



## STATE OF NEW HAMPSHIRE

### OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

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### FP 2025-47, Plc 300 various Amendments to Licensure and Discipline of Regulated Professions Summary of Comments on Initial Proposal with OPLC Responses April 24, 2025

#### Background

The Executive Director of the Office of Professional Licensure and Certification (OPLC) is proposing to readopt the recently-adopted Interim rules in Plc 300 as regular rules to establish the Interim rules as regular rules and is proposing changes to some of the Interim rules and to other rules in Plc 300, as described in the Rulemaking Notice published in the *N.H. Rulemaking Register* on February 27, 2025 as NN 2025-47.

Six individuals from the public attended the public hearing held on March 26, 2025; two provided comments and one asked a question. Written comments were received from one of the hearing attendees, the Optometry Board, and several other individuals.<sup>1</sup> Written comments also were received from the Office of Legislative Services, Administrative rules. The comments received and the OPLC's responses follow the summary of changes made by the OPLC on its own initiative.

#### Changes made by the OPLC

Plc 302.01 (definition of "application-related fee"): revised (a) and (c)(1) and (2) to clarify that any fee for testing is paid directly to the third party testing organization, not to the OPLC, and to add a reference to Plc 1004 which has been adopted as Emergency rules for examination fees.

Plc 304.01 (applying for initial licensure): in (a)(3) intro, inserted a comma after "profession-specific rules" in the second line.

Plc 304.09 (decisions on applications for initial licensure): in (b), added a reference to the successor rule for Ph 305.02, since the rule has been drafted and is expected to be adopted later this year.

Plc 308.05 (application for license renewal): in (a), inserted "of the license" after "expiration date" at the end of the paragraph to ensure clarity.

Plc 312.01 (practice prohibited after license expiration, suspension, or revocation): in (c), replaced "is" with "has been" before "suspended" in the first line.

Plc 312.04 (restoration of suspended licenses): In (b)(1), deleted the "g" from "withing" in the first line.

#### Public Comments

##### **Plc 301.02 re: definition of "application-related fees"**

*Comment: "How will the cost of third party examination contractors elevate the fees, and what is the nature of the savings in cutting loose dedicated professional volunteers that cost nothing beyond OPLC staff oversight? How much oversight will OPLC need to keep the contractors in line? Is there any sort of transparent balance sheet analysis supporting recent changes?"*

*Response: The decision to engage third party organizations (TPOs) to administer examinations was based on several factors, including the need to streamline internal operations to stay within budget limits and*

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<sup>1</sup> A few of the comments related to RSA 318 and rules in title Ph (Pharmacy Board), not to Plc 300 as proposed. Those comments are not included in this summary.

the availability of multiple TPOs having expertise in administering licensing examinations for many states across the country. Further, the licensing exams for many professions already were being administered by TPOs. The costs incurred by a TPO for any single jurisdiction can be reduced by spreading overhead costs out over many jurisdictions. The OPLC now has responsibility for 55 boards and 59 professions, and “staff oversight” is far from a trivial expense. In order for the OPLC to continue to administer licensing exams, examination fees would have had to be increased significantly.

**Plc 303.03 re: evaluation of foreign credentials required**

*Comment:* I obtained my initial license based on foreign education quite a few years ago, and have remained in active status ever since. Will I really have to have my original foreign credentials evaluated the next time I apply to renew?

Response: The section is not intended to apply to on-going renewals of active licenses, and has been revised to remove ongoing renewals from its applicability and otherwise be clearer.

**Plc 303.04 re: examinations administered by third party testing organizations**

*Comment 1:* “What has been the vetting process for the contractor and how much input has been made by the BOL [sic - believed to be Board of Licensing]?”

Response 1: The OPLC used the RFP process to invite contractors to bid, and evaluated the responses received in relation to the criteria established in the RFP. RFPs are posted on the OPLC website at <https://www.oplc.nh.gov/search?keys=rfp>.

*Comment 2:* “Is it true that the new laws have removed licensing authority from the BOL and relegated the BOL to an advisory role only, with no remaining final authority over the licensing and examination metrics?”

