

Adopt Plc 301 through Plc 304 to read as follows:

CHAPTER Plc 300 LICENSURE OF REGULATED PROFESSIONS

Statutory Authority: RSA 310-A:1-d, II(h)(2); RSA 310-A:1-f; RSA 310-A:1-p;
RSA 332-G:7, IV(c)

PART Plc 301 PURPOSE; APPLICABILITY; SENDING NOTICES AND LICENSES; AVAILABILITY
OF CONTACT INFORMATION; COMPUTATION OF TIME

Plc 301.01 Purpose. The purpose of this chapter is to establish:

- (a) Uniform procedures for applicants to submit applications for initial and renewal licensure and for reinstatement of licensure;
- (b) Uniform procedures for the office of professional licensure and certification (OPLC) to:
 - (1) Process and make decisions on submitted applications; or
 - (2) Implement decisions made by an applicable board on submitted applications;
- (c) Uniform procedures for temporary licensing under RSA 310-A:1-f and RSA 332-G:14;
- (d) Uniform procedures for facilitated temporary licensing of military personnel and spouses of military personnel under RSA 310-A:1-p;
- (e) Uniform responsibilities and obligations and ethical and professional standards for licensees; and
- (f) Uniform procedures for imposing disciplinary sanctions against licensees licensed under this chapter.

Plc 301.02 Applicability.

- (a) Subject to (b) and (c), below, this chapter shall apply to any person who intends to practice, or who does actually practice, a profession regulated by any applicable board.
- (b) This chapter shall not apply to any person made exempt from licensure by applicable law.
- (c) If the OPLC has a contract with a third party organization to process initial applications for licensure in New Hampshire on behalf of any applicable board, for example the National Association of State Boards of Accountancy (NASBA) on behalf of the board of accountancy, then:
 - (1) Notice of how individuals can apply for initial licensure shall be posted on the OPLC web page, <https://www.oplc.nh.gov>; and
 - (2) The provisions of this chapter relative to submitting an application for initial licensure shall not apply to such applications.

Plc 301.03 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 sent to a designated email address for which the OPLC does not receive any indication that the email was not delivered shall be deemed to have been received by the person who designated the email address.

Plc 301.04 Availability of Information on Applicants and Licensees.

- (a) The OPLC shall maintain a registry of applicants that includes:
- (1) For applicants who are individuals:
 - a. The individual's full name and contact information;
 - b. The type of license applied for; and
 - c. The status of the application; and
 - (2) For applicants who are legal entities:
 - a. The full legal name of the entity and each name under which the entity does business in New Hampshire;
 - b. The entity's contact information;
 - c. The type of license applied for; and
 - d. The status of the application.
- (b) The OPLC shall maintain a registry of licensees that includes:
- (1) For licensees who are individuals:
 - a. The individual's full name and contact information;
 - b. The type of license issued to the individual;
 - c. The license number; and
 - d. The status of the license;
 - (2) For licensees who are legal entities:
 - a. The full legal name of the entity and each name under which the entity does business in New Hampshire;
 - b. The entity's contact information;
 - c. The type of license issued to the entity;
 - d. The license number; and
 - e. The status of the license; and
 - (3) For all licensees:
 - a. The date of initial licensure; and
 - b. Period(s) of active licensure.
- (c) In response to a request or on its website, the OPLC shall disclose:
- (1) The name, type of license applied for, and application status of any applicant or category of applicants for whom the information is requested; and

(2) The name, license type, license number, and license status of any licensee or category of licensees for whom the information is requested.

(d) For applicants and licensees who are individuals, the OPLC shall not disclose any of the individual's contact information unless the individual has specifically authorized such disclosure.

(e) For applicants and licensees who are legal entities, the OPLC shall not disclose the entity's designated email address unless the entity has specifically authorized such disclosure.

(f) Nothing in this section shall prohibit the OPLC from disclosing:

(1) Conglomerate data that does not contain any personal identifiers, for example the number of licenses issued for a particular profession during a specified time period; or

(2) Limited data sets and statistical tables as provided in RSA 91-A:10, II.

Plc 301.05 Computation of Time.

(a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.

(b) Computation of any period of time established in these rules shall begin with the day after the action that sets the time period in motion and include the last day of the period so computed.

(c) For time periods not established in statute, if the last day of the period so computed does not fall on a working day, then the time period shall be extended to include the first working day following.

(d) Time periods established in statute shall be determined as specified in the statute.

PART Plc 302 DEFINITIONS

Plc 302.01 "Applicable board" means the supported board, commission, or council that regulates the profession for which an application for initial or renewal licensure, reinstatement of licensure, or temporary licensure is made, provided that for those professions for which the applicable board is advisory, the term means the executive director in consultation with the advisory board.

Plc 302.02 "Applicable law" means the state and federal statute(s), rules, standing orders, and case law, if any, under which a profession is regulated in New Hampshire.

Plc 302.03 "Compliance bureau" means the organizational unit within the OPLC's division of enforcement that is responsible for conducting inspections.

Plc 302.04 "Contact information" means:

(a) For an individual, the individual's designated email address, home or other personal telephone number, and home physical address and home mailing address, if different; and

(b) For a legal entity, the legal entity's designated email address, telephone number, and physical address and mailing address, if different.

Plc 302.05 "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 302.06 "Designated email address" means the email address identified by an applicant or licensee as the address for the OPLC to use when sending notifications and licenses.

Plc 302.07 “Executive director” means the executive director of the OPLC or designee.

Plc 302.08 “Lapsed” as applied to a license means the expiration date identified in applicable law has passed and either no application for renewal was filed, or an incomplete application for renewal was filed but was not completed by the expiration date of the license. The term includes “expired”.

Plc 302.09 “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 a regulated profession in any jurisdiction.

Plc 302.10 “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 302.11 “Office or other place of business” means:

(a) The primary location where a licensee practices or otherwise engages in the occupation or profession; or

(b) For those occupations and professions for which the licensee goes to the client’s premises or otherwise has a mobile operation, the location that serves as a licensee’s base of operations.

Plc 302.12 “On active military duty” means on active duty in the U.S. armed forces. The term includes “active military”.

Plc 302.13 “Person” means:

(a) An individual, for all regulated professions; and

(b) A legal entity, for those regulated professions for which applicable law authorizes a legal entity, such as a corporation or professional association, to obtain a license.

Plc 302.14 “Practice” as a verb means to engage in a regulated profession.

Plc 302.15 “Practice act” means the statute(s) that confer(s) authority on the applicable board to regulate a specific profession.

Plc 302.16 “Reciprocity” means the acceptance of another jurisdiction’s licensure as proof of qualifying for licensure in New Hampshire. The term includes “endorsement”, “portability”, “license recognition”, and any other term used in applicable law to mean the same thing.

Plc 302.17 “Regulated profession” means an occupation or profession for which a license is required to be obtained from the applicable board prior to engaging in the occupation or profession in New Hampshire.

Plc 302.18 “Reinstatement” means:

(a) The reactivation of a license that was suspended;

(b) The issuance of a license to a person whose license was revoked; or

(c) The issuance of a license to a person whose license has expired or lapsed but was not suspended or revoked.

