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FP 2024-14, Plc 313 Licensure by Endorsement
Summary of Comments on Initial Proposal with OPLC Responses
March 28, 2024

Background

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. The proposed amendments include the addition of 60 licenses in an additional 33 fields. More details of what is proposed are described in the Rulemaking Notice published in the *NH Rulemaking Register* on February 1, 2024.

Sixteen members of the public attended the public hearing held on March 7, 2024 in person, and made many comments. Written comments were received from many licensees, board members, and professional associations. The oral and written public comments and the OPLC’s responses follow the explanation of changes the OPLC made on its own initiative. Six people listened in via a courtesy Zoom link that was provided, but no comments were received from them because the hearing had not been noticed as a hybrid hearing. Draft comments were received from OLS/Administrative Rules; those comments and the OPLC’s responses follow the comments/responses from the public.

The OPLC made the following revisions on its own initiative:

Plc 313.01 (purpose): converted initial text to be paragraph (a), which was inadvertently not done when (b) was added; expanded the section heading to cover the content of paragraph (b); revised (b)(4) to clarify that the license must currently be in effect.

Plc 313.02 (applicability): deleted “or mobility provisions” from end of sentence to reduce the potential for confusion.

Plc 313.03 (application for licensure by endorsement): in (a)(1), replaced the application specific to licensure by endorsement with the Universal Application for Initial License to reduce the number of different applications needed; adjusted cross-references in (a)(1) and (2); replaced “non-refundable” with “applicable” in (a)(3).

Plc 313.04 (information required for initial license application): replaced all items with a cross-reference to Plc 303.04.

Plc 313.05 (documentation required for initial license application): replaced the cross-reference to Plc 313.04(g) with a cross-reference to Plc 304.03(d); added paragraph (c) to reflect the requirement in Plc 313.12 to submit an evaluation of foreign credentials.

Plc 313.06 (signature and attestation): section deleted due to use of Universal Application for Initial License and cross-reference to Plc 304.05.

Plc 313.0706 (processing of applications for a license by endorsement; decisions): in (a), inserted a comma between “Plc 313.03” and “including” at the end of the second line, and deleted end of sentence beginning “has committed ...” so the existence of past suspensions is not an automatic disqualification.

Plc 313.0807 (issuance and duration): retained paragraph (a) intro and (1)-(4) as intro and (a)-(d); split paragraphs (b) and (c) into a new Plc 313.08 (a) and (b) to reduce the amount of section renumbering needed due to the deletion of Plc 313.06.

Plc 313.12 (evaluation of foreign credentials): converted intro, (a)-(b) to (a) intro, (1)-(2) to accommodate revision made in response to public comment.

Plc 313.15 (licensing for alcohol and other drug use professionals): at the end of (a)(3)c., inserted a space between “Drug Educators” and “(CAADE)” and in (c), corrected the number of the 2nd subparagraph.

Plc 313.24 (electricians): in (b) intro, inserted “licensure by” between “for” and “endorsement”.

Plc 313.41 (nursing): in (c), corrected the acronym at the end of the intro.

Plc 313.49 (engineers): in (b), corrected the spelling of “Principles” in the name of the exam.

Public Comments

Plc 313 generally

Comments in support:

The OPLC is proposing to readopt Plc 313 relative to Licensure by Endorsement with amendments to add the remaining professions and establish the rules as regular (10-year) rules. Thank you very much for the incredible proposal. ... You did a great Job. I will work hard to give love care and respect our people. thank you very much to all.

I wholeheartedly support the rule changes that advocate for “licensure by endorsement” as proposed for Plc 313. As a practicing Certified Wetland Scientist I can attest to the need to provide clear guidance for reciprocity among other states' practicing professionals. I also support this change as one of the authors of the Wetlands Delineation Certification amendment to Soils 310 and as the original examiner for wetlands certification. Based on my review, you have accurately portrayed the minimum certification requirements for wetland and soils scientists, and included the needed allowance for waivers from states, tribes, and other governmental entities where education and experience may not be as easily transferred.

This proposal will help physicians with multiple licenses who are burdened with satisfying repetitious licensure requirements for each state. I fully support this endorsement.

This is a statement of support regarding the proposed changes for Ophthalmic Dispensing Professionals.

Response: The OPLC appreciates these messages in support of the rules.