Response 2: The primary purpose of the OPLC is to handle the administrative tasks that any board must undertake so that the boards themselves can focus on the substantive aspects of regulating professional occupations. As stated in RSA 310:1:

The purpose of the office of professional licensure and certification is to promote efficiency and economy in the administration of the business processing, record keeping, and other administrative and clerical operations of professional licensing and certification boards, including both professional healthcare licensing and professional technical licensing. The individual licensing and certification boards that are organized under the office of professional licensure and certification have specialized knowledge and experience and are separate and distinct for the purpose of regulating their various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that there are opportunities for improving efficiency and customer service by providing for the joint administration of the boards’ administrative, clerical, business processing, and record keeping functions. Except as provided in this section, the licensing and certification boards and entities organized under the office of professional licensure and certification shall exercise the powers, duties, functions, and responsibilities granted by statute.

RSA 310:4, II(c) confers authority on the Executive Director of the OPLC for:

“The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, **based on set objective standards developed by the boards**, and in accordance with RSA 541-A.” (Emphasis added.)

Thus, while the boards no longer have the responsibility for reviewing each application and making individual licensing decisions, the boards are responsible for developing and updating the “set objective standards” for approving or denying applications. Those standards include matters such as what education and training is required and what examinations must be taken to qualify for licensure, if not

specified in statute; other criteria can also be established, including but not limited to whether certain criminal convictions will result in disqualification.

The procedures followed by the Licensing Bureau that are established in Plc 304.08 (initial) and Plc 308.11 (renewal) are being revised to delineate the process for obtaining board input if an application is received that does not clearly align with the set objective standards established by that board. Also, if an application is denied, the applicant can request a hearing before the board, and the board will make the final decision, subject to review by the NH Supreme Court.

Further, while the Executive Director now has authority for establishing procedures for disciplinary proceedings, non-disciplinary remedial proceedings, and licensing proceedings, the boards remain an integral component of those processes by being the finders of fact in each matter.

*Comment 3: “What kind of question pool is the contractor given or what guidelines are they operating on to determine appropriate questions for minimum competency in New Hampshire? And what are the qualification[s] required of the contractor to know what minimum competency is?”*

Response 3: Questions for the jurisprudence exams are provided to the contractors by the OPLC, and some of the boards work with the contractor to develop the questions. For other exams, most contractors engage with a panel of experts in the subject matter being tested to develop the questions that will be used. The boards establish the minimum passing scores in the rules they adopt, and the OPLC informs the TPO of the required scores.

*Comment 4: “Has any effort been made to recover the lost data base that had hundreds of hours of exam question research [for licensed land surveyors]?”*

Response 4: The OPLC is committed to ensuring that all exams contain questions that are relevant and fair. The Board of Land Surveyors has been hard at work developing questions, and, to the extent that more exist, the OPLC would be happy to include them in a bank of questions. Current personnel of the OPLC are not aware of a lost database of questions, and there currently is a sufficient number of questions for the Land Surveyor Exam.

### **Plc 304.03 re: information required for initial license application**

*Comment 1: [re: (a)(1)] “The wording: “any other name(s) the applicant has ever been known by” is way too broad and could encompass many nick names and other names. We understand the intent but feel this would be better accomplished by stating “any other **Legal or business** name(s) the applicant has ever been known by” [Bold in original.]*

Response 1: The phrase “legal or business names” has meaning when applied to entities, but is not applied to individuals. Further, OPLC questions whether it is reasonable to think that an individual applicant would feel compelled to list unofficial nick names. However, the phrase “been known by” is being replaced with “used to obtain education, profession-related training, or government services including licensure of any kind”.

*Comment 2: [re: (a)(10)-(12)] “These should be removed this is not info necessary to apply for a license and not universal”*

Response 2: These questions are not being removed. The questions in (a)(10) were originally included at the request of state officials and others who are responsible for workforce data analyses, and the questions in (a)(11)-(12) were included at the request of a national organization that supports various healthcare professions. No applicant is obligated to answer any of the questions, as indicated by the phrase “provided that ‘prefer not to answer’ shall be an acceptable response to any or all question(s)”. Further, the applications have been modified to provide one box an applicant who does not want to answer any of the questions can check.