Plc 302.19 “Supported boards, commissions, and councils” means the various legal entities that are supported by the OPLC, as listed in RSA 310-A:1-a, I. The term includes the singular form and the alternate form, such as “supported board, commission, or council”.

Plc 302.20 “Third party testing organization” means any regional or national accrediting or testing organization that administers an examination that is required by applicable law for licensure in New Hampshire.

Plc 302.21 “Working day” means any Monday through Friday, excluding days on which state offices are closed in observance of holidays.

PART Plc 303 REQUIRED CREDENTIALS AND EXAMINATIONS

Plc 303.01 Timing of Obtaining Credentials Relative to Applications. If applicable law requires individuals to hold credentials from a regional or national organization in order to practice in New Hampshire, the applicant shall obtain such credentials prior to submitting an application for licensure in New Hampshire unless applicable law allows an application to be filed prior to actually receiving the credentials.

Plc 303.02 Timing of Third Party Examinations Relative to Applications. If applicable law requires applicants to obtain prior permission from the applicable board to take an examination from a third party testing organization, the applicant shall submit an application for licensure prior to registering for and taking the examination.

Plc 303.03 Examinations Administered by Third Party Testing Organizations.

(a) Any individual seeking to obtain a license in a profession for which applicable law requires applicants to pass an examination administered by a third party testing organization, shall:

- (1) Register directly with the testing organization, including paying any fee required by the testing organization; and
- (2) Request the testing organization to transmit the results directly to the licensing bureau.

(b) Any individual seeking reasonable accommodations for disabilities in the administration of the third party testing shall do so through the testing organization.

(c) Any individual seeking to retake an examination administered by a third party testing organization shall apply to retake the examination directly to the testing organization, including paying any fee required by the testing organization.

Plc 303.04 Examinations Administered by Licensing Bureau.

(a) Any individual seeking to practice in a profession for which applicable law requires applicants to pass an examination, such as a jurisprudence examination, that is administered by the licensing bureau on behalf of an applicable board, shall file the application in order to be eligible to take the exam.

(b) Any individual seeking reasonable accommodations for disabilities in the administration of the testing shall do so through the licensing bureau.

(c) Any individual seeking to retake an examination administered by the licensing bureau on behalf of an applicable board shall apply to retake the examination directly to the licensing bureau.

Plc 303.05 English Language Proficiency Examinations.

(a) Any individual seeking to practice in a profession for which applicable law requires applicants meeting certain criteria to pass an English language proficiency examination shall register directly with a third party testing organization to take the exam identified in applicable law.

(b) Any individual seeking reasonable accommodations for disabilities in the administration of an English language proficiency examination shall do so through the testing organization.

(c) Any individual seeking to retake an English language proficiency examination shall apply to retake the examination directly to the testing organization, including paying any fee required by the testing organization.

PART Plc 304 INITIAL LICENSURE

Plc 304.01 Applying for Initial Licensure. Any person who wishes to apply for a New Hampshire license in a regulated profession in which the person is not currently licensed in New Hampshire shall:

(a) Submit to the licensing bureau:

- (1) A completed application as required by applicable law, using the paper or on-line form provided for the specific profession as accessed through <https://www.oplc.nh.gov>, that contains the information specified in Plc 304.03 and is signed and attested to as specified in Plc 304.05;
- (2) The additional information or documentation specified in Plc 304.04, as applicable; and
- (3) The non-refundable application processing fee and inspection fee, if any, specified in Plc 1002 or, if the profession's fees are not yet specified in Plc 1002, the fee(s) specified in applicable law unless Plc 304.02 applies;

(b) If applicable law requires a criminal records check, complete the process established by applicable law and 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/cpo/>, including paying any required fee and directing that the results be sent to the licensing bureau; and

(c) If applicable law requires proof of post-high school education, arrange for an official transcript, which shows the relevant degree awarded or training received and the date the degree was awarded or training was completed, to be sent by the issuing institution electronically to the licensing bureau at customersupport@oplc.nh.gov or, if not possible to transmit electronically, by mailing the transcript to the OPLC licensing bureau at the address specified for the OPLC in Plc 102.03.

Plc 304.02 Facilitated Licensing for Active Military and Spouses. Individuals who are on active military duty and spouses of such individuals who wish to be licensed in New Hampshire shall apply for initial licensing as specified in Plc 304.01, except that no fee shall be required.

Plc 304.03 Information Required for Initial License Application. The applicant shall provide the following information:

(a) If the applicant is an individual, the following:

- (1) The applicant's full legal name, including any suffix such as "Jr." or "III", and any name(s) under which the applicant holds or has held a professional license;
- (2) The applicant's date of birth by month, day, and year;
- (3) The applicant's gender assigned at birth, to be used solely for purpose of workforce data analysis by New Hampshire employment security;
- (4) The applicant's social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);

- (5) The applicant's home physical address by street name and number, apartment number if applicable, municipality, county, state, and country if not the U.S., and home mailing address if different;
 - (6) The applicant's home or other personal telephone number;
 - (7) The applicant's designated email address;
 - (8) The name, physical address, and telephone number of the applicant's anticipated office or other place of business, if known;
 - (9) Whether the applicant speaks English as the primary language and, if not, the applicant's primary language and other secondary languages;
 - (10) Whether the applicant is on active military duty or is the spouse of an individual who is on active military duty;
 - (11) Whether the applicant intends to practice in New Hampshire more than 50% of the time, whether in-person or by telehealth; and
 - (12) If specific training or a specific degree is required by applicable law, the name of the educational institution that provided the training or degree required and the date the training was completed or degree was received;
- (b) If the applicant is an entity, the following:
- (1) The applicant's full legal name as shown on the document(s) that created the entity and each name under which the applicant does business in New Hampshire;
 - (2) The type of entity the applicant is, such as a corporation, limited liability corporation, professional association, partnership, or other form;
 - (3) The entity's date and state of formation;
 - (4) The applicant's primary physical address in New Hampshire by street name and number, suite number if any, municipality, county, and zip code, and New Hampshire mailing address if different;
 - (5) The applicant's main telephone number;
 - (6) The applicant's designated email address;
 - (7) The name, telephone number, and email address of the individual authorized by the applicant to sign the application and the name, telephone number, and email address of each individual authorized by the applicant to interact with the OPLC regarding the application and any license issued based on the application, if other than the authorized signer; and
 - (8) Any additional information required for entities by applicable law;
- (c) Identification of each jurisdiction in which the applicant has applied for, holds, or has held a license to practice in the same profession as the license being applied for and, if required by applicable law, any other profession for which the applicant holds or has held a license, and the status in each jurisdiction such as in good standing, expired, suspended, revoked, or denied renewal;
- (d) If the applicant is applying for an initial license in New Hampshire based on reciprocity and is licensed in more than one other jurisdiction, identification of which jurisdiction the applicant believes has requirements for licensure that are equivalent to, or greater than, those established by applicable law;

(e) 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 profession for which application is being made;

(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 been the subject of any disciplinary action by any professional licensing authority within the past 10 years;

(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;

(f) For applicants in any health care profession, whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c; and

(g) Whether the applicant consents to the disclosure to third parties of:

(1) For individuals, any or all of the applicant’s contact information; or

(2) For entities, the entity’s designated email address.