Comment: Some concerns are:

1. No mention of existing licenses by reciprocity from Other States to State of NH
2. No mention whether (1) will have to be re-applied for or is grandfathered
3. No mention when this takes affect and what each board will do

Response: These rules do not apply to anyone who already holds a New Hampshire license, regardless of how the license was obtained. Language has been added to Plc 313.01 to clarify this.

The rules do not require the licensing jurisdiction to provide reciprocity or endorsement licensing to New Hampshire licensees as a condition of its licensees qualifying in New Hampshire. Further, Plc 313.02(c) expressly states that “The availability of licensure by endorsement under this part shall not

supersede, replace, or otherwise affect the applicability or availability of any profession-specific compacts.”

The question of reapplying or grandfathering does not arise, since anyone who holds a NH license can retain it by renewing the license.

The rules will be effective on a date specified by the Executive Director, which will be posted on the OPLC Laws and Rules page and otherwise communicated to licensees and the public. The boards do not need to do anything when the rules are adopted, as RSA 310 requires licenses to be issued by the OPLC.

Plc 313.01, Table 313-1 re: professions and licenses for which licensure by endorsement is available

Comments received at public hearing; also received in written comments submitted after the hearing:

Please correct two of the license names for the Board of Licensing for Alcohol and Other Drug Use Professionals: “Master Licensed Alcohol and Drug Counselor” and “Licensed Alcohol and Drug Counselor”.

Response: The license names have been corrected in Table 313-1 and in Plc 313.15.

Written Comments 1: Please correct the spelling of “dieticians”; should be “dietitians.”

Response 1: This correction has been made in the first and third columns.

Plc 313.12 re: evaluation of foreign credentials required

Comment received at hearing: *The organization listed in (a) does not have any companies that evaluate physical therapists; the organization listed in (b) has one but its evaluations are not widely accepted by at least 25 jurisdictions. Evaluations done by the Foreign Credentialing Commission on Physical Therapy are accepted everywhere. Clearly can’t identify specific organizations for each profession, but it would be good to identify the FCCPT for physical therapists.*

Response: The Foreign Credentialing Commission on Physical Therapy (FCCPT) has been added for physical therapists as new paragraph (b).

Plc 313.13 re: accountants

Written comment: *Please include CPA Firm Licenses in the table 313-1, not just individual CPAs. It isn’t really a big deal, we are currently are registered as a foreign firm and it is not a difficult process, I just thought it might bring consistency since individual CPAs are included.*

Response: RSA 310:17 contemplates the licensure by endorsement of individuals, not entities, as evidenced by language at the end of paragraph I (“Individuals seeking a license by endorsement pursuant to this section shall be required to undergo criminal history records check if otherwise required for initial licensing applications for that profession.”) and in paragraph II (“All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.”). (Emphasis added.)

Plc 313.14 re: acupuncturists

Written Comment 1: *During my tenure as NADA’s executive director, lawmakers in New Hampshire passed HB575, An Act Relative to Acupuncture Detoxification Specialists by a voice vote (July, 2017). The rules were created and promulgated in 2018 by New Hampshire’s Board of Acupuncture Licensing. During the rule drafting process I was asked to consult the New Hampshire’s Occupational Licensing Office and the Acupuncture Board. I encouraged standards of treatment practice as recommended by NADA and in effect in other states.*

The NH Board of Acupuncture Licensing nevertheless chose an administratively heavy and proprietary approach. The current rules are so detailed and specific, that perhaps even NADA’s own training manual, used as a template for creating the rules, would not be approved if it were held to the New Hampshire standards. Additionally, the template for evaluating non-NADA programs for training equivalency lacks breadth and conceptual understanding of this training program.

Response 1: Thank you for sharing your concerns. It is not possible to address them in this rulemaking, but your comments have been forwarded to the Board of Acupuncture Licensing for its consideration.

Written Comment 2: *I would like to thank you for taking comments on Rulemaking on Licensure by Endorsement, 313.14 Please consider adding the following language for obtaining a license by endorsement for licensed acupuncturists - "The Board shall grant a license to an acupuncturist who holds a current license in good standing from another state."*

Response 2: The New Hampshire statute being implemented, RSA 310:17, allows for licensure by endorsement for professionals holding a license from other jurisdictions provided the licensing jurisdiction's requirements are "substantially similar" to New Hampshire's requirements. Pursuant to Plc 313.14, if you obtained your license in a state that requires certification by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or an equivalent certification, then you are eligible for a New Hampshire license by endorsement.

