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Lindsey B. Courtney
Executive Director



March 9, 2023

Michael Morrell, Acting Director
OLS Division of Administrative Rules
25 Capitol Street, Room 219
Concord, NH 03301

RE: 2022-209, Plc 300 Licensure of Regulated Professions
Request for Conditional Approval

Dear Attorney Morrell:

I hereby request a conditional approval for 2022-209, Plc 300.

We would like to make the following changes to address specific comments of OLS staff, as reflected in the attached annotated excerpts:

Plc 301.04: in (d) and (e), restructure paragraphs to add that the OPLC will release the identified contact information if ordered to do so by a court of competent jurisdiction; in (f), replace “Conglomerate data” with “Aggregate data”.

Plc 302.05: change capital letters to lower case letters (except for “NH”) in “Criminal History Record” and “Online NH Criminal Conviction Check”.

Plc 304.01: in (a) intro and (1), move information on submitting applications from (1) to the intro to respond to the comment on Plc 304.05 regarding submitting applications electronically and insert the name of the application form in (1); in (b), delete “New Hampshire department of safety” and the parentheses around “NHDOS”.

Plc 304.05: in (b) intro, delete language relative to attesting under pains and penalties of perjury to respond to OLS comment on the same language in Plc 308.08; in (b)(4), add “:3” to the citation to RSA 641.

Plc 305.04: in (h) [now (i)], correct the font size.

Plc 305.05: in (a), add “:3” to the citation to RSA 641 (also see revisions requested below).

Plc 306.03: in (a), add language to cover submission of applications prior to portal being available in case the portal is not ready when the rules become effective.

Plc 308.08: in (b) intro, delete language relative to attesting under pains and penalties of perjury; in (b)(5), add “:3” to the citation to RSA 641.

Plc 310.02: replace direct requirement to comply with a code of ethics required by a regional or national certifying organization with a requirement to comply with any such codes if incorporated by reference in rules of the applicable board.

Plc 311.09: in (a), replace “Subject to (c) below” with “As provided in RSA 310-A:1-n, I” to clarify that the requirement is statutory; in (b), replace proposed language with the language from RSA 310-A:1-n, II regarding appealing to the Supreme Court; deleted (c); redesignated (d) as (c).

Appendix A: added lines so each part is listed.

Relative to the OLS comments about forms, we have drafted forms that are being submitted with this Request. We believe it is the General Court’s intent that these will supersede forms and rules of the individual boards. In conjunction with preparing the forms, we would like to make the following changes:

Plc 304.03: in the intro, add requirement for applicant to identify the profession for which the application is being filed and to indicate whether the applicant is an individual or an entity; in (a)(5), add “zip code” to the address information that must be provided; in (a)(10), require applicant to indicate whether facilitated licensure is sought; add new subparagraph (a)(13) to include any other profession-specific information required by applicable law to the extent not otherwise covered by the section, and make corresponding edits to subparagraphs (11) (delete “and” after the semi-colon) and (12) (add “and” after the semi-colon); in (c), add requirement to provide license number, date initially licensed, and date most recently licensed to information on licensure in other jurisdictions.

Plc 304.04: in (h), include an example of information or materials that might be required by applicable law.

Plc 304.05: in (b)(1), adjust end of sentence to clarify that the explanation is being submitted with the application.

Plc 305.03: in (a)(1), delete reference to “other applicable law”; in (a)(2), delete the references to “verification” and “acknowledgment and attestation” and insert the name of the form; add new (a)(3) to require the verification previously required by (a)(2); renumber (a)(3) as (a)(4); in (b), revised text to include option of mailing application if portal is not yet available.

Plc 305.04: in the intro, add a requirement for the applicant to identify the profession for which the application is being filed and the date the application was, or is expected to be, filed; reverse the order of paragraphs (b) and (c) to align with form; add new paragraph (g) regarding military duty status and redesignate subsequent paragraphs; in (~~g~~h), add requirement to provide the license number and date of most recent licensure to information provided on licensure in other jurisdictions; in (~~i~~j), update the cross-reference and delete “and” at the end; add new paragraph (k) regarding consent to disclosure of contact information; in (~~j~~l), update the cross-reference.

Plc 305.05: revise section generally to align with required signature and attestation sections for initial and renewal licensure.

Plc 306.03: in (a), add language for submitting applications if portal is not yet available.

Plc 308.05: in (a), add language for submitting applications if portal is not yet available; in (b)(1), insert name and date of application form; in (b)(2), replace “Certification” with “Attestation”.

Plc 308.06: in (a), add “profession” to the information the applicant must provide; in (b), add new subparagraph (8) to ask for information regarding military duty status and make corresponding change to paragraph (6) (delete “and”); add new subparagraph (9) to include any other profession-specific information required by applicable law to the extent not otherwise covered by the section and include an example.

Plc 308.07: add new (b) to require proof of any credential(s) required for renewal and redesignate subsequent paragraphs.

Plc 308.08: in (b)(1), revise end of sentence to clarify that the explanations are submitted with the application.

I appreciate your assistance in bringing this to the Joint Legislative Committee on Administrative Rules.

Sincerely,



Lindsey B. Courtney
Executive Director

Enclosures:

Annotated excerpts from Plc 300

Draft forms