Plc 304.04 Additional Information and Documentation Required for Initial License Application. At the time that an applicant for initial licensure submits a completed license application form, the applicant shall submit, or arrange for the licensing bureau to receive, the following:

(a) A clear explanation of the relevant circumstances 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;
- (b) If applicable, the applicant’s examination scores sent directly to the licensing bureau by the third party testing organization, including the English proficiency score if required by applicable law;
- (c) Subject to (d), below, an official letter of verification sent directly to the licensing bureau at customersupport@oplcnh.gov, or if the information cannot be sent electronically, at the mailing address for the OPLC specified in Plc 102.03, from each state that has issued the applicant a license or other authorization to practice the profession for which application is being made, that states:
- (1) Whether the license or other authorization is or was, during its period of validity, in good standing; and
 - (2) Whether any disciplinary action is pending or was taken against the license or other authorization to practice, whether administratively or via a court proceeding;
- (d) If the information required by (c), above, is available on a website and is considered by the issuing jurisdiction to be a primary source verification, the URL of each such website;
- (e) For applicants who are on active military duty, proof of service status in the form of verification from the Defense Finance and Accounting Service at <https://www.dfas.mil/garnishment/verifyservice/>;
- (f) For any applicant applying for facilitated licensure as the spouse of an individual who is on active military duty, proof of service status as required by (e), above, and proof of marriage in the form of:
- (1) A copy of the front and back of the applicant’s current military spouse identification card; or
 - (2) 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;
- (g) For any applicant that is an entity:
- (1) A copy of the legal document that authorizes the individual identified pursuant to Plc 304.03(b)(7) to sign the application on the applicant’s behalf; and
 - (2) Confirmation from the New Hampshire secretary of state’s office that the entity applying for licensure is in good standing and authorized to do business in New Hampshire; and
- (h) Any additional information or materials required by applicable law, except that no photograph shall be required to be submitted unless required by an applicable statute.

Plc 304.05 Signature and Attestation Required for Initial License Application.

- (a) The applicant for an initial license, or the authorized individual on behalf of an entity, shall sign and date the application, provided that for applications that are submitted electronically, the act of submitting the application shall constitute the signature and the date of submission shall be the date.
- (b) The signature shall constitute the applicant’s attestation, or the applicant’s attestation under pains and penalties of perjury if so provided in applicable law, 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 304.04(a);

- (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 material information constitutes a misdemeanor under RSA 641 relative to falsification in official matters.

Plc 304.06 Initial Review of Applications for Initial Licensure; Abandonment.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 304.01 or Plc 304.02, the licensing bureau shall:

- (1) Accept the application as being complete;
- (2) Accept the application as being complete except for test results; or
- (3) Determine that the application is incomplete because it lacks something other than, or in addition to, test results, 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) If the application is complete except for test results and the test has not yet been taken because permission is needed from the applicable board, the licensing bureau shall transmit the needed authorization to the applicant, provided the applicant meets the criteria to test specified in applicable law.

(c) If the application is complete except for test results, and either the test has been taken but the testing organization has not sent in the results or the applicant has registered for the test but has not yet taken the test, the licensing bureau shall hold the application until the results are received, but no more than 180 days.

(d) A notice of incompleteness sent pursuant to (a)(3), above, shall inform the applicant that the application will be deemed to have been abandoned if the application is not completed within 60 days, provided that test results shall not be subject to the 60-day time limit.

(e) 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 (f), below.

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

- (1) Identify the name in which the application was submitted, the date the application was submitted, and the profession for which the application was submitted;
- (2) Be submitted by the applicant in writing to the licensing bureau via email to customersupport@oplcnh.gov no later than the deadline specified for completing the application;
- (3) Clearly explain the circumstances that are beyond the applicant's control that prevent the applicant from completing the application by the deadline; and
- (4) Identify the date by which the applicant will complete the application, which shall be no later than 60 days after the original deadline.

(g) 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 (f), above.

(h) 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.
- (i) If the application is abandoned, then:
- (1) The application processing fee shall not be refunded;
 - (2) Any examination fee for an examination administered by the licensing bureau on behalf of the applicable board shall be refunded only if:
 - a. The applicant has not already taken the examination;
 - b. The applicant's payment has cleared; and
 - c. The OPLC has not already spent the funds in preparation for administering the examination; and
 - (3) Any inspection fee for an inspection required for licensure shall be refunded only if:
 - a. The inspection has not already been done; and
 - b. The applicant's payment has cleared.

Plc 304.07 Withdrawal of Application for Initial Licensure.

(a) An applicant may withdraw the application for licensure at any time prior to being notified of a decision under Plc 304.09.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau via email addressed to customersupport@oplcnh.gov that:

- (1) Clearly states the applicant's intention to withdraw the application; and
- (2) Clearly identifies the name in which the application was submitted, the profession for 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.

(d) If the application is withdrawn, then:

- (1) The application processing fee shall not be refunded;
- (2) Any examination fee for an examination administered by the licensing bureau on behalf of the applicable board shall be refunded only if:
 - a. The applicant has not already taken the examination;
 - b. The applicant's payment has cleared; and

c. The OPLC has not already spent the funds in preparation for administering the examination; and

(3) Any inspection fee for an inspection required for licensure shall be refunded only if:

a. The inspection has not already been done; and

b. The applicant's payment has cleared.

Plc 304.08 Review of Complete Applications for Initial Licensure; Inspections.

(a) After determining that an application is complete, the licensing bureau shall:

(1) Forward the application to the applicable board, for any applicable board that reviews applications directly; or

(2) Review the application to determine whether the applicant meets all criteria specified in applicable law for the license being applied for, provided that if an inspection is required prior to licensure, the licensing bureau shall refer the application to the compliance bureau for the inspection to be done.

(b) Subject to (c) and (d), below, the licensing bureau shall make a decision on a complete application for initial licensure within 60 days of determining that an application is complete.

(c) If an inspection is required by applicable law before a license can be issued, then:

(1) The compliance bureau shall notify the applicant of the date and time of the inspection;

(2) If the applicant cannot be available as scheduled due to circumstances beyond the applicant's control, the applicant shall request the inspection to be rescheduled, provided that the applicant shall make all reasonable efforts to allow the inspection to be completed within 30 days of the initial contact by the compliance bureau to schedule the inspection; and

(3) In all cases, the applicant shall allow the inspection to be completed within 60 days of the initial contact to schedule the inspection.

(d) If a timely inspection cannot be completed within 60 days of the initial contact to schedule the inspection due to the applicant's lack of cooperation or other conduct, the application shall be denied.

Plc 304.09 Decisions on Applications for Initial Licensure.

(a) For applications evaluated by the licensing bureau, if the applicant has demonstrated that all eligibility criteria specified in applicable law for initial licensure have been met, the licensing bureau shall approve the application and issue an initial license to the applicant at the applicant's designated email address.

(b) For applications evaluated by an applicable board, if the applicant has demonstrated that all eligibility criteria specified in applicable law for initial licensure have been met, the applicable board shall so notify the licensing bureau and the licensing bureau shall issue an initial license to the applicant at the applicant's designated email address.

