

Effective December 1, 2024, Plc 304.09 and Plc 304.10 read as follows:

Plc 304.09 Decisions on Applications for Initial Licensure.

(a) If the applicant has demonstrated that all eligibility criteria specified in applicable law for initial licensure have been met and that none of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall approve the application and issue an initial license to the applicant at the applicant's designated email address.

(b) 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 and that none of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall approve the application and issue a conditional 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 have been met for full initial licensure or for conditional initial licensure, or if any of the grounds for denying initial licensure specified in Plc 311.03 apply, the licensing bureau shall:

(1) Issue a denial of the application; and

(2) Inform the applicant by email sent to the applicant's designated email address of the reason(s) for the denial and that the denial shall become final if the applicant does not file a petition for a hearing in accordance with Plc 304.10 within 30 calendar days of receiving the denial, 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.

(d) For purposes of determining the date the denial was received, a denial sent to the applicant's designated email address shall be presumed to be received not later than one calendar day after the date the licensing bureau sent the denial.

(e) If the applicant does not file a petition for a hearing ~~before the applicable board~~ within the time period specified in the notice issued pursuant to (c), above, the denial shall become final.

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

Plc 304.10 Challenging a Denial of Initial Licensure.

(a) An applicant who wishes to challenge the denial of an application for initial licensure made pursuant to Plc 304.09 shall submit a "Petition for Hearing After Initial Denial of Licensure", dated November 2024, to the OPLC bureau of hearings at Hearingsclerk@oplcnh.gov.

(b) As required by RSA 310:14, I-a, the petition for hearing shall be filed within 30 calendar days of receipt of the denial of licensure, provided that if a petition for hearing is filed more than 31 days after the date of the denial of licensure, the petitioner shall have the burden of proving that the denial was received more than one day after the date the licensing bureau sent the denial.

(c) When a petition for hearing is received, the bureau of hearings shall:

(1) Notify the licensing bureau with information sufficient for the licensing bureau to identify the underlying application; and

(2) Docket the matter for a hearing before the applicable board.

(d) Upon receipt of notice from the bureau of hearings, the licensing bureau shall forward the application file to the bureau of hearings.

(e) An applicant who requests a hearing who is on active military duty may request the hearing to be deferred until the applicant is no longer on active duty.

Effective December 1, 2024, Plc 308.11 and Plc 308.12 read as follows:

Plc 308.11 Review of Complete Renewal Applications; Decisions.

(a) After determining that an application is complete, the licensing bureau shall review the application to determine whether the applicant meets all criteria specified in applicable law for the license renewal being applied for, provided that if the technical or professional expertise of the applicable board is needed to determine whether the applicant meets the criteria for license renewal, the licensing bureau shall refer the application to the applicable board for review and a recommendation.

(b) If an application is referred to the applicable board pursuant to (a), above, the applicable board shall inform the licensing bureau of its recommendation regarding whether the applicant meets the qualifications for licensure within 50 days of receiving the application from the licensing bureau, provided that if the board does not so inform the licensing bureau, the licensing bureau shall make a decision without the board's input.

(c) If the applicant has demonstrated that all eligibility criteria specified in applicable law for a renewal license have been met and that none of the grounds for refusing to renew a license specified in Plc 311.04 apply, the licensing bureau shall approve the application and renew the license with notification 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 or if any of the grounds for refusing to renew a license specified in Plc 311.04 apply, the licensing bureau shall:

(1) Issue a denial of the application; and

(2) Inform the applicant of the reason(s) for the denial and that the denial shall become final if the applicant does not file a request for a hearing in accordance with Plc 308.12 within 30 calendar days of receiving the denial, 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) For purposes of determining the date the denial was received, a denial sent to the applicant's designated email address shall be presumed to be received not later than one calendar day after the date the licensing bureau sent the denial.

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

(g) If the application is denied, then:

(1) The licensee shall no longer be authorized to practice as of the date the denial becomes final;

(2) If the person wishes to practice in New Hampshire, a complete application for reinstatement shall be filed, including new application-related fees; and

(3) The application-related fees paid with the renewal application shall not be refunded.

Plc 308.12 Challenging a Denial of Renewal Licensure.

(a) An applicant who wishes to challenge the denial of an application for renewal licensure made pursuant to Plc 308.11 shall submit a "Petition for Hearing After Initial Denial of Licensure", dated November 2024, to the OPLC bureau of hearings at Hearingsclerk@oplcnh.gov.

(b) As required by RSA 310:14, I-a, the petition for hearing shall be filed within 30 calendar days of receipt of the denial of licensure, provided that if a petition for hearing is filed more than 31 days after the date of the denial of licensure, the petitioner shall have the burden of proving that the denial was not received within one day of being sent by the licensing bureau.