Written Comment 3: [relative to (b)(1)] *Add "or equivalent" to the requirement to pass the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) examination, as the statute has allowed for an equivalent exam to the NCCAOM since 2022.*

Response 3: RSA 328-G:9, II(b) lists as a requirement for initial certification "current, active NCCAOM certification, or prior NCCAOM certification with documentation of continuing education pursuant to paragraph X of this section, or equivalent certification" (emphasis added). Based on this, the language of (b)(1)b. has been revised from "Pass the ... examination" to "Be certified by...", and "or hold a certification deemed equivalent by the licensing jurisdiction" has been added.

Written Comment 4: [relative to (b)(2)] *The current statute, RSA 328-G:9-a, provides the requirements for certifying acupuncture detoxification specialists. Currently, only NADA training or equivalent is required. No formal acupuncture training or NCCAOM examination is needed.*

Response 4: This error has been corrected in the Final Proposal (FP).

Written Comment 5: *We request the state to revise the language for certification of the AcuDetox Specialist to read as follows:*

For an acupuncture detoxification specialist:

- 1) A qualified individual, not licensed by the board as an acupuncturist;*
- 2) Pass NADA training or other substantially equivalent training in acupuncture detoxification protocols;*
- 3) Carries current certification approved by the OPLC as a licensed health care professional, recovery coach, peer counselor, or other board-approved professional;*
- 4) Submits proof of supervising NH Lic. Acupuncturist;*
- 5) Acknowledges their scope of practice as a standardized auricular acupuncture protocol developed by the NADA or substantially equivalent training for the purpose of behavioral health applications, including addictions, mental health, and disaster and emotional trauma.*

Response 5: Language reflecting the statutory requirement to be a "qualified individual" has been added. Proof of having a NH-licensed acupuncturist is being required prior to practicing in NH, but not as part of the application process. Every profession has its own scope of practice, so no acknowledgement is being required.

Written Comment 6: *"As a long-time Licensed Acupuncturist in NH, I'd like to offer public support for reciprocity for acupuncture licenses in New Hampshire. // I would support the following guideline:*

'If an applicant does not possess a baccalaureate degree, nursing degree, or physician's assistant degree, the board shall grant a license to an applicant if they hold a current license in good standing from another state for a minimum of two years.'

Thank you for taking my comments on Rulemaking on Licensure for Endorsement, 313.14."

Response 6: The requirement to have a degree has been replaced with language that reflects RSA 328-G:9-a relative to "qualified individuals".

Written Comment 7: *The exam should allow for an equivalent exam. The California Acupuncture Licensure Exam (CALE) is an equivalent.*

Response 7: The FP allows for NCCAOM certification or an equivalent certification.

Written Comment 8: *The apprenticeship route to licensure is based on NCCAOM standards set when they did accept apprenticeships. The did/does not require a bachelor's degree. If NH requires a bachelor's for those who did an apprenticeship, that will conflict with the law.*

Response 8: The requirement to have graduated from a post-secondary acupuncture college program approved by the ACAHM has been removed from the FP. Anyone who was licensed in another jurisdiction based on holding NCCAOM certification or a certification deemed equivalent by the licensing jurisdiction will be eligible under Plc 313.14, regardless of how the certification was obtained.

Plc 313.15 re: licensing for alcohol and other drug use professionals

NOTE: Many of these comments were received at the hearing and in multiple written submittals after the hearing.

Comments received at hearing:

1. *We recommend expanding the criteria to add the degree be in alignment with RSA 330-C, include substance use-specific education and be clinical with a clinical internship. Current statute identifies 4 possible clinical degrees or the "equivalent with a clinical internship". By not listing the degrees, or identifying the statute, or at a very minimum identifying that the degree be clinical in nature, the professional licensed by endorsement will not be able to bill insurances and Medicaid for the services they deliver. In addition, it will open the door to individuals not clinically prepared offering clinical services to the citizens of NH.*

The language "or higher" should either be retained or changed to doctoral degree because some people apply for MLADC in reliance on a doctorate.

Need to specify a clinical master's degree so will be accepted for billing by Medicare/Medicaid.