(c) If the applicant has not demonstrated that all eligibility criteria specified in applicable law for full initial licensure have been met but applicable law provides for conditional initial licensure and the applicant has demonstrated that all eligibility criteria for conditional initial licensure have been met, then:

(1) For applications evaluated by the licensing bureau, the licensing bureau shall approve the application and issue a conditional initial license to the applicant at the applicant's designated email address; or

(2) For applications evaluated by an applicable board, the applicable board shall so notify the licensing bureau and the licensing bureau shall issue an initial conditional license to the applicant at the applicant's designated email address.

(d) If the applicant has not demonstrated that all eligibility criteria specified in applicable law have been met for full initial licensure or for conditional initial licensure, then:

(1) For applications evaluated by the licensing bureau, the licensing bureau shall:

a. Issue a conditional denial of the application; and

b. Inform the applicant by email sent to the applicant's designated email address that the denial shall become final if the applicant does not file a request for a hearing with the applicable board within 30 calendar days of the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following; or

(2) For applications evaluated by an applicable board, the applicable board shall:

a. Inform the licensing bureau of the conditional denial;

b. Issue a conditional denial of the application to the applicant at the applicant's designated email address; and

c. Inform the applicant the denial shall become final if the applicant does not file a request for a hearing with the applicable board within 30 calendar days of the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following.

(e) If the applicant is notified of the conditional denial by the licensing bureau, the licensing bureau shall forward the application file, including the conditional denial, to the applicable board.

(f) If the applicant does not file a request for a hearing with the applicable board within the time period specified in the notice issued pursuant to (d), above, the denial shall become final.

(g) If the application is denied, no application-related fees shall be refunded.

Plc 304.10 Challenging a Conditional Denial of Initial Licensure.

(a) An applicant who wishes to challenge the conditional denial of an application for initial licensure shall submit a written request for a hearing to the applicable board within 30 days of the notification of denial, unless extended for applicants on active military duty pursuant to (d), below.

(b) The request shall identify the applicant's name as shown on the application, the type of license applied for, the date the application was denied, and each reason why the applicant believes the license should be granted.

(c) Upon receipt of a written request for a hearing under (a), above, the applicable board shall commence an adjudicative proceeding as required by RSA 541-A and applicable law.

(d) If the applicant is on active military duty, the applicant shall:

- (1) If stationed within the United States, request a hearing within 60 days of the notification of denial; or
- (2) If stationed outside of the United States, request a hearing within 60 days of returning to the United States.

(e) An applicant who requests a hearing pursuant to (d), above, may request that the hearing be deferred until the applicant is no longer on active duty.

(f) If an applicant files a request pursuant to (d), above, then:

- (1) The request shall include an explanation demonstrating that the criteria specified in (d), above, are met; and
- (2) The applicant shall file a copy of the applicant's discharge papers within 60 days of discharge from active duty.

Plc 304.11 Issuance of Initial Licenses.

(a) Each initial license and conditional initial license issued under this chapter shall specify:

- (1) The name of the licensee;
- (2) The profession in which the licensee is authorized to practice and any limitations or sub-specialty, for example "Body Art Practitioner - Tattoo";
- (3) The effective date of the license; and
- (4) The license number.

(b) Upon issuance of an initial license or initial conditional license, the licensee shall become subject to Plc 307, Plc 310, and Plc 311 and to the regulatory authority of the applicable board.

Plc 304.12 Duration of Initial Licenses.

(a) As provided in RSA 310-A:1-h, subject to (b), below, initial licenses issued pursuant to this chapter that are not conditional shall be valid for 2 years, subject to the following:

- (1) Timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until final action has been taken on the renewal application; and
- (2) Suspension or revocation of the license pursuant to Plc 311 or other applicable law shall cause the license to not be valid unless and until it is reinstated as provided in Plc 309.

(b) If an applicable statute is amended to establish a different license period or expiration date, or both, for a specific profession that supersedes the 2-year license term and expiration date established in RSA 310-A:1-h, the profession-specific statute shall apply to that profession.

(c) A conditional license shall expire upon the first of the following events:

- (1) The date of expiration of the conditional license;
- (2) The approval or denial of full licensure; or
- (3) Such other event(s) as are specified in applicable law.

Plc 304.13 Issuance of Full Licenses to Conditional Licensees.

(a) A conditional licensee who completes all requirements for full licensure as established by the applicable board may request a full license in accordance with applicable law or, if applicable law is silent on the matter, in accordance with this section.

(b) To request a full license, the conditional licensee shall submit a complete application for initial licensure, supplemented as necessary to confirm that any requirements of the conditional license have been met.

(c) The licensing bureau shall process an application for full licensure as provided in Plc 304 for applications for initial licensure.

Plc 304.14 Wall Certificates. Any licensee who wishes to have a wall certificate to display in an office or other place of business shall submit a written request for the wall certificate to the licensing bureau by submitting a written request for a wall certificate that:

(a) Includes:

- (1) The name of the licensee or certificate holder as it appears on the license;
- (2) The license number from the electronically-issued license;
- (3) The profession in which the licensee is licensed and any limitations or sub-specialties;
- (4) Email and telephone contact information; and
- (5) Payment of the fee for wall display certificate specified in Plc 1001 made payable to "Treasurer, State of NH"; and

(b) Is mailed to the OPLC at the address specified in Plc 102.03.

Readopt with amendments Plc 801, eff. 11-24-21 (doc. #13292), and renumber as Plc 305, to read as follows:

PART Plc 305 TEMPORARY LICENSURE

Plc 305.01 Purpose. The purpose of the rules in Plc 305 is to implement RSA 310-A:1-f relative to temporary licensure of health care professionals and RSA 332-G:14 relative to temporary licensing of professionals licensed under Title XXX and the trades, professions, and businesses regulated by the mechanical licensing board under RSA 153:27 through RSA 153:38.

Plc 305.02 Applicability.

(a) Except as provided in (b) through (e), below, Plc 305 shall apply to any individual who has an active, unencumbered license in good standing in a regulated profession in another U.S. jurisdiction who wishes to practice the profession in New Hampshire and has applied or is applying for a regular license.

(b) As provided in RSA 332-G:14, II, Plc 305 shall not apply to any profession for which the applicable board has:

- (1) Determined that another jurisdiction's licensure requirements are not substantially equivalent to, or more stringent than, New Hampshire's in education, training, experience, or scope of practice; and
- (2) Published the determination on its website.

(c) No person who has already obtained a New Hampshire license that is active or expired, or that has been suspended or revoked, shall apply for a temporary license under RSA 310-A:1-f, RSA 332-G:14, or Plc 305 in the same profession.

(d) Individuals on active military duty and spouses of such individuals may seek temporary licensure under this part or under Plc 306.

(e) Rules of the applicable board shall apply in lieu of these rules to temporary licenses that are not issued in conjunction with an application for initial licensure, such as those that allow work on a specific project or assignment, including but not limited to temporary licenses from the board of professional engineers or board of professional geologists that allow work on a specific project or from the NH real estate appraisers board to allow work on a single assignment.

Plc 305.03 Applications for Temporary License.

(a) An applicant for a temporary license shall submit:

- (1) A completed application for initial licensure as provided in Plc 304 or other applicable law, which may be submitted prior to or with the application for temporary license;
- (2) The information and verification specified in Plc 305.04 with the acknowledgement and attestation specified in Plc 305.05; and
- (3) The temporary license application fee specified in Plc 1001.

