

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

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FP 2022-34, Plc 1001 (various sections) Professionals' Health Program Fees; Fees for Letter of Good Standing, Warranty Seal Summary of Comments on Initial Proposal with OPLC Responses April 26, 2022

Background

The Office of Professional Licensure and Certification (OPLC) is proposing to readopt Plc 1001.08 with amendments to adjust the professionals' health program fee based on new license and cost information, to readopt Plc 1001.14 with amendments to remove letters of good standing or other verification of licensure status and warranty seals from services for which no fee is charged, and to adopt Plc 1001.15 to establish a fee for providing letters of good standing or other verification of licensure status and Plc 1001.16 to establish a fee for warranty seals obtained from the Manufactured Housing Installation Standards Board (Board). More information was provided in the Rulemaking Notice published in the March 10, 2022 *Rulemaking Register*.

No one from the public attended the public hearing held on April 7, 2022. No written comments were received from licensees or other members of the public. Comments were received from OLS/Administrative Rules; those comments and responses thereto are below.

OLS Comments

Plc 1001.08 re: professionals' health program fees

Comment: "Unclear/Legis. Intent. Pursuant to RSA 310-A:1-e, I. (a) the Executive Director of the OPLC has authority to assess licensing, certification, renewal fees, and any necessary administrative fees associated with licensing or certifications. RSA 310-A:1-e, I requires the OPLC to set its fees at a rate that would provide for 125% of its operating costs. Here the rule cites to an application processing fee that doesn't yet exist in the cited rule. Chapter Plc 1000 as a whole is a mix of regular, interim, and emergency rules. Recent OPLC proposals have cited to fees not listed in Plc 1000 or 1002, and the OPLC has engaged [in] rulemaking on a piecemeal basis to deal with the issue." (Bold in original.)

Response: The OPLC shares this frustration with the state of the fee rules, but has been prevented by circumstances beyond its control from adopting a comprehensive set of rules for application-related fees in Plc 1002. A rulemaking has been initiated to adopt a limited number of fees in Plc 1002, but it does not cover all of the professions that pay the professionals' health program fee. The OPLC has revised the rule to reference other sources for fees if the fees are not established in Plc 1002.