.

(b) Renewal licenses shall:

- (1) Be valid for 2 years, 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 on the last day of the month in 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 1206.4008~~ 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 not maintained the credential required by RSA 310-A:169;



(b) The applicant has committed an unethical act for which discipline could be imposed under Plc 1208; or

(c) The applicant no longer complies with the other statutory qualifications for licensure.

***Plc 1206.09 Challenging a Conditional Denial of License Renewal. An applicant who wishes to challenge the conditional denial of an application for license renewal shall do so as provided in Plc 308.12.***

~~Plc 1206.44~~***10 Reinstatement of a License After Expiration.***

(a) An individual whose license has expired shall not practice in New Hampshire unless and until ~~he or she~~***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, including demonstrating that the applicant is certified by the NCRA or NVRA, as applicable.

~~Plc 1206.42~~***11 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 and paying any monetary penalties imposed, but not paying an additional 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;***

***b. Pay all monetary penalties imposed, if any;***

***c. Pay the costs associated with the suspension, if imposed pursuant to RSA 310-A:1-m, VI or other applicable law; and***

***d. Demonstrate that all conditions imposed in the suspension order have been met.***

~~(ab)~~***(ab) 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 holds the credentials required by RSA 301-A:169 from the NCRA or NVRA, as applicable; and***

***(2) Demonstrate that all conditions imposed in the revocation order have been met.***

~~(bc)~~***(bc) 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.***

(*ed*) 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-A:1-m, VI or other applicable law;
- (3) Paid any monetary penalties imposed under Plc 1208 or predecessor rules in title Rep; and
- (4) Demonstrated that ~~he or she~~ *the individual* meets all other requirements for a renewal license.

## 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 authorized based on credentials from the NCRA shall comply with the NCRA Code of Ethics ~~reprinted~~ *available as noted* in Appendix B, except as modified in RSA 310-A:180, I and II, reprinted in Appendix ~~DC~~.

(b) Licensees authorized based on credentials from the NVRA shall comply with the NVRA Code of Ethics ~~reprinted~~ *available as noted* in Appendix B, except as modified in RSA 310-A:180, I and II, reprinted in Appendix ~~DC~~.

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 credentials;

(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-A:174, III, reprinted in Appendix ~~DC~~, 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 ~~the~~ *each* action(s) *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 reactivated after the conditions specified in the suspension order have been met by submitting a written request to the executive director that demonstrates compliance with the plan of correction as approved by the executive director *reinstated in accordance with Plc 1206.11(a).*~~

~~(d) If a suspended license is reactivated prior to the expiration date of the license that was suspended, the licensee shall not be required to pay an additional fee and the expiration date of the license shall remain the same.~~

~~(e) If a suspended license is reactivated after the expiration date of the license that was suspended, the licensee shall file a complete renewal application with the request to reinstate the license.~~

~~(f)~~ 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.

~~(g)~~ 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 1206.12 ~~II~~ *(b)*.

~~(h)~~ 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-A:1-m, VI.

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, 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 \$200 per day or \$1,000 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.

(d) A single course of continuing conduct shall be treated as a single violation for purposes of Plc 1208.03(c)(1), (2), and (3).

(e) 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.

#### APPENDIX A: STATE STATUTES IMPLEMENTED

Rule	State Statute Implemented
Plc 1200 (see below for more specific statutes)	RSA 310-A:161-181
Plc 1203	RSA 310-A:163
Plc 1204	RSA 310-A:167-170
Plc 1205	RSA 310-A:172; RSA 310-A:178
Plc 1206	RSA 310-A:173
Plc 1207	RSA 310-A:180
Plc 1208	RSA 310-A:174-175

#### APPENDIX B: INCORPORATED REFERENCES

Rule	Reference Incorporated	Available at:
Plc 1207.02(a)	NCRA Code of Ethics	<a href="https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics">https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics</a>
Plc 1207.02(b)	NVRA Code of Ethics	<a href="https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics">https://www.ncra.org/home/professionals_resources/NCRA-Code-of-Professional-Ethics</a>