(b) The applicant shall submit the required items electronically to the licensing bureau via the OPLC website at <https://www.oplc.nh.gov>.

Plc 305.04 Information and Verification Required for a Temporary License. An applicant for a temporary license shall provide the following information and verification:

- (a) 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 license;
- (b) The applicant's social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
- (c) The applicant's date of birth by month, day, and year;
- (d) The applicant's home physical address by street name and number, apartment number if any, municipality, county, state, zip code, and country if not the U.S., and home mailing address if different;
- (e) The applicant's home or other personal telephone number;
- (f) The applicant's designated email address;
- (g) Identification of each U.S. jurisdiction where the applicant holds an active license and whether the license is in good standing;
- (h) An answer to the question "Have you committed any acts or omissions that are grounds for disciplinary action in another jurisdiction?"
- (i) If the answer to the question in (h), above, is in the affirmative, a detailed letter of explanation explaining the circumstances and any disciplinary or non-disciplinary action taken; and

(j) Verification of licensure from a jurisdiction listed pursuant to (g), above, that has licensure requirements in the applicable profession that are substantially equivalent to or more stringent than those of New Hampshire, in the form of an official verification or a printout from an on-line license verification system.

Plc 305.05 Required Acknowledgement and Attestation. An applicant for a temporary license shall provide the following acknowledgement and attestation by indicating:

(a) Agreement with the following statement:

“I certify that the information I have provided on the application for temporary licensure and in the documents that I have submitted to support my application is true, complete, and not misleading to the best of my knowledge and belief. I understand that providing false or misleading information constitutes grounds for denial of the application or revocation of any license issued based on the information. I acknowledge that knowingly providing false material information is a misdemeanor under RSA 641 relative to falsification in official matters.”; and

(b) Agreement with the following statement:

“I attest that I am the applicant who has completed this application for a license and will receive and practice under the license if issued.”

Plc 305.06 Processing of Applications for Temporary License; Decisions.

(a) As required by RSA 332-G:14, IV, the executive director shall grant a temporary license to each applicant who is a professional in a profession that is subject to this part and who provides all items specified in Plc 305.03, including without limitation proof that the applicant holds an equivalent license in good standing in another U.S. jurisdiction and has committed no acts or omissions that are grounds for disciplinary action in another U.S. jurisdiction.

(b) If the information submitted by the applicant shows that the applicant does not qualify for a temporary license, the executive director shall deny the application.

(c) If the information submitted by the applicant is insufficient to allow the executive director to issue or deny a temporary license, the executive director shall request the applicant to provide the additional information needed to allow a determination to be made.

(d) Denial of a temporary license under this part shall not automatically result in denial of a regular license.

Plc 305.07 Duration of Temporary License. As provided in RSA 310-A:1-f, II and RSA 332-G:14, IV, a temporary license issued under Plc 305.06 shall remain valid for 120 days or until final action is taken on an application for full licensure, whichever occurs first.

Adopt Plc 306 through Plc 311 to read as follows:

PART Plc 306 TEMPORARY LICENSURE FOR MILITARY SERVICE MEMBERS AND SPOUSES

Plc 306.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 310-A:1-p as enacted by Laws of 2022, 310:8, effective August 30, 2022, relative to temporary licensure for military service members and spouses of military service members, reprinted in Appendix B.

(b) This part shall apply to any individual on active military duty or spouse of an individual on active military duty who holds a current, valid, unencumbered occupational or professional license in good standing issued by a state or territory of the United States who wishes to practice the occupation or profession in New Hampshire.

Plc 306.02 Qualifications. As required by RSA 310-A:1-p, to qualify for a temporary license under this part the applicant shall:

(a) Be a member of the armed forces of the United States or the spouse of a member of the armed forces of the United States;

(b) Hold a current, valid, unencumbered occupational or professional license in good standing issued by a state or territory of the United States that corresponds to a license, registration, or certificate needed to practice an occupation or profession in New Hampshire; and

(c) Be in good standing in all jurisdictions in which the applicant holds or has held a license.

Plc 306.03 Application for Temporary License for Active Duty Military and Spouses.

(a) To apply for a temporary license under this part, the applicant shall submit to the licensing bureau, via the on-line licensing portal at the OPLC website at <https://www.oplc.nh.gov>, the following:

(1) A completed application for initial licensure as provided in Plc 304, which may be submitted prior to or with the application for a temporary license;

(2) An “Application For Temporary License for Active Military and Spouses” dated February 2023 that includes the information required by Plc 306.04; and

(3) The supporting documentation identified in Plc 306.05.

(b) As required by RSA 310-A:1-p, II, the applicant shall execute and submit with the application submitted pursuant to (a)(2), above, a notarized affidavit affirming, under penalty of law, that:

(1) The applicant is the individual described and identified in the application;

(2) All statements made on the application are true and correct and complete;

(3) The applicant has read and understands the requirements for licensure and attests that those requirements are met; and

(4) The applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

Plc 306.04 Information Required for Temporary License Application. The applicant for a temporary license under this part shall provide the following information:

(a) The date the application for initial licensure was filed or is anticipated to be filed and the profession for which the application is being filed;

(b) 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;

(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 applicable, municipality, county, state, zip code, 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) Whether the applicant is on active military duty or is the spouse of an individual on active military duty;

(i) A list of each jurisdiction in which the applicant holds or has held a license to practice the occupation or profession for which a temporary license is sought and for each:

(1) The license number and date of most recent licensure; and

(2) The status of the license, such as active, expired, suspended, revoked, or denied renewal; and

(j) Whether the applicant consents to the disclosure to third parties of any or all of the applicant's contact information.

Plc 306.05 Documentation Required for Temporary License Application. Applicants under this part shall provide the following with the application submitted pursuant to Plc 306.03:

(a) For an applicant who is on active military duty, confirmation of military status obtained as provided in Plc 304.04(e);

(b) For an applicant who is the spouse of an individual on active military duty, a copy of the applicant's spouse's confirmation of military status and proof of marriage as provided in Plc 304.04(f); and

(c) For any applicant, proof of licensure in a state or territory of the U.S. that:

(1) Identifies the applicant by name; and

(2) Clearly shows that the applicant is authorized to practice the occupation or profession in that jurisdiction.

Plc 306.06 Decisions on Applications for Temporary License.

(a) As required by RSA 310-A:1-p, the executive director shall make a decision on the application within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check.

(b) The executive director shall issue a temporary license to any applicant who submits a complete application as required by Plc 306.03 and demonstrates that the statutory qualifications in RSA 310-A:1-p are met.

(c) If the information submitted by the applicant shows that the applicant does not qualify for a temporary license, the executive director shall deny the application.

(d) If the information submitted by the applicant is insufficient to allow the executive director to issue or deny a temporary license, the executive director shall request the applicant to provide the additional information needed to allow a determination to be made.

Plc 306.07 Duration and Expiration of Temporary License under RSA 310-A:1-p.

- (a) As provided in RSA 310-A:1-p, I, the temporary license shall be valid while completing the requirements for initial licensure in New Hampshire for not less than 180 days.
- (b) As provided in RSA 310-A:1-p, III, an applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements.
- (c) To request an extension, the applicant shall submit a request within 15 days prior to the temporary license's expiration date, as required by RSA 310-A:1-p, III.
- (d) A temporary license shall expire 180 days after issuance if a final decision has not been made on the application for initial licensure unless the applicant requests and receives an extension under (c), above.

