

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Plc 313

<p>1. Agency Name & Address:</p> <p style="text-align: center;">Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 310:6, II</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Licensure by Endorsement**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Executive Director of the Office of Professional Licensing and Certification (OPLC) adopted interim rules Plc 302.19 defining “substantially similar requirements” and Plc 313 on licensure by endorsement effective October 15, 2023 to begin implementation of Laws of 2023, ch. 111, effective August 27, 2023, now codified as RSA 310:17, relative to issuing licenses to applicants who are licensed in another jurisdiction that has substantially similar requirements. The interim rules in Plc 313 include criteria for determining whether another jurisdiction’s requirements are “substantially similar” for 31 licenses for professions regulated directly or indirectly by 13 boards.

Plc 302.19 is being readopted with amendments in a separate rulemaking for other sections of Plc 300. In this rulemaking the Executive Director is proposing to readopt the interim rules in Plc 313 with amendments as regular (10-year) rules, as the interim rules are scheduled to expire April 12, 2024. The amendments include clarification that the license must not only be based on substantially similar requirements but also must not be temporary, must not be encumbered by any conditions, limitations, or restrictions, and must not have been suspended, revoked, or surrendered. The amendments also include (1) changes to the application form to reflect changes being made to the universal forms established by Plc 304 (initial) and Plc 308 (renewal); (2) renumbering to account for the removal of reserved sections; (3) information on the possibility of obtaining a waiver; (4) the inclusion of U.S. territories in the jurisdictions that qualify; (5) a requirement for applicants from foreign jurisdictions to submit an evaluation of the applicant’s credentials from one of the listed services; and (6) the addition of 60 licenses in an additional 33 fields, as shown below. Starting in mid-October, the Executive Director sent a letter to each of the boards covered by the rules to be proposed with a summary of the proposed requirements, and requested the boards to review the requirements and provide comments by the end of November. All of the comments received in response to the Executive Director’s request, along with all comments received on the interim rules too late to result in changes during that process, have been considered in the development of the rules now being proposed. Additionally, the license for registered pharmacy technicians is proposed to be deleted, since it is just a registration after commencing work at a pharmacy and the only qualification is to be enrolled in or have completed high school or to have obtained a high school equivalency certificate.

Licenses covered by the existing interim rules are as follows:

Profession/License	Statute	Board
Master Alcohol and Other Drug Use Professional Certified Recovery Support Worker Licensed Alcohol and Other Drug Use Professional	RSA 330-C	Board of Licensing for Alcohol and Other Drug Use Professionals
Barber Cosmetologist Esthetician Manicurist Master Barber	RSA 313-A	Board of Barbering, Cosmetology, and Esthetics
Body Art Practitioner	RSA 314-A	Advisory Board of Body Art Practitioners
Dentist Dental Hygienist	RSA 317-A	Board of Dental Examiners
Journeyman Electrician Master Electrician	RSA 319-C	Electricians' Board
Funeral Director and Embalmer Embalmer	RSA 325	Board of Registration of Funeral Directors and Embalmers
Massage Therapist	RSA 328-B	Advisory Board of Massage Therapists
Physician Assistant Physician	RSA 328-D RSA 329	Board of Medicine
Clinical Mental Health Counselor Clinical Social Worker Marriage and Family Therapist	RSA 330-A	Board of Mental Health Practice
Licensed Nursing Assistant Licensed Practical Nurse Medication Nursing Assistant Registered Nurse Advanced Practice Registered Nurse	RSA 326-B	Board of Nursing
Pharmacist Certified Pharmacy Technician Registered Pharmacy Technician [being deleted]	RSA 318	Pharmacy Board
Psychologist	RSA 329-B	Board of Psychologists
Veterinarian	RSA 332-B	Board of Veterinary Medicine

The licenses proposed to be added are as follows:

Profession/License	Statute	Board
Certified Public Accountant	RSA 309-B	Board of Accountancy
Acupuncturist Acupuncture Detoxification Specialist	RSA 328-G	Board of Acupuncture Licensing
Architect	RSA 310-A:28-52	Board of Architects
Athletic Trainer	RSA 328-F RSA 326-G	Governing Board of Athletic Trainers
School Instructor	RSA 313-A	Board of Barbering, Cosmetology, and Esthetics