Response 1: The language of (a)(1) has been revised to track the statutory language relative to degrees, and the subject areas have been added. However, whether or not a practitioner can bill Medicare/Medicaid for services is not relevant to whether the practitioner is qualified for licensure so no change has been made to the number of hours.

2. *In (a)(2), need to make a distinction between hours of experience and hours of clinical supervision. As stated in the proposed rules, this criterion is mixing number of hours of work experience with the topics of supervision hours needed. It is better to distinguish the two criteria. The number of minimum experience hours should align with those of the clinical mental health counselor and social worker.*

Response 2: The language of (a)(2) has been modified to clarify that the experience required shall supervised "post-masters clinical" experience.

3. *In (a)(3)b., replace (NAADAC) with (NCC AP). Doing this directs individuals to the commission that administers the exam. Although NAADAC is the overarching entity, it is the NCC AP that administers the exam.*

Response 3: The acronym has been corrected in the FP.

4. *In (a)(3)c., replace "level III or above" with "CATC Level IV or CATC Level V". The CATC III exam does not meet the same level of requirements as the other acceptable exams for a master's credential. The most appropriate exams are the CATC IV and CATC V exams.*

Response 4: This change has been made in the FP.

5. *In (a)(3), add the Examination for Master Addictions Counselors (EMAC) exam offered by the National Board of Certified Counselors. NAADAC lists the eMAC exam as an equivalent to the AAD and MAC exams on their website.*

Response 5: This exam has been added in the FP.

6. *In (b)(1), remove exams not specific to providing recovery services. Only the Peer Recovery and National Certified Peer Recovery Support Specialist exams are specific to the provision of recovery support services. Most of the other exams listed, although substance use specific, examine proficiency in a counselor's role and tasks, not the proficiency specific to someone providing peer recovery supports, whose required skill set and scope of practice are different from that of a counselor.*

Response 6: In the FP, all exams have been removed except for the Peer Recovery and National Certified Peer Recovery Support Specialist exams.

7. *In (b)(2), need to specify the number of supervision hours and need to specify that the work experience must be in the recovery performance domains of ethical responsibility, advocacy, mentoring and education, and recovery wellness.*

Response 7: The language suggested has been added to the FP.

8. *In (b), add a (3) to require a minimum of a high school diploma or equivalent and 46 hours of training in substance use recovery services that includes 16 hours ethics training, 10 hours of advocacy training of which 6 hours are about suicide prevention, 10 hours mentoring and education training of which 3 hours are about mental health and co-occurring disorders, 10 hours recovery and wellness training of which 3 hours are about HIV or AIDS education.*

Response 8: A requirement for training in substance use recovery services approved by the licensing jurisdiction has been added to the FP. More specific language has not been included as there does not appear to be uniformity among the various states' requirements.

9. *In (c)(1) and (2), the criteria need to distinguish between an associate's degree with 6,000 hours of experience and a bachelor's degree with 4,000 hours of experience. Using "based on the education received" is too vague and left to interpretation even though RSA 330-C clearly defines it. Also, the requirement for 300 hours of substance use specific education should be added, as well as a degree of clinical supervision such as identified with the MLADC credential.*

Response 9: The FP has been revised to include this distinction.

10. *In (c)(3) b. and c., correct the provider of the exams from NAADAC to NCC AP for the NCAC II and MAC exams as well as change the exam levels to Level III or above of the CATC exam. The CATC II exam is not equivalent.*

Response 10: These changes have been made in the FP.

Written Comments 1: *In (b)(1)b., the word "Addition" should be "Addiction" in 2., 3., and 4.*

Response: This language has been deleted from the rules in response to another comment.

Written Comments 2: *In (b)(1)a.-c., should remove exams not specific to providing peer recovery services. Only the IC and RC PR exams and National Council NCPRSS exams are specific to the provision of recovery support services. "Other exams do not test on the required skill-set and scope of practice for peer recovery, which are very different sets from those required for a counselor. "Peer support is different from counseling, and counseling is not just additional education but DIFFERENT education. [Emphasis in original.] Peer based support has different ethical boundaries, and many other considerations that reduce the power differential in the peer based relationship."*

Response 2: See response to similar comment above; changes have been made.