*Comment 3:* [re: (e)(3)] *“This is not just a yes or no answer, there are many reasons why any of this circumstance could occur (including issue with the employer) that have no impact on getting a license or reflect on a person’s professionalism. This question should be removed or be more specific.”*

**Response 3:** No changes to the question have been made. There likely are many more situations in which the answer does have an impact on someone’s fitness to receive a license than in which it does not, and the question can easily be answered with a “yes” or “no” as it is asking only whether the circumstance occurred, not whether it was justified. The opportunity to provide context and explanations is provided by Plc 304.04(a), which requires applicants to submit a “clear explanation, including all relevant facts, the date(s) of the action, and the sanction(s) imposed, of: (1) Any license sanctions, including fines or penalties, imposed administratively or via a court proceeding in a jurisdiction listed pursuant to Plc 304.03(c); and (2) Any “yes” answer to the background and character questions listed in Plc 304.03(e) that is not covered by (1), above;”.

*Comment 4:* [re: (f), (g), (h)] *“Wording is not universal to all Professions and should be removed”*

**Response 4:** The questions will not be removed. The purpose of having “universal” applications is to minimize the number of supplements or addenda that must be developed for various professions and the amount of rulemaking that must be done by various boards. Questions were included on the universal applications based on reviewing the then-existing application forms and board rules for common elements; a question did not have to appear on all of the applications to be included in the universal applications.

#### **Plc 304.08 re: review of complete applications for initial licensure; inspections**

*Comment:* *“This [(a)(1)] suggests that if the inspector had no issues OPLC could grant the license without review”*

**Response:** It is unclear how that conclusion can be drawn from this section, as it applies only to the preliminary aspects of application review. Applications that have been reviewed and determined to be complete are referred for inspection if the applicable board requires passing an inspection prior to initial licensure. The incorporated chapter, Plc 400, contains the details on what happens during the inspection, how deficiencies can be corrected, and how information on whether the applicant passed the inspection are conveyed to the licensing bureau. If an inspection is not required or when the Licensing Bureau is informed that the inspection was passed, the application moves to the Plc 304.09 process, where the requirements for approving or denying an application are established. This has been clarified in the rule by adding “and Plc 304.09” in the first line after “(c), below;”.

#### **Plc 308.01 re: applicability; license expiration**

*Comment:* [re: (c)(3)] *“We do not believe the word ‘obtained’ is appropriate. Please define this and how it relates to an expired license being reinstated so to speak.”*

**Response:** The word “obtained” is not used in Plc 308.01(c)(3); the word used is “reobtained”. Prior to the amendments to RSA 310 effected by Laws of 2024; 364:1, effective October 22, 2024, the word “reinstate” was used to refer to licenses that had expired (regardless of for how long) or that had been suspended or revoked. The 2024 amendments included definitions that now restrict the use of “reinstate” to licenses that are within a year after expiration (*i.e.*, expired but not yet lapsed) and licenses that were revoked. The OPLC now uses “restore” for licenses that were suspended and are reactivated prior to expiration. Instead of adopting rules that use each of the terms every time, the term “reobtain” was used in the rules to include all of the processes by which a former licensee can be returned to active status. In the FP, revisions have been made to eliminate the use of “reobtain”.

#### **Plc 308.05 re: application for license renewal**

*Comment:* *“The 3<sup>rd</sup> party renewal was a painful transition with many flaws and much confusion (many professionals temporarily lost active status). I believe that has smoothed out. Do we now have transparent cost numbers that justify the third party contract cost vs. the historic method of OPLC doing it in conjunction with the BOL’s?”*

Response: Renewal applications are processed by a national professional organization for only one profession; the OPLC does not otherwise have contracts for “third-party renewal”. It is possible that some licensees were confused by the directive to use an online tracking system for tracking continuing competence activities (CE Broker), and did not realize that an application for renewal still had to be filed with the OPLC after they reported their continuing competence activities. The online tracking system is expected to be more convenient to use for licensees that do not have profession-specific online tracking than maintaining paper records. It also is expected to facilitate the required audits of continuing competence. Due to the number of professions and licensees now subject to OPLC jurisdiction, it is not possible to keep up with audit requirements with current (and anticipated) staffing levels if paper records have to be reviewed for each audit.

**Plc 308.06 re: information required for renewal applications**

Comment 1: [re: (b)(1)] *“The wording: ‘any other name(s) the applicant has ever been known by’ is way too broad and could encompass many nick names and other names. We understand the intent but feel this would be better accomplished by stating ‘any other **Legal or business** name(s) the applicant has ever been known by”* [Bold in original.]

Response 1: See Response 1 at Plc 304.03, above.