(c) When a petition for hearing is received, the bureau of hearings shall:

(1) Notify the licensing bureau with information sufficient for the licensing bureau to identify the underlying application; and

(2) Docket the matter for a hearing before the applicable board.

(d) Upon receipt of a notice from the bureau of hearings, the licensing bureau shall forward the application file to the bureau of hearings.

(e) An applicant who requests a hearing who is on active military duty may request that the hearing be deferred until the applicant is no longer on active duty.

Effective December 1, 2024, Plc 311.07 reads as follows:

Plc 311.07 Misconduct. Misconduct shall be:

(a) Any conduct identified in RSA 310:12, I, reprinted in Appendix B, or the applicable board's practice act, or both, as professional misconduct;

(b) Knowingly, recklessly, or negligently providing inaccurate material information to the OPLC or applicable board or failing to provide complete and truthful material information upon inquiry by an authorized representative of the OPLC or applicable board, including during the process of applying for an initial license, a license renewal, or the reinstatement of a license;

(c) Willfully or repeatedly violating:

(1) Any applicable ethical or professional standard specified in Plc 309;

(2) Any provision of the applicable board's practice act; or

(3) Any provision of the rules that apply to the regulated profession, whether in title Plc or a profession-specific title;

(d) Engaging in the practice of a regulated profession despite actual or potential inability to render care with reasonable skill and safety by reason of any impairment, including but not limited to physical or mental illness or use of alcohol, drugs, or any other substance that adversely affects human health or critical thinking skills;

(e) Being subject to final disciplinary action that results in revocation of a license or any credential required for licensure by:

(1) A regulatory authority in another domestic or foreign jurisdiction; or

(2) The applicable credentialing organization; and

(f) Practicing a regulated profession without a current license.

Effective December 1, 2024, Plc 312.04 reads as follows:

Plc 312.04 Restoration of Suspended Licenses.

(a) Any license that has been suspended shall be subject to restoration within 30 days of the end of the specified suspension term or within one year of expiration of the suspended license, whichever is later.

(b) An individual whose license was suspended who wishes to have the license restored shall:

(1) If the request is made withing 30 days of the termination of the suspension period and before the expiration date of the suspended license, submit a written request to the licensing bureau that demonstrates compliance with all conditions of the suspension order and plan of correction, including completing any additional continuing competence activities and paying any monetary penalties imposed, but not paying any additional application or restoration fee; or

(2) If the request is made withing 30 days of the termination of the suspension period and after the expiration date of the suspended license but within one year of the expiration date:

a. Submit an application for restoration of licensure in accordance with Plc 312.02, including paying the application-related fees and demonstrating all requirements for reinstatement have been met;

b. Pay all monetary penalties imposed, if any;

c. Pay the costs associated with the suspension, if imposed pursuant to RSA 310:12, V or other applicable law; and

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

(c) Restored licenses shall be:

(1) Fully restored, without conditions or limitations; or

(2) Conditionally restored, with conditions or limitations specified pursuant to Plc 311.06, provided that no conditions or limitations shall be imposed without prior notice to the licensee and an opportunity for the licensee to be heard on the proposed conditions or limitations.

(d) Any person whose license was suspended who does not apply for restoration within the time period specified in (a), above, who wishes to be licensed in New Hampshire shall apply for initial licensure in accordance with Plc 304.

APPENDIX A: STATE STATUTES IMPLEMENTED

Rule(s)	State Statute(s) Implemented
Plc 304.09, Plc 304.10	RSA 310:4, II(c)
Plc 308.11, Plc 308.12	RSA 310:8, III
Plc 311.07	RSA 310:10, RSA 310:12
Plc 312.04	RSA 310:8

APPENDIX B: OTHER STATUTORY PROVISIONS

310:12 Sanctions. –

I. In addition to any grounds provided by any board's practice act, misconduct sufficient to support disciplinary proceedings brought by a board shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

(b) Conviction of any crime, provided that no board shall take disciplinary action against a licensee because of a conviction of a crime in and of itself. A board may only discipline a licensee because of a conviction after:

(1) Considering the nature of the crime, and any information provided as to the current circumstances of the convicted person, including but not limited to their rehabilitation, completion of the criminal sentence, amount of time that has passed since the conviction or release, testimonials, employment history, and employment aspirations; and

(2) Determining, by clear and convincing evidence, that:

(A) The conviction has a substantial and direct relationship to the occupation, trade, vocation, profession, or business for which the person has applied for or obtained state recognition; and

(B) Disciplining the licensee based upon that conviction serves the purpose of protecting public safety.

(c) Unfitness or incompetency to practice the profession or any particular aspect or specialty thereof as evidenced by negligent or willful acts performed in a manner inconsistent with the health, safety, or wellbeing of any person.

(d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice their profession.

(f) Mental or physical incompetency to practice the profession.

(g) Willful or repeated violation of the provisions of the applicable practice act, any related statutory obligations, or any administrative rule adopted thereunder.