Profession/License	Statute	Board
Chiropractor	RSA 316-A	Board of Chiropractic Examiners
Court reporter	RSA 310-A:161-181	Advisory Board of Court Reporters
Licensed Dietician	RSA 326-H	Board of Licensed Dieticians
Electrologist	RSA 314	Electrology Advisory Committee
Forester	RSA 310-A:98-117	Board of Licensing for Foresters
Genetic Counselor	RSA 328-F RSA 326-K	Governing Board of Genetic Counselors
Home Inspector	RSA 310-A:182-201	Board of Home Inspectors
Manufactured Housing Installer	RSA 205-D	Installation Standards Board
Licensed Land surveyor	RSA 310-A:53-74	Board of Licensure for Land Surveyors
Landscape Architect	RSA 310-A:140-160	Board of Landscape Architects
Journeyman Plumber Master Plumber Domestic Appliance Technician Fuel Gas Installation Technician Fuel Gas Piping Installer Fuel Gas Service Technician Hearth System Installation And Service Technician	RSA 153:27-38	Mechanical Licensing Board
Cardiac Electrophysiology Specialist Cardiovascular Invasive Specialist Computed Tomographer Limited X-Ray Machine Operator Magnetic Resonance Technologist Nuclear Medicine Technologist Radiation Therapist Radiographer Radiologist Assistant Sonographer	RSA 328-J	Advisory Board of Medical Imaging and Radiation Therapy
Midwife	RSA 326-D	Midwifery Council
Soil Scientist Wetland Scientist	RSA 310-A:75-96	Board of Natural Scientists
Doctor of Naturopathic Medicine	RSA 328-E	Naturopathic Board Of Examiners
Nursing Home Administrator	RSA 151-A	Board of Examiners of Nursing Home Administrators
Occupational Therapist Occupational Therapy Assistant	RSA 328-F RSA 326-C	Governing Board of Occupational Therapists
Ophthalmic Dispenser	RSA 327-A	OPLC Executive Director
Optometrist	RSA 327	Board of Registration in Optometry
Physical therapist Physical therapist assistant	RSA 328-F RSA 328-A	Governing Board of Physical Therapists
Podiatrist	RSA 315	Board of Podiatry
Professional engineer	RSA 310-A:2-27	Board of Professional Engineers
Professional geologist	RSA 310-A:118-139	Board of Professional geologists
Recreational therapist	RSA 326-J	Advisory Board of Recreational Therapists
Reflexologist Structural integrator Asian bodywork therapist	RSA 328-H	Advisory Board of Reflexologists, Structural Integrators, and Asian Bodywork Therapists

Profession/License	Statute	Board
Respiratory care practitioner	RSA 331-A	Advisory Board of Respiratory Care Practitioners
Septic system evaluator	RSA 310-A:202-221	Board of Septic System Evaluators
Speech-Language Pathologist Audiologist Speech-Language Assistant Hearing Aid Dealer	RSA 328-F RSA 326-F	Governing Board of Speech-Language Pathologists and Hearing Care Providers

The rules also now explicitly state that they do not apply to auctioneers, family mediators, guardians ad litem, medical technicians, nurse agencies, professional bail bondsmen, the professions regulated by the Assessing Certification Advisory Board, the professions regulated by the Boxing and Wrestling Commission, the professions regulated by the Real Estate Appraisers Board, and the professions regulated by the Real Estate Commission.

6. (b) Brief description of the groups affected:

The proposed rules will affect any professional who is licensed in another jurisdiction for a profession that has requirements that are substantially similar to New Hampshire's requirements for that profession and that are included in Plc 313.02(a).