Comment 2: [re: (b)(3)] *“Social security # on a renewal should only be the last 4 digits. There is no need to collect a full SS # every 2 years with all the identity theft that occurs on a regular basis in the country.”*

Response 2: The OPLC agrees that requiring only the last four digits makes sense. However, when this change was attempted in a prior rulemaking to revise Plc 300, attorneys for the Joint Legislative Committee on Administrative Rules (JLCAR) informed the OPLC that there was no statutory authority for requesting just the last four digits, there only was authority for requesting the entire number. Since the SSN is one of the few true personal identifiers that is unlikely to be known by others, the entire number is required.

Comment 3: [re: (b)(6)] *“This section refers to an Individual and not a business. This should be removed”*

Response 3: The question is not being removed. Plc 308.06(b) lists the questions that individuals, not entities, must answer on an application to renew a license. The requirement to provide information on an individual’s office or other place of business is routine and long-standing.

Comment 4: [re: (b)(7)] *“Wording is not universal to all Professions and should be removed”*

Response 4: See Response 4 at Plc 304.03, above.

Comment 5: [re: (b)(9)-(11)] *“Wording is not universal to all Professions and should be removed”*

Response 5: See Response 4 at Plc 304.03, above.

Comment 6: [re: (e)(7)] *“This is not just a yes or no answer, there are many reasons why any of this circumstance could occur (including issue with the employer) that have no impact on getting a license or reflect on a person’s professionalism. This question should be removed or be more specific.”*

Response 6: See Response 3 at Plc 304.03, above.

Comment 7: [re: (f), (g), (h)] *“Wording is not universal to all Professions and should be removed”*

Response 7: See Response 4 at Plc 304.03, above.

**Plc 311.07 re: misconduct**

Comment: *“Again uses the terminology Licensee and the reference to RSA 310:12 also states Licensee”*

Response: The term “licensee” is based on the term “license” as defined in RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” Plc 102.20 defines “licensee” as “a person who holds a permit, license,

certification, registration, or other form of approval required by law to engage in a profession regulated by a board. The term includes the authorized representative of a licensee that is an entity and any other term, such as “permit holder”, used in an applicable board’s rules to mean the same thing.” Thus, the term “licensee” includes all professionals who obtain legal permission to engage in their professions from the OPLC, regardless of whether the applicable practice act creates a license, permit, certification, registration, or other form of approval.

**Plc 312.04 re: restoration of suspended licenses**

Comment: [re: (b)(1)] *“Grammatical correction Should be ‘within 30 days’, not ‘withing 30 days’”*

Response: The OPLC has corrected this typographical error as noted above.

**Plc 313.01 re: purpose; basic qualification**

Comment: *“Isn’t the BOL the best judge of Basic Qualifications? Is the BOL’s roll ‘advisory only’ with the OPLC having the sole and final authority? If so, what is the justification of deeming the OPLC the authority on ‘basic qualification’ vs the BOL?”*

Response: As can be seen from the text of the rule, the “basic qualifications” are criteria, such as the license not being temporary and not being suspended or encumbered, that must be met for each of the professions for which a profession-specific definition of “substantially similar” is included. Adding the criteria listed in Plc 313.01(b) to each of the 44 profession-specific sections in Plc 313 would be cumbersome and overly wordy, and inevitably would lead to changes being made in some sections but not others, thereby causing confusion about why some professions are different.

**Plc 313.45 re: licensure by endorsement for optometrists**

Comment: *“In our discussions as a Board, we have identified a few further tweaks that would align with our profession-specific rules and eliminate any sources of confusion. ...[see specific comments below]*

*“We believe it is important to specify the optometry program must be nationally accredited. The National Board section fine tuning allows for the occasional changes in the make-up of the test and any change in the administering agency. We require all licensees to have CPR certification and feel it is of the utmost importance to our patients regardless of requirements in other states. Lastly, the JP exam has always been required and is an absolute necessity to optometrists entering our state. As you may be aware, optometry education and training are standardized at the national level, but scope of practice is determined by each state. Therefore, there are significant differences in the practice of optometry depending on which state the doctor is coming from. It is essential for the safety of our citizens that all practicing Doctors of Optometry in NH are responsible for knowing the laws and rules governing optometry in our state and can demonstrate mastery of that knowledge by passing our JP examination.”*

Comment 1: [In (a)(1), insert] *‘which is accredited by an established accrediting body recognized by the U.S. Department of Education or its successor’*

**Response 1:** Text has been added to require the school to be accredited by the Accreditation Council on Optometric Education (ACOE) or its successor. According to online research, there are no optometry schools in the U.S. or Canada that are not accredited by the ACOE. Further, it would be imprudent to tie any requirement to the U.S. Department of Education at this time.