Written Comments 3: *In (b)(2), replace what is proposed with language that specifies supervision hours - e.g. "at least 500 hours of supervised work experience in the recovery performance domains of ethical responsibility, advocacy, mentoring and education, and recovery wellness, that includes at least 25 hours of direct supervision". It's important to have experience in each of the four peer recovery performance domains. "As a CRSW/Supervisor, I use the IC & RC PR domains as the guide for supervision of work. The are domains NH SRSW are tested on for licensure.*

Response 3: See response to similar comment above; these changes have been made in the FP.

Written Comments 4: *Each credential has a minimum degree and minimum amount of substance use specific education is missing from the requirements for CRSW. Need to add an item (3) to (b), to require a minimum of a high school diploma or equivalency and 46 hours training in substance use recovery services that includes 16 hours ethics training, 10 hours advocacy training of which 6 hours are about suicide prevention, 10 hours mentoring and education training, of which 3 hours are about mental health and co-occurring disorders, and 10 hours recovery and wellness training of which 3 hours are about HIV or AIDS education.*

Response 4: Language had been added to the FP to require training and a high school diploma or equivalency.

Written Comments 5: *We recommend expanding the criteria in (a)(1) to add the degree be in alignment with RSA 330-C, include substance use specific education and be clinical with a clinical internship. "Current statute identifies 4 possible clinical degrees or the "equivalent with a clinical internship". By not listing the degrees, or identifying the statute, or at a very minimum identifying that the degree be clinical in nature, **the professional licensed by endorsement will not be able to bill insurances and Medicaid for the services they deliver. In addition, it will open the door to individuals not clinically prepared offering clinical services to the citizens of NH.**" [Bold in original.]*

Response 5: See responses to similar comments above.

Written Comments 6: *In (a)(1), the language "or higher" should either be retained or changed to doctoral degree because some people apply for MLADC in reliance on a doctorate.*

Response 6: The language is retained in the FP.

Plc 313.18 re: barbers, etc.

Comment: *For cosmetologists in particular, should require practical exams, not just competency exams.*

Response: The language is based on language in the interstate compact that has been developed. No changes have been made since the rule should be consistent with the compact.

Plc 313.19 re: body artists

Written Comment: *It is important to make sure that out-of-state licensees have had an apprenticeship. A short story to explain my opinion. A few years ago I had an apprentice. He only lasted 7 months before I fired him. Shoulda been fired sooner. ... When he came to me he was a self-proclaimed 'kitchen table tattooer with 20ys experience'. In our industry we call that 'A kitchen table scratcher' or 'Scratcher' for short. He hadn't a clue what he was doing when he came to me. His wife is doing Body Piercing, again with no apprenticeship. I have had ppl call me for help due to the butcher work she is doing. Tattooing and Piercing is a skilled art requiring a qualified teacher and plenty of time learning and training. You cannot self-teach by watching U Tube!!! They went to Maine, took a test, and got licensed. No apprenticeship required. Under the proposed rules both these hacks can come to NH and get licensed here.*

Response: Holding a license in another jurisdiction is only one part of obtaining licensure by endorsement. Under Plc 313.19, the requirements of another jurisdiction are "substantially similar" only if an education, training, or apprenticeship program is required. If the licensing jurisdiction only requires passing a test, its requirements are not "substantially similar". It appears from the information found on the State of Maine's tattoo-related website, <https://www.maine.gov/dhhs/mecdc/environmental-health/el/business/business-answers-tattoos.htm#05>, that while an applicant must provide a "Demonstration of knowledge of safe practices regarding the art of tattooing such as a "Description of training under direct supervision of a licensed Tattoo practitioner" or "Copies of any licenses, diplomas, or certificates issued for tattooing", the only actual requirement for an initial or renewal license is to have attended a bloodborne pathogen training program given or approved by the Maine Department of Health and Human Services within the preceding 3 years. Those requirements are not substantially

similar to New Hampshire's, so licensure by endorsement is not available in New Hampshire for Maine body art licensees.

Plc 313.23 re: dietitians

Written Comment: Please correct the spelling of "dietitian" in 313.23(a).

Response: This correction has been made in the FP.

Plc 313.24 re: electricians

Comments received at hearing: Need to specify the date of the code, not just "the same" code.

Need to require an exam in NH requirements, since probably are not what other states have.