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute(s) Implemented
Plc 313.01 - 313.12	RSA 310:17
Plc 313.13	RSA 310:17; RSA 309-B:4, VI(c); RSA 309-B:5
Plc 313.14	RSA 310:17; RSA 328-G:7, I; RSA 328-G:9, II
Plc 313.15	RSA 310:17; RSA 330-C:9, I; RSA 330-C:16; RSA 330-C:19
Plc 313.16	RSA 310:17; RSA 310-A:32, I(b); RSA 310-A:38
Plc 313.17	RSA 310:17; RSA 326-G:4; RSA 328-F:11, I(a)
Plc 313.18	RSA 310:17; RSA 313-A:8, II; RSA 313-A:10-13
Plc 313.19	RSA 310:17; RSA 314-A:2, III
Plc 313.20	RSA 310:17; RSA 316-A:3, I-VII; RSA 316-A:11, II; RSA 316-A:12; RSA 316-A:17
Plc 313.21	RSA 310:17; RSA 310-A:164, I; RSA 310-A:169-170
Plc 313.22	RSA 310:17; RSA 317-A:8, I; RSA 317-A:12, III
Plc 313.23	RSA 310:17; RSA 326-H:10, I, IV; RSA 326-H:12
Plc 313.24	RSA 310:17; RSA 319-C:6-a, I; RSA 319-C:7
Plc 313.25	RSA 310:17; RSA 314:3, III; RSA 314:8, II
Plc 313.26	RSA 310:17; RSA 310-A:102, II & RSA 310-A:104
Plc 313.27	RSA 310:17; RSA 325:9, II; RSA 325:13; RSA 325:14
Plc 313.28	RSA 310:17; RSA 326-K:3 ; RSA 328-F:11, I(a)
Plc 313.29	RSA 310:17; RSA 310-A:187, I(a); RSA 310-A:190
Plc 313.30	RSA 310:17; RSA 205-D:8; RSA 205-D:20, IV
Plc 313.31	RSA 310:17; RSA 310-A:58, II; RSA 310-A:63
Plc 313.32	RSA 310:17; RSA 310-A:143, I(b); RSA 310-A:146
Plc 313.33	RSA 310:17; RSA 328-B:4, VII(c)
Plc 313.34	RSA 310:17; RSA 153:28, I(a)
Plc 313.35	RSA 310:17; RSA 328-J:7, I; RSA 328-J:8; RSA 328-J:11
Plc 313.36	RSA 310:17; RSA 329:9, II; RSA 329:12; RSA 328-D:3

Rule(s)	State Statute(s) Implemented
Plc 313.37	RSA 310:17; RSA 330-A:10, II; RSA 330-A:18; RSA 330-A:19; RSA 330-A:21
Plc 313.38	RSA 310:17; RSA 326-D:5, I(a) & (d), RSA 326-D:7
Plc 313.39	RSA 310:17; RSA 310-A:82, II; RSA 310-A:84
Plc 313.40	RSA 310:17; RSA 328-E:9, I
Plc 313.41	RSA 310:17; RSA 326-B:9, I; RSA 326-B:16
Plc 313.42	RSA 310:17; RSA 151-A:4-a, V; RSA 151-A:5; RSA 151-A:7, I
Plc 313.43	RSA 310:17; RSA 326-C:5, I-II; RSA 328-F:11, I(a)
Plc 313.44	RSA 310:17; RSA 327-A:6; RSA 327-A:12, I
Plc 313.45	RSA 310:17; RSA 327:6; RSA 327:31, I
Plc 313.46	RSA 310:17; RSA 318:5-a, II; RSA 318:18
Plc 313.47	RSA 310:17; RSA 328-A:5, I; RSA 328-F:11, I(a)
Plc 313.48	RSA 310:17; RSA 315:2, I; RSA 315:4, I; RSA 315:7
Plc 313.49	RSA 310:17; RSA 310-A:6, I(b); RSA 310-A:12-13
Plc 313.50	RSA 310:17; RSA 310-A:121, I(b); RSA 310-A:125
Plc 313.51	RSA 310:17; RSA 329-B:10, III; RSA 329-B:15; RSA 329-B:15-a
Plc 313.52	RSA 310:17; RSA 326-J:5
Plc 313.53	RSA 310:17; RSA 328-H:5, VIII(c); RSA 328-H:8
Plc 313.54	RSA 310:17; RSA 326-E:3
Plc 313.55	RSA 310:17; RSA 310-A:207, I(a); RSA 310-A:210
Plc 313.56	RSA 310:17; RSA 326-F:3; RSA 328-F:11, I(a)
Plc 313.57	RSA 310:17; RSA 332-B:7-a, II; RSA 332-B:9

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Gretchen Hamel	Title:	Program Specialist IV
Address:	OPLC 7 Eagle Square Concord, NH 03301	Phone #:	Please contact via email
		Fax #:	[discontinued]
		E-mail:	Gretchen.R.Hamel1@opl.nh.gov

The rules can be reviewed on-line at
<https://www.oplc.nh.gov/oplc-laws-and-rules>
 TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Thursday, March 21, 2024**

Please submit comments to OPLC-Rules@opl.nh.gov

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, March 7, 2024 at 2:00 PM**
 Physical Location: **Board Room (2nd floor), Office of Professional Licensure & Certification, 7 Eagle Square, Concord, NH 03301**
 Electronic Access (if applicable): **Not applicable**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # **23:313**, dated **01/12/2024**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing interim rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no costs associated with the rules, and the rules do not apply to political subdivisions. The rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.