Comment 2: [In (a)(2), replace *‘parts I, II, and III’* with *‘all parts’*, and insert *‘or its successor agency’* at the end]

Response 2: The phrase “or its successor agency” is being inserted at the end of the sentence in (a)(2). However, the OPLC is not replacing “parts I, II, and III” with “all parts”. Under the “NBEO EXAMS” tab of the NBEO website (<https://nbeo.optometry.org/>), five exams are listed in addition to parts I, II, and III. While it appears that some of the “additional” exams are components of the part I, II, or III exam that can be taken separately, replacing the specifically-listed parts with “all parts” creates

substantial uncertainty about what exams are required. Further, the board's own rules require applicants to pass parts I, II, and III of the NBEO exam (ref. Opt 301.05(a)).

Comment 3: [Add a new (a)(3) as follows:] *'A copy of a valid certificate verifying that the applicant has completed a program that certifies ability to perform cardio-pulmonary resuscitation (CPR) for adult, child, and infant life support.'*

Response 3: The Plc 313.45(a) lists what requirements the licensing jurisdiction must have for its license to be "substantially similar" to a NH license. Since CPR certification can be obtained at any time in any place, it is not appropriate to require the licensing jurisdiction to have a CPR certification requirement. However, paragraph (b) has been modified to require applicants to submit proof of adult, child, and infant CPR certification in addition to taking the NH jurisprudence exam.

Comment 4: [In (b), add the following after 'exam':] *'created by the board, consisting of questions requiring a knowledge of RSA 327, the rules of the board, and current laws pertaining to prescriptive privileges and requirements, including those pertaining to controlled substances.'*

Response 4: This change is not being made. The OPLC acknowledges that the suggested language appears in the Board's rules, but notes that in Part 313, the requirement for a "New Hampshire jurisprudence exam" is found in many profession-specific sections. In each case, the requirements for that specific jurisprudence exam are located in the underlying board's rules. The OPLC has initiated a rulemaking to clarify this by adding the following definition to Plc 313.10:

(e) "New Hampshire jurisprudence exam" means an examination on the New Hampshire-specific legal aspects of a profession that is required by the applicable board for all applicants, as established in the applicable board's rules.

**[No rule specified]**

Comment: *"I would like to address a concern regarding PLC 300, specifically in relation to the reinstatement of expired licenses.*

*In 2023, a notice was informed for all licensees to provide either their SSN or ITIN to renew their licenses within one year. However, the many requirements and slow procedures with IRS caused many rejection cases before obtaining the ITIN but unfortunately after the deadline.*

*As a result, numerous overseas licensees lost their licenses and at the same time they are unable to apply for new licenses due to missing documents such as experience verification letters from previous supervisors or new requirements that have been implemented.*

*It is worth noting that majority of states in the USA allow for a reinstatement period ranging from two to five years.*

*I respectfully suggest a review of this rule to extend the reinstatement period to two or three years instead of one year, thereby enabling professional individuals to reinstate their licenses and remain active members of your esteemed professional community."*

Response: The OPLC is not able to change the amount of time allowed for reinstatement, as the time is established within a statutory definition. Specifically, RSA 310:2, I includes the following definition:

(e) "Lapse" when referring to licenses shall mean a license that has been expired for one or more years. A licensee may no longer reinstate a lapsed license and must apply for a new license.

The OPLC is aware that at least one board that was brought into the OPLC had not previously implemented the statutory requirement enacted in 1997 to implement the federal Uniform Interstate Family Support Act (UIFSA) relative to child support. N.H. RSA 161-B:11, VI-a requires applicants for a professional license, commercial driver's license, occupational license, or marriage license to provide a social security number on the application, and protects such numbers from being disclosed under the state's right-to-know law. It is possible that in catching up with the requirement, the board's foreign licensees were disadvantaged.

**[Related to other rules in title Plc]**

Comment: *We object to the elimination of a requirement for some of the CE time for opticians to be live programming.*

Response: The requirement for live programming was eliminated from Plc 800 in response to a comment received in the rulemaking that led to the February 2024 adoption of the current rules. The comment that some programming should be live will be considered when amendments are drafted to Plc 800 later this spring.