In some jurisdictions, licenses are issued at the county or local level, not the state level

Cited DOL apprenticeship standards are too stringent; use same as are in the board's rules.

Add 560 hours of education.

Response: See Response 1 below re: date of code, apprenticeship requirements, education. The issue of whether a licensing jurisdiction can be a county or city has been addressed by clarifying the definition of "licensing jurisdiction" to specifically include county and municipal licensing. Relative to requiring knowledge of amendments that apply in New Hampshire, since the Electricians' Board does not require a jurisprudence exam for NH applicants, the requirement has not been added as a requirement of licensure. Once licensed, the licensee must comply with continuing education requirements and in any event is legally responsible for complying with applicable requirements.

Written Comment 1: In 313.24(a), need to specify the same or later edition of the electrical code.

Response 1: This change has been made in the FP.

Written Comment 2: Should not cite the DOL apprenticeship requirements; instead reference PART Elec 307.

Response 2: The US DOL standard has been replaced with language applying the same standard as is in Elec 307.07(d), namely "the program prepares candidates for licensure".

Written Comment 3: Add a new b. to (a)(1) to require 560 hours of electrical schooling.

Response 3: RSA 319-C:7, II(a) is, at best, ambiguous as to whether education can be required in addition to 8,000 hours of apprenticeship. However, a requirement for the licensing jurisdiction's apprenticeship program to include at least 560 hours of education has been added to the FP.

Written Comment 4: In (a)(1)b. (will be c.), specify a 'state-approved examination ... in their jurisdiction'

Response 4: "State-approved" is defined in Plc 313.10(e) as "approved by the licensing jurisdiction". Inserting "in their jurisdiction" would be redundant, so the phrase has not been added.

Plc 313.33 re: massage therapists

Written Comment (multiple submittals): Please add Massage Therapy to the list of licensed professionals.

Response: Massage therapy is already in the rules.

Plc 313.31 re: land surveyors

Written Comment 1: The requirements should include passing the NCEES Fundamentals of Surveying exam.

Response 1: This exam has been added to the FP.

Written Comment 2: The correct name for the NCEES exam in the proposed rules is "Principles and Practice of Surveying".

Response 2: The name has been corrected in the FP.

Written Comment 3: *NH is a colonial law state, which is different from a public land state, so it is important that applicants take the NH exam.*

Response 3: The requirement to take the NH Legal Aspects exam was in the Initial Proposal and is retained in the FP.

Plc 313.34 re: mechanical licensing

Comments received (in writing) at hearing:

1. *We propose: “the licensing jurisdiction **of the applicant** shall use the same **edition or later plumbing and plumbing portion of the residential code and the same edition or later edition of fuel gas codes as ~~is~~ are** used in New Hampshire, and the current requirements of the licensing jurisdiction **of the applicant** shall be as follows:” [bold underline in original.]*

“It is important to specify the editions of the code must be at least as recent as the one used in NH and those codes should be (until the legislature updates) the ICC 2018 Residential Code for plumbing in one and two-family dwellings and townhouses and the ICC 2018 Plumbing Code for all other kinds of buildings or a more recent edition of those codes.”

Response 1: The term “licensing jurisdiction” is defined in Plc 313.10(d) as “the jurisdiction that issued the license that the **applicant** believes is based on substantially similar requirements” (emphasis added). Because the definition already ties the licensing jurisdiction to the applicant, the phrase “of the applicant” has not been added to the introductory language of Plc 313.14, as it would be redundant.

Regarding the dates or editions of the codes used, language has been inserted into the introductory language to require the “same edition or later of the same plumbing and fuel gas codes for residential and commercial properties”.

2. *There should be some qualifying event to verify the applicant is familiar with NH Law and all of the Board’s administrative rules, especially the Mec 600 rules on Professional Standards and code amendments.*

We shouldn’t have plumbers and gasfitters operating in NH with no demonstrative awareness or knowledge of the law (code) and the Board’s administrative rules. Every NH plumber and gasfitter must be able to pass a licensing examination that includes questions on this information and a considerable amount of time is spent during the continuing education classes that every NH licensee must attend every year.

Response 2: This Board does not appear to require a jurisprudence examination for NH applicants, so no exam has been added to Plc 313. Once licensed in New Hampshire, the licensee will have to meet New Hampshire’s continuing education requirements in order to renew licensure, and in any event is professionally obligated to comply with the applicable code.

