

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 800

<p>1. Agency Name & Address:</p> <p>Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 327-A:5, VI; RSA 327-A:12; RSA 310:6, II</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Ophthalmic Dispensing**

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:

RSA 327-A requires ophthalmic dispensers to be registered to practice in New Hampshire. The profession is regulated by the statute and by rules adopted by the Commissioner of the Department of Health and Human Services as He-P 6000. Authority to regulate ophthalmic dispensing was transferred to the Executive Director of the Office of Professional Licensure and Certification by Laws of 2015, 276:92-95, but He-P 6000 continued in effect. He-P 6000 was scheduled to expire October 31, 2023, but has been extended by filing the rulemaking notice, as provided in RSA 541-A:14-a.

The Executive Director is proposing to readopt the He-P 6000 rules with amendments as Plc 800, along with adopting new rules to reflect the OPLC’s standard terminology and procedures. The rules are also proposed to be substantially restructured to better delineate the covered topics, as reflected below:

Section in He-P 6000:	Proposed to become:
He-P 6001.01 Definitions	Plc 802 DEFINITIONS
He-P 6002.01 Initial Application	Plc 803 INITIAL REGISTRATION
He-P 6002.02 Renewal Application	Plc 805 REGISTRATION RENEWAL AND REINSTATEMENT
He-P 6002.03 Expired Registration	
He-P 6002.04 Change of Address and Timely Submission of Application	Plc 804.01 Registrant Obligations to Notify, Display Registration
He-P 6002.05 Continuing Education	Plc 804.03 Continuing Education Plc 804.04 Pre-Approval of Continuing Education Programs by Executive Director Plc 804.05 Documentation Requirements; Audits
He-P 6002.06 Fees	Plc 801.03 Fees
He-P 6003 COMPLAINTS, DISCIPLINARY ACTION, REVOCATION, DENIAL	Plc 807 PROCEDURES FOR COMPLAINTS; DISCIPLINARY ACTIONS; WAIVERS

Also proposed is a new Part Plc 801, “Purpose and Applicability; Fees” and new sections to establish qualifications for registering, Plc 803.01-803.02, as authorized by RSA 327-A:12, I.

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

The proposed rules will affect any individual who is a licensed recreational therapist or who wishes to become a licensed recreational therapist in New Hampshire.

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

Rule	State Statute(s) Implemented
Plc 800 (see below for specific provisions)	RSA 327-A
Plc 803	RSA 327-A:2; RSA 327-A:3; RSA 327-A:6; RSA 327-A:7
Plc 804	RSA 327-A:8; RSA 327-A:14
Plc 805	RSA 327-A:14
Plc 806	RSA 327-A:12, IV
Plc 807	RSA 327-A:11; RSA 327-A:17

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

Name:	Gretchen Hamel	Title:	Program Specialist IV
Mailing Address:	OPLC 7 Eagle Square Concord, NH 03301	Phone #:	Please contact via email
		Fax #:	[discontinued]
		E-mail:	Gretchen.R.Hamel1@oplcnh.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 Friday, December 15, 2023**

Please submit comments to OPLC-Rules@oplcnh.gov

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time:	Thursday, December 7, 2023 at 10:30 AM
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 # 23:254 , dated 10/27/2023

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

When compared to the existing rules, the proposed rules will result in an indeterminable fiscal impact to certain State citizens who are members or pursuing being members of the regulated professions, and to independently owned business that pay examination fees or educational costs

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on behalf of their licensed or soon to be licensed employees.

Not applicable to Plc 801, Plc 803.01, Plc 803.02, Plc 803.10, Plc 803.11, Plc 804.02, Plc 805.01, Plc 805.09 through Plc 805.11, Plc 806 as these are new 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):

The proposed rules remove the current registration fees within the current rule and direct individuals to the fee structure established in Plc 1002. Any changes in fees set in Plc 1002 will be attributable to that rule. This proposed rule also establishes new qualifications for individuals registering to be in the field. The three qualifying options are: on-the-job training, passing the specified national examination test or providing proof of successful completion of a course series resulting in a certificate or degree in ophthalmic dispensing. Out of the three requirements, on-the-job training should have no cost to an individual. However, according to the OPLC, individuals who chose to qualify by testing or education will have an increased cost.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

State citizens who wish to pursue registration as an ophthalmic dispenser by choosing to qualify by testing or education will have an increased cost. The OPLC states the ABO-NCLE website, October 5, 2023, cost for registering and taking the basic exam is \$175. The OPLC also states the cost for continuing education will vary based on the course lengths and the different tuition rates at educational institutions. However, OPLC states NHTI's website on October 5, 2023, showed a cost of an on-line Optician Certification training was \$2,015. There is no impact to political subdivisions.

C. To independently owned businesses:

To the extent an independently owned business pays for its employee's costs associated with the proposed rules the business may see an increase in costs.

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

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.