**OLS Comments**

**Plc 304.03 re: information required for initial license application**

Comment 1: [re: (a)(10)a.] ***“Edit/Unclear: the application specifies ‘Applicant’s sex at birth’. As this [“at birth”] is more specific, should include that language in the rule text as well to ensure there is no confusion.”*** (Bold in original.)

Response 1: The words “at birth” were deleted from this rule in the FP filed for NN 2023-276, but were inadvertently not deleted from the form; they have now been deleted from the form also.

Comment 2: [re: (a)(10)d.] ***“Unclear: this question on the form has the language [‘drop-down list of U.S. states and territories’] but does not have any options listed unlike the other questions that reference a ‘drop down list’. Instead just one check box is provided. If the person is required to indicate the specific state or U.S. territory on the physical form, then a space should be made for them to write that information.”*** (Bold in original.)

Response 2: Because there can only be one possible list of all U.S. states and territories, the OPLC does not believe it is necessary to reprint the list on the printed form, which is just a representation of the online form, on which applicants will be able to select the applicable state or territory. However, a fill-in-the-blank space has been added to the “ Another Country (not U.S.)” answer.

Comment 3: [re: (a)(10)g.] ***“Unclear: this question also indicates there is a drop down list based on profession, but there is no drop down list on the form or a space for the applicant to write in that information.”*** (Bold in original.)

Response 3: Attempting to include a list of all possible answers across the 50+ professions under the OPLC is likely to create more confusion than it eliminates. A pre-populated list will be available to applicants applying online, on which they will be able to select the appropriate answer. However, a fill-in-the-blank space has been added to the form.

Comment 4: [re: (a)(10)h.] ***“Edit/Unclear: the form specifies ‘use or expected [sic] use’. Consider adding in ‘or expects to use’ here.”*** (Bold in original.)

Response 4: The phrase “or expects to use” has been added to the rule.

Comment 5: [re: (a)(10)i.] ***“Unclear: another ‘drop down menu’ which is not present on the form and leaves no space for the applicant to write that in”.*** (Bold in original.)

Response 5: See Response 2, above.

Comment 6: [re: (a)(11)a.] ***“Unclear: another ‘drop down menu’ which is not present on the form and leaves no space for the applicant to write that in”.*** (Bold in original.)

Response 6: See Response 3, above.

**Plc 304.10 re: challenging a denial of initial licensure; challenging license conditions**

Comment: ***“Unclear: there is a portions [sic] of the certification that cannot be incorporated by reference, so the certification needs to be included in the rule text.”*** (Bold in original.)

Response: The requirement to sign and date the form and the attestation language have been added as new paragraphs (b) and (c), with subsequent paragraphs (b)-(e) being redesignated as (d)-(g).



### Plc 308.01 re: applicability; license expiration

Comment: [re: (c)(3)] “**Unclear/Edit**: the statute and Plc 312 uses the term “reinstated” for licenses that have been expired for less than 1 year, so it is unclear why that term is being deleted here. Additionally, the term “reobtained” is replaced with “restored” in this proposal. ” (**Bold** in original.)

Response: The term “reobtained” was intended to refer to any of the mechanisms by which a former licensee can return to active status. However, it appears to create more confusion than it eliminates, so the word “reinstate” has been returned to (c)(3), and language has been added to (c)(3) and as a new paragraph (d) to clarify the distinction now made by the 2024 amendments to RSA 310:2 that a lapsed license cannot be reinstated, but rather a new license must be applied for.

### Plc 308.06 re: information required for renewal applications

Comment 1: [re: (b)(9)c.7.] “**Edit/Unclear**: why is this [prefer not to answer] only being added to this question when it is an option on all the other questions as well?” (**Bold** in original.)

Response 1: When revisions to Plc 300 were being drafted, the initial approach was to add “prefer not to answer” to the questions included in an inquiry about why they didn’t have that option. A decision was made late in the process to add a single spot to the form where an applicant can choose “prefer not to answer” in lieu of adding it to each provision, since each provision is covered by the introductory language. However, the phrase was not deleted from the two places where it had been added. Those deletions are included in the FP.

Comment 2a: [re: (b)(9)d. and f.] “**Unclear**: another ‘drop down menu’ which is not present on the form and leaves no space for the applicant to write that in” (**Bold** in original.)