#### APPENDIX C: OTHER STATUTORY PROVISIONS

##### **310-A:174 Disciplinary Action. –**

- I. The executive director may undertake disciplinary proceedings:
  - (a) Upon his or her own initiative; or
  - (b) Upon written complaint of any person which charges that a person licensed by the executive director has committed misconduct under paragraph II and which specifies the grounds therefor.
- II. Misconduct sufficient to support disciplinary proceedings under this section shall include:
  - (a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.
  - (b) The practice of court reporting using a reporting method for which the person is not licensed.
  - (c) Conviction of a felony.
  - (d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.
  - (e) Unfitness or incompetency by reason of negligent habits or other causes.
  - (f) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders him or her unfit to practice under this subdivision.
  - (g) Mental or physical incompetency to practice under this subdivision.
  - (h) Willful or repeated violation of the provisions of this subdivision.
  - (i) Suspension or revocation of a license, similar to one issued under this subdivision, in another jurisdiction and not reinstated.
- III. The executive director may take disciplinary action in any one or more of the following ways:
  - (a) By reprimand.
  - (b) By suspension, limitation, or restriction of license for a period of up to 5 years.
  - (c) By revocation of license.
  - (d) By requiring the person to participate in a program of continuing education in the area or areas in which he or she has been found deficient.

(e) By assessing administrative fines in amounts established by the executive director which shall not exceed \$2,000 per offense, or, in the case of continuing offenses, \$200 for each day up to a total not exceeding \$2,000.

**Source.** 2007, 300:1, eff. July 1, 2007. 2022, 64:6, eff. July 19, 2022.

**310-A:177 Surety Bond Required.** – There shall be filed with each original application for licensure a bond in the form of a surety, by a reputable company engaged in the bonding business, authorized to do business in the state, for the penal sum of \$1,000 with one or more sureties, to be approved by the attorney general and conditioned that the applicant conform to and not violate any of the duties, terms, conditions, provisions, or requirements of this subdivision. If any person shall be aggrieved by the misconduct of any such licensee, such person may maintain an action in his or her own name upon the bond of said licensee in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee shall be entitled to the same upon the bond of such licensee or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this subdivision shall not be exclusive of any other remedy which would otherwise exist.

**Source.** 2007, 300:1, eff. July 1, 2007.

**310-A:180 Code of Ethics.** – The executive director shall adopt the National Court Reporters Association Code of Ethics as the New Hampshire advisory board of court reporters code of ethics, including all provisions relating to giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies, or any other persons or entities associated with the litigation or to the representatives or agents of any of the foregoing except for:

I. Items that do not exceed \$100 in the aggregate per recipient each year; or

II. Pro bono services as defined by the New Hampshire Bar Association.

**Source.** 2007, 300:1, eff. July 1, 2007. 2022, 64:5, eff. July 19, 2022.

#### **APPENDIX D: PLC 307.04 AS EFFECTIVE MAY 1, 2023**

##### **Plc 307.04 Obligations of Persons Subject to These Rules.**

(a) Each person subject to these rules shall comply with all applicable law.

(b) In any application or other document filed with, or statement made to, the licensing bureau or the applicable board, each person subject to these rules shall provide information that, to the best of the person's knowledge and belief, is true, complete, and not misleading.

(c) Each person subject to these rules shall cooperate with investigations and requests for information from the OPLC and the applicable board, wherein "cooperate" means to provide the information requested, answer any questions posed, and allow inspections in order to enable the OPLC or applicable board to determine compliance with applicable law.

(d) Each person subject to these rules shall provide honest and accurate information in reports prepared as part of practicing the profession in which the person is authorized to practice.

(e) Each person subject to these rules shall report evidence of professional misconduct on the part of another licensee when that conduct poses a potential threat to life, health, or safety.

(f) Each person subject to these rules shall maintain sexual boundaries by:

(1) Refraining from any behavior that exploits the professional-client or professional-patient relationship in a sexual way; and

- (2) Avoiding any behavior that is sexual, seductive, suggestive, or sexually demeaning, or could be reasonably interpreted as such, even when initiated by or consented to by the target of the behavior.
- (g) Each person subject to these rules shall be truthful in publicly representing or advertising himself or herself by avoiding the following:
- (1) False, deceptive, or misleading statements;
  - (2) Unreasonable or exaggerated claims of success;
  - (3) Guarantees of success;
  - (4) Claims or implications of professional superiority or of training that cannot be substantiated; and
  - (5) Unsubstantiated claims of expertise or certification of such in any specific areas of the scope of practice set forth in applicable law.
- (h) Each person subject to these rules shall interact with colleagues and clients with honesty and integrity.
- (i) No person subject to these rules shall misrepresent professional qualifications or credentials.
- (j) Each person subject to these rules shall treat all individuals with whom the person interacts in a professional capacity with respect and civility.
- (k) No person subject to these rules shall engage in hazing or sexual, verbal, or physical harassment of any individual when interacting in a professional capacity.
- (l) No person subject to these rules shall discriminate based on age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability, or national origin, or any additional class protected by law.