PART Plc 307 LICENSEE OBLIGATIONS

Plc 307.01 Applicability.

- (a) Plc 307.02 and Plc 307.03 shall apply to any person who has obtained a license on or after the 2023 effective date of this chapter, whether an initial license, temporary license, or renewal license.
- (b) Plc 307.04 shall apply to:
- (1) Any person who has obtained or renewed a license under this chapter, whether an initial license, temporary license, or renewal license;
 - (2) Any student practicing under a provision in applicable law that allows such practice, whether as an internship or under a student license; and
 - (3) Any person who has obtained a license from an applicable board.

Plc 307.02 Licensee Obligations for Notifications.

- (a) Unless a longer time period is established in an applicable statute, 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 contact information or a change in business address occurs.
- (b) Each licensee shall know, and have available in the licensee's office or other place of business, information regarding how complaints can be filed with the OPLC or the applicable board.
- (c) Unless a longer time period is established in an applicable statute, each licensee shall inform the applicable board within 10 working days of any disciplinary action taken against the licensee by any jurisdiction in which the licensee is authorized to practice in any profession.
- (d) Unless a longer time period is established in an applicable statute, each licensee shall inform the applicable board 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 307.03 Licensee Responsibilities for Renewal. Each licensee shall:

- (a) Know when the licensee's license is due to expire; and
- (b) For an initial license that is not conditional and for a license that has been renewed previously, file an application for renewal prior to the expiration of the current license in accordance with Plc 308.

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.

PART Plc 308 RENEWALS; CONTINUING EDUCATION

Plc 308.01 License Expiration.

(a) As provided in RSA 310-A:1-h, subject to (b), below:

- (1) Issued licenses shall expire on the last day of the month in the month the license was issued;
- (2) Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the last day in the month of renewal;
- (3) A license shall lapse if a completed renewal application, renewal fee, and supporting documents have not been filed by the last day in the month of renewal; and
- (4) The holder of a lapsed license shall not be authorized to practice until the license has been reinstated.

(b) If an applicable statute is amended to establish a different license period or expiration date, or both, for a specific profession that supersedes RSA 310-A:1-h, the profession-specific statute shall apply to that profession.

Plc 308.02 Eligibility for Renewal. A licensee shall be eligible to renew the license held if the licensee has:

- (a) Met applicable continuing competence requirements;
- (b) Met any other requirements for renewal eligibility established in applicable law; and
- (c) Paid any monetary penalties that have been assessed against the licensee by an applicable board.

Plc 308.03 Notification of Pending License Expiration.

(a) As required by RSA 310-A:1-h, at least 2 months prior to the expiration of a license, the licensing bureau shall:

- (1) Notify, via email sent to the licensee's designated email address, each licensee whose license is expiring that the license is due to expire; and
- (2) Include with the notice a registration code for the licensee to use to renew on-line or, if the renewal application is not yet available on-line, a renewal application.

(b) If a licensee does not receive a registration code or application as provided in (a)(2), above, the licensee shall contact the OPLC at customersupport@oplcnh.gov to obtain a registration code or application.

Plc 308.04 Continuing Education; Continuing Competence; Documentation and Audits.

- (a) Each licensee shall comply with all continuing education or continuing competence requirements specified in applicable law.
- (b) Upon being notified by the OPLC that an on-line system administered by a third party organization under contract to the OPLC is available to manage continuing competence compliance, each licensee shall use the on-line system to track and report the completion of continuing competence activities unless a profession-specific on-line system is used.
- (c) Until an on-line system becomes available, each licensee shall retain documentation of participating in and successfully completing continuing competence activities as described in applicable law for the specific course or activity for the longer of the time specified in applicable law or 3 years.
- (d) Each licensee shall provide such information as is requested by the applicable board as part of an audit conducted pursuant to applicable law.

Plc 308.05 Application for License Renewal.

- (a) If a licensee wishes to renew, the licensee shall submit the information, materials, and fee(s) identified in (b), below, using the on-line system available at <https://www.oplc.nh.gov>, not more than 60 days prior to the expiration of the license but prior to the last day of the month of expiration.
- (b) The licensee shall submit the following information, materials, and fee(s):
- (1) The information specified in Plc 308.06 on the application obtained using the registration code provided, that is signed and attested to as provided in Plc 308.08;
 - (2) Certification or proof of having met applicable continuing education requirements, as required by applicable law;
 - (3) The supporting documentation identified in Plc 308.07; and
 - (4) The renewal application processing fee required by Plc 1002 or, if the profession's fees are not yet specified in Plc 1002, the fee(s) specified in applicable law, provided that applicants applying for facilitated licensure as active military or a military spouse shall not pay the fee.

Plc 308.06 Information Required for Renewal Applications. The information required by Plc 308.05(b)(1) shall be as follows:

- (a) The applicant's license number and the expiration date of the license;
- (b) For individuals, the following:
- (1) The applicant's full legal name, including any suffix such as "Jr." or "III", and any name(s) under which the applicant holds or has held a professional license;
 - (2) The applicant's date of birth by month, day, and year;
 - (3) The applicant's social security number, as required by RSA 161-B:11, VI-a and 42 U.S.C. 666(a)(13);
 - (4) The applicant's designated email address, home physical address, and home mailing address, if different;
 - (5) The applicant's home or other personal telephone number;

- (6) The name, physical address, and telephone number of the applicant's office or other place of business; and
- (7) If the applicant routinely practices in more than one location, the name of each such location and, for each:
 - a. The business address, and telephone number; and
 - b. Whether the applicant is an employee, a subtenant subletting space, an independent contractor, or the owner of the business;
- (c) For entities, the following:
 - (1) The applicant's full legal name as shown on the document(s) that created the entity and each name under which the applicant does business in New Hampshire;
 - (2) The type of entity the applicant is, such as a corporation, limited liability corporation, professional association, partnership, or other form;
 - (3) The entity's date and state of formation;
 - (4) The applicant's primary location address in New Hampshire and New Hampshire mailing address, if different;
 - (5) The applicant's main telephone number;
 - (6) The applicant's designated email address;
 - (7) The name, telephone number, and email address of the individual authorized by the applicant to sign the application and the name, telephone number, and email address of each individual authorized by the applicant to interact with the OPLC regarding the application and any license issued based on the application, if other than the authorized signer; and
 - (8) Any additional information required for entities by applicable law;
- (d) Identification of all states where the applicant is currently licensed and, for each, the date of most recent licensure and status of the license;
- (e) 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 to be submitted by Plc 304.03(e):
 - (1) Whether during the past 27 months or not previously reported, the applicant has been found guilty of or entered a plea of no contest to any felony or misdemeanor;
 - (2) Whether during the past 27 months or not previously reported, the applicant has been the subject of any disciplinary action by any professional licensing authority;
 - (3) Whether during the past 27 months or not previously reported, the applicant has been denied a license or other authorization to practice in any jurisdiction;
 - (4) Whether during the past 27 months or not previously reported, the applicant has surrendered a license or other authorization to practice issued by any jurisdiction in order to avoid or settle disciplinary charges;

- (5) 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;
 - (6) Whether during the past 27 months or not previously reported, any malpractice claim has been made against the applicant;
 - (7) Whether during the past 27 months or not previously reported, the applicant has, for disciplinary reasons, been put on administrative leave, been fired for cause other than staff reductions from a position at the applicant's place of employment, or had any privileges limited, suspended or revoked in any professional setting;
 - (8) Whether during the past 27 months or not previously reported, the applicant has been denied the privilege of taking an examination required for any professional licensure; and
 - (9) Whether during the past 27 months or not previously reported, the applicant has committed any act(s) that would violate the laws and/or rules that govern the practice of the profession in which the applicant is licensed;
- (f) Whether the applicant consents to the disclosure to third parties of:
- (1) For individuals, any or all of the applicant's contact information; or
 - (2) For entities, the entity's designated email address; and
- (g) For applicants in any health care field, whether the applicant has an ownership interest in any diagnostic or therapeutic service(s) or company(ies), and if so the name and address of each company and the specific diagnostic or therapeutic services provided by the company, to comply with RSA 125:25-c.