Response 2a: See Response 3 at Plc 304.03, above.

Comment 2b: [re: (b)(9)d. and f.] “**Unclear**: another ‘drop down menu’ which is not present on the form and leaves no space for the applicant to write that in” (**Bold** in original.)

Response 2b: See Response 2 at Plc 304.03, above.

Comment 3: [re: (b)(9)i.7.] “**Edit/Unclear**: why is this [“prefer not to answer”] only being added to this question when it is an option on all the other questions as well?” (**Bold** in original.)

Response 3: See Response 1, above.

Comment 4: [re: (10)a.] “**Edit/Unclear**: why is this [“Identification of the practice setting at the applicant’s primary practice location;”] only being added to this question when it is an option on all the other questions as well?” (**Bold** in original.)

Response 4: The text is not being added to the other sections because it is not an option for the other sections.

Comment 5: [re: (b)(10)b.] “**Unclear**: form also specifies ‘or will’ provide services to. This should be included here in the rule text.” (**Bold** in original.)

Response 5: The rule text has been adjusted accordingly.

Comment 6: [re: (b)(10)c. and d.] “**Unclear**: form also specifies ‘or expects’ to spend. This should be included here in the rule text.” (**Bold** in original.)

Response 6: Originally, the text was not included because these are the questions for license renewal, so an applicant ought to know. However, the OPLC acknowledges that someone’s focus could shift, and has added “or expects to spend” to c. and d.

Comment 7: [re: (d)] “**Unclear**: form also asks for the license number. Need to include that here in the rule text” (**Bold** in original.)

Response 7: “License number” has been added to the rule.

### Plc 308.12 re: challenging a denial of renewal licensure; challenging license conditions

Comment: [re: (a)] “**Unclear**: there is a portions [sic] of the certification that cannot be incorporated by reference, so the certification needs to be included in the rule text.” (**Bold** in original.)

Response: The same changes have been made as are described in the Response at Plc 304.10, above.

### **Plc 311.13 re: conditions of license suspension or revocation**

Comment: [re: (e)] “**Unclear**: Plc 312.05 uses the term “reinstatement” not “reobtain”. Should be consistent in terminology to avoid confusion.” (Bold in original.)

Response: The difficulties with terminology can be traced to the legislative change to the definition of “reinstatement”, which now prevents its use for suspended licenses. However, paragraph (e) has been revised to remove “reobtain” and use “reinstated” instead since it applies only to revoked licenses.

### **Plc 312.04 re: restoration of suspended licenses**

Comment 1: [re: (a)] “**Unclear**: In (b)(2) below, the language is changed to “reinstatement” if the license [sic - request] is made within 30 days of the termination of the suspension period and within one year of the license expiration date. Consider saying, ‘or reinstated within one year of the expiration’.” (Bold in original.)

Response 1: Paragraph (a) has been restructured and revised to use “restoration” only for a suspended license that has not expired, and to use “reinstatement” for the period within one year of expiration of the suspended license.

Comment 2: [re: (c) intro] “[The word “restored” is] **Unclear**: is this just for the ‘restored’ licenses, or does this include the ‘reinstated’ licenses as well?” (Bold in original.)

Response 2: The paragraph has been modified to include “or reinstated” in the intro and (1).

Comment 3: [re: (d) use of “restoration”] “**See unclear comment on (a)**. Consider, ‘for restoration or reinstatement’” (Bold in original.)

Response 3: The words “or reinstatement” have been inserted after “restoration”.

### **Plc 313.49 re: substantially similar requirements for ... professional engineers**

Comment: [re: (a)(1)a. and b.] “**Edit**: if this is the first time the acronym is used in the rule, need to spell out the full title.” (Bold in original.)

Response: These acronyms are used in the profession-specific rules and are well understood by members of this profession. Further, “NCEES” is spelled out in Plc 313.31.

**Edits**: Plc 302.01(a) and (c)(1) [xref #]; Plc 304.10(a) and form [date]; Plc 308.05(b)(1) and form [date]; Plc 308.06(e)(7) [comma]; Plc 308.08(b)(2) [capitalization]; Plc 308.12(a) and form [date], and capitalization of “Hearingsclerk” in email address; Plc 308.15(b) and form [date]; Plc 312.05(a)(3)c. [delete “in”]