3. *The Rules in (a), (2) state the applicant must pass a “state-approved” examination for journeyman and master plumbers respectively. There may be places where the licensing jurisdiction is a county or city. Does this disqualify the applicant?*

Response 3: The term “state-approved” is defined as “approved by the licensing jurisdiction.” The definition has been revised to clarify that “jurisdiction” includes counties, county-equivalents, and municipalities.

4. *Paragraphs (c), (d), (e), (f), and (g) do not call for the passing of a state-approved examination for any of these categories. We think that this is an error and an examination should be required.*

Response 4: The eligibility requirements in Mec 305.02 (Fuel Gas Piping Installer), Mec 305.03 (Fuel Gas Installation Technician), Mec 305.04 (Fuel Gas Service Technician), Mec 305.05 (Hearth System Installation and Service Technician), and Mec 305.06 (Domestic Appliance Technician Licensure) only require training and education. Since no examinations are required in New Hampshire, it would not be “substantially-similar” to require examinations in other jurisdictions.

5. *The jurisdiction's licensing must include continuing education requirements essentially similar to NH requirements. Unless there is a continuing education requirement there is no assurance that licensees are aware of code changes that occur on a three year cycle.*

Response 5: It is not reasonable for only individuals from jurisdictions that require continuing education to be eligible. Once licensed in NH, licensees are obligated to comply with NH's continuing education requirements, and all licensees are required to comply with applicable code requirements and amendments, so have an obligation to know what the requirements are.

6. *At a minimum, the applicant should be required to sit in a review of NH requirements, similar to the CE requirements for NH licensees, that would cover the Board's administrative rules and State amendments.*

Response 6: Since the Board does not currently have a review course for NH-specific requirements, no requirement has been added. If the Board develops such a course, consideration can be given to amending this rule.

Plc 313.37 re: mental health practice

Written comment 1: *The only accepted exam should be the NBCC clinical exam, not any "equivalent" such as the NCE.*

Response 1: After review, the allowance for an equivalent exam has been retained in the FP. The licensure compact allows the National Counselor Exam; since New Hampshire is a member of the compact, the requirements in Plc 313 should align with the compact.

Written comment 2: *Medicare is going to require 3,000 hours in order to be reimbursed..*

Response 2: Whether or not a practitioner can bill Medicare/Medicaid for services is not relevant to whether the practitioner is qualified for licensure, so no change has been made to the number of hours.

Plc 313.39 re: natural scientists

Comment received at hearing: *New Hampshire has both a field exam and a written exam; as a result, reviews of NH applications are streamlined by the Army Corps of Engineers. In 313, should specify both written and field exams, not just "an exam".*

Response: The rule has been revised to require applicants in jurisdictions that do not require both a written component and a field component to take, in New Hampshire, whichever component the licensing jurisdiction does not require.

Plc 313.40 re: naturopathic doctors

Written Comment: *The NH Association of Naturopathic Doctors agrees with the proposed rules for Plc 313.*

Response: Thank you for letting us know.

Plc 313.44 re: ophthalmic dispensing

Comment received at hearing: *Need to change "and" to "or" in "American Board of Opticianry and National Contact Lens Examiners"; shouldn't have to pass both exams (ABO and NCLE); only the one you want to practice in.*

Response: The previously-separate organizations joined their names when they merged into one organization, so "and" cannot be changed to "or" as it would no longer reflect the organization's name. However, the names of the actual examinations* have been added to clarify that only one exam is required.

* National Opticianry Competency Examination (NOCE), which is spectacle related; and Contact Lens Registry Examination (CLRE), which is for certification in contact lens dispensing.

OLS Comments

Plc 313.15 re: licensing for alcohol and drug counselors

Comment 1: [in (b)(1)b. 2.-3.] “**Unclear**. Is this [“Addition”] meant to be ‘Addiction’?” (**Bold** in original.)

Response 1: The word should have been “Addiction”, but the language has been removed in response to a comment from the public.

Comment 2: [in (c)(3)b.] “**Unclear**. Is this [“Addition”] meant to be ‘Addiction’?” (**Bold** in original.)

Response 2: Yes. This correction has been made in the FP.

Edits: Plc 313.04(h)(12)e.-f.; Plc 313.37(a)(2); Plc 313.41 intro