Plc 308.07 Additional Information and Documentation Required for Renewal Applications. At the time that an applicant for renewal licensure submits a completed license renewal application form, the applicant shall submit, or arrange for the licensing bureau to receive, the following:

- (a) A clear explanation of the relevant circumstances of any "yes" answer to the background and character questions listed in Plc 308.06(d);
- (b) For applicants who are on active military duty, proof of service status as specified in Plc 304.04(e);
- (c) For any applicant applying for facilitated licensure as the spouse of an individual who is on active military duty, proof of service status and marriage as specified in Plc 304.04(f);
- (d) For any applicant that is an entity:
 - (1) A copy of the legal document that authorizes the individual identified pursuant to Plc 308.06(c)(7) to sign the application on the applicant's behalf; and
 - (2) Confirmation from the New Hampshire secretary of state's office that the entity applying for licensure is in good standing and authorized to do business in New Hampshire; and
- (e) Any additional information or materials required by applicable law, except that no photograph shall be required to be submitted unless required by an applicable statute.

Plc 308.08 Signature and Attestation Required for Renewal Applications.

- (a) The applicant for license renewal, or the duly-authorized individual for an applicant that is an entity, shall sign and date the application, provided that for applications that are submitted electronically,

the act of submitting the application shall constitute the signature and the date of submission shall be the date.

(b) The signature shall constitute the applicant's attestation, or the applicant's attestation under pains and penalties of perjury if so provided in applicable law, 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 308.07(a);
- (2) If required by applicable law, the applicant has completed the survey or opt-out form provided by the Office of Rural Health, department of health and human services;
- (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 providing false material information constitutes a misdemeanor under RSA 641 relative to falsification in official matters.

Plc 308.09 Initial Review of Renewal Applications.

(a) Within 30 days of receipt of an application submitted pursuant to Plc 308.05, the licensing bureau shall:

- (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) Subject to (c), below, a notice of incompleteness sent pursuant to (a)(2), above, shall clearly inform the applicant that if the application is not completed by the last day 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; and
- (2) The application for reinstatement will require a new application fee, and the application processing fee already paid shall not be refunded.

(c) If a profession is not subject to the license period and expiration provisions of RSA 310-A:1-h because a profession-specific statute has been amended to establish a different license period that supersedes RSA 310-A:1-h, the profession-specific provisions shall apply.

Plc 308.10 Withdrawal or Abandonment of Renewal Application.

(a) An applicant may withdraw the application for licensure renewal at any time prior to being notified of a decision under Plc 308.11.

(b) To withdraw an application, the applicant shall submit written notice to the licensing bureau via email to customersupport@oplc.nh.gov that:

- (1) Clearly states the applicant's intention to withdraw the application; and

(2) Clearly identifies the name in which the application was submitted, the profession for 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.

(d) 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.

(e) If the application is withdrawn or abandoned, no application-related fee shall be refunded.

Plc 308.11 Review of Complete Renewal Applications; Decisions.

(a) After determining that an application is complete, the licensing bureau shall:

(1) Forward the application to the applicable board, for any applicable board that reviews applications directly; or

(2) Review the application to determine whether the applicant meets all criteria specified in applicable law for the license renewal being applied for.

(b) For applications evaluated by the licensing bureau, if the applicant has demonstrated that all eligibility criteria specified in applicable law for a renewal license have been met, the licensing bureau shall approve the application and renew the license with notification to the applicant at the applicant's designated email address.

(c) For applications evaluated by an applicable board, if the applicant has demonstrated that all eligibility criteria specified in applicable law for a renewal license have been met, the applicable board shall so notify the licensing bureau and the licensing bureau shall issue a renewal license to the applicant at the applicant's designated email address.

(d) If the applicant has not demonstrated that all eligibility criteria specified in applicable law have been met for license renewal, then:

(1) For applications evaluated by the licensing bureau, the licensing bureau shall:

a. Issue a conditional denial of the application; and

b. Inform the applicant the denial shall become final if the applicant does not file a request for a hearing with the applicable board within 30 calendar days of the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following; or

(2) For applications evaluated by an applicable board, the applicable board shall:

a. Notify the licensing bureau of the decision;

b. Issue a conditional denial of the application to the applicant at the applicant's designated email address; and

c. Inform the applicant the denial shall become final if the applicant does not file a request for a hearing with the applicable board within 30 calendar days of the date of the notice, provided that if the last day of the period is not a working day, the deadline shall extend to 4:00 p.m. of the first working day following.

(e) If the applicant is notified of the conditional denial by the licensing bureau, the licensing bureau shall forward the application file, including the conditional denial, to the applicable board.

(f) If the applicant does not file a request for a hearing with the applicable board within the time period specified in the notice issued pursuant to (d), above, the denial shall become final.

(g) If the application is denied, no application-related fees shall be refunded.

Plc 308.12 Challenging a Conditional Denial of Renewal Licensure.

(a) An applicant who wishes to challenge the conditional denial of an application for renewal licensure shall submit a written request for a hearing to the applicable board within 30 days of the notification of denial, unless extended for applicants on active military duty pursuant to (d), below.

(b) The request shall identify the applicant's name as reflected on the application, the type of license applied for, the date the application was denied, and the reason(s) why the applicant believes the license should be renewed.

(c) Upon receipt of a written request for a hearing under (a), above, the applicable board shall commence an adjudicative proceeding as required by RSA 541-A and applicable law.

(d) If the applicant is on active military duty, the applicant shall:

(1) If stationed within the United States, request a hearing within 60 days of the notification of denial or

(2) If stationed outside of the United States, request a hearing within 60 days of returning to the United States.

(e) An applicant who requests a hearing pursuant to (d), above, may request that the hearing be deferred until the applicant is no longer on active duty.

(f) If an applicant files a request pursuant to (d), above, then:

(1) The request shall include an explanation demonstrating that the criteria specified in (d), above, are met, including proof of military status as provided in Plc 304.04(e); and

(2) The applicant shall file a copy of the applicant's discharge papers within 60 days of discharge from active duty.

Plc 308.13 Renewal Licenses.

(a) Each renewal license issued under this chapter shall specify:

(1) The name of the licensee;

(2) The profession in which the licensee is authorized to practice and any limitations or sub-specialty, for example "Body Art Practitioner - Tattoo";

(3) The effective date of the license; and

(4) The license number.

