

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 1002

<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 310-A:1-d, II(h)(1)</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: **Application-Related Fees Specific to Each Profession**

6. (a) Summary of what the rule says and of any proposed amendments:

The Office of Professional Licensure and Certification (OPLC) is proposing to establish application-related fees for certain professions and facilities and to reserve the sections for which fees are not being established at this time so that once all of the fees are adopted, the professions will be in alphabetical order without excessive renumbering. Of the 44 sections in Part Plc 1002, 9 sections will establish fees and 35 sections will be reserved. Of the 9 sections that will establish fees, 5 sections are entirely new (Plc 1002.06, Plc 1002.13, Plc 1002.16, Plc 1002.42, and Plc 1002.44), 2 sections are existing Interim rules (Plc 1002.07, Plc 1002.26), one section is an expired Interim rule (Plc 1002.35, previously effective as Plc 1002.23), and one section is an expired Emergency rule (Plc 1002.10).

Application-related fees are proposed to be adopted or readopted for:

- **The professions regulated by the Board of Barbering, Cosmetology, and Esthetics (new section);**
- **Microblading Certificates (existing Interim rule, no changes proposed);**
- **Inspections for sedation permits under the Board of Dental Examiners (expired Emergency rule, no changes from expired rule proposed);**
- **Electrologists (new section);**
- **The professions and facilities regulated by the Board of Registration of Funeral Directors and Embalmers (new section);**
- **Physician Assistants license renewal