(b) Unless otherwise provided in applicable law that supersedes RSA 310-A:1-h, a renewal license shall be effective for 2 years from the date of expiration of the prior license unless sooner suspended or revoked pursuant to Plc 311 or other applicable law.

Plc 308.14 Wall Certificates. Any licensee who wishes to have a wall certificate to display in the licensee's place of business shall submit a written request for the wall certificate to the licensing bureau in accordance with Plc 304.14.

PART Plc 309 REINSTATEMENT

Plc 309.01 Practice Prohibited After License Expiration.

(a) An individual licensee who fails to timely file a complete application to renew a license shall not practice in New Hampshire unless and until a license is obtained in accordance with this part and any other provisions of applicable law.

(b) Any entity for which a complete application to renew is not timely filed shall not operate as a licensed entity in New Hampshire unless and until a license has been obtained in accordance with this part and any other provisions of applicable law.

Plc 309.02 Reinstatement of Expired License.

(a) Unless otherwise provided in applicable law, an individual whose license has expired but is not lapsed under applicable law who wishes to have the license reinstated shall apply to reinstate the license in accordance with Plc 309.03.

(b) To request reinstatement of a license that has expired but has not lapsed, the former licensee shall complete the process for renewing a license specified in Plc 308.

Plc 309.03 Reinstatement of Lapsed License. An individual whose license has lapsed who wishes to obtain a license shall:

(a) Complete the process for renewing a license specified in Plc 308; and

(b) Comply with the additional requirements specified for reinstatement of a lapsed license in applicable law, if any, except that no late fee or penalty shall be paid in addition to the renewal fee.

Plc 309.04 Suspended or Revoked Licenses Subject to Reinstatement.

(a) Any license that has been suspended shall be subject to reinstatement as provided in applicable law.

(b) Any license that has been revoked shall be subject to reinstatement if and as provided in applicable law.

(c) Reinstated licenses shall be:

(1) Fully reinstated; or

(2) Conditionally reinstated, with conditions as specified in applicable law.

Plc 309.05 Application for Reinstatement of Suspended or Revoked License. Any person seeking reinstatement of a license that was suspended or revoked shall:

(a) Satisfy the terms of the order on suspension or revocation;

(b) Pay all outstanding administrative and civil penalties imposed, if any;

(c) Pay any costs associated with the revocation that were imposed pursuant to RSA 310-A:1-m, VI or other applicable law; and

(d) Comply with the reinstatement requirements and procedures in applicable law.

PART Plc 310 ETHICAL AND PROFESSIONAL STANDARDS

Plc 310.01 Purpose and Applicability.

(a) The purpose of this part is to identify the professional and ethical conduct standards that apply to all licensees, in order to engender public confidence in licensing of professionals by the state of New Hampshire.

(b) This part shall apply to any person who receives an initial, temporary renewal, or reinstated license on or after the 2023 effective date of this chapter.

Plc 310.02 Profession-Specific Ethical and Professional Standards. Each licensee shall adhere to any code of ethics required by:

- (a) A regional or national certifying organization, if any; and
- (b) Rules of the applicable board or other applicable law.

PART Plc 311 DISCIPLINARY ACTIONS

Plc 311.01 Applicability. This part shall apply to any person who receives a license on or after the 2023 effective date of this chapter.

Plc 311.02 Rules of Practice and Procedure; Definition.

(a) The rules in Plc 200 shall govern:

- (1) Waivers of rules;
- (2) Voluntary surrender of licenses; and
- (3) Any other procedures not included in this chapter.

(b) For purposes of this part, “respondent” means the person against whom a disciplinary action is initiated.

Plc 311.03 Investigations. Investigations initiated to determine whether misconduct has occurred shall be conducted as provided in Plc 200, RSA 310-A:1-j, and the applicable board’s practice act.

Plc 311.04 Commencement and Conduct of Disciplinary Proceedings. If an investigation determines that it more likely than not that it could be proved at an adjudicative hearing that misconduct warranting sanctions has occurred, the respondent shall be notified and an adjudicative proceeding shall be conducted as provided in RSA 541-A, Plc 200, RSA 310-A:1-k, RSA 310-A:1-l, and the applicable board’s practice act.

Plc 311.05 Sanctions.

(a) Subject to (b), below, if the applicable board determines, after conducting an adjudicative proceeding or upon agreement of the respondent, that the criteria established in applicable law for imposing sanctions have been met, the applicable board shall impose such sanctions as are allowed under applicable law, including but not limited to RSA 310-A:1-m and the applicable board’s practice act.

(b) Because RSA 332-G:13, I, provides that individuals have a fundamental right to pursue an occupation, no license shall be revoked unless the misconduct necessary for revocation is:

- (1) Established at an adjudicative hearing by clear and convincing evidence; or
- (2) Admitted by the respondent on the record or in a consent order.

Plc 311.06 Procedures for Imposing Sanctions; Notice to Other Jurisdictions and Organizations.

(a) Other than immediate license suspension authorized by RSA 541-A:30, III, or other applicable law, an applicable board shall impose disciplinary sanctions only:

- (1) After prior notice to the respondent in accordance with Plc 206 and the opportunity for the respondent to be heard; or
- (2) By agreement between the applicable board and the respondent that is reflected in a consent order.

(b) 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 respondent is licensed, to the respondent's credentialing organization, and to such other entities, organizations, associations, or boards as are required to be notified under applicable law.

Plc 311.07 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 applicable board 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 action(s); 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 as provided in the rules of the applicable board or, if the rules of the applicable board do not specify a procedure, in accordance with (d), below.

(d) 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 applicable board that demonstrates compliance with the plan of correction as approved by the applicable board.

(e) 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.

(f) 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.

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

(h) An individual whose license has been revoked and who wishes to reapply for a license shall apply as for license reinstatement in accordance with the rules of the applicable board.

(i) 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 and has paid the costs associated with the revocation, if imposed pursuant to RSA 310-A:1-m, VI or other applicable law.

Plc 311.08 Reciprocal Discipline.

(a) When the applicable board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, the applicable board 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 applicable law.

Plc 311.09 Rehearings and Appeals.

(a) Subject to (c) below, any person who has been refused a license or certification by the applicable board or has been disciplined by the applicable board shall have the right to petition for a rehearing within 30 days after the original final decision as provided in RSA 310-A:1-n.

(b) Subject to (c) below, the prosecutor or an intervenor may request a rehearing and appeal as provided in Plc 200 and RSA 541.

(c) If the applicable board's practice act establishes another route for appeal, those provisions shall apply.

(d) As provided in RSA 310-A:1-n, III, no sanction shall be stayed by the applicable board during an appeal.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule(s)	State Statute(s) Implemented
Plc 300 (see below for additional statute)	RSA 310-A:1 through 1-p
Plc 305	RSA 310-A:1-f; RSA 332-G:14
Plc 306	RSA 310-A:1-p

APPENDIX B: OTHER STATUTORY PROVISIONS

310-A:1-p Military Service Members and Spousal Temporary Licensure. – The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

I. The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

III. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

IV. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

Source. 2022, 310:8, eff. Aug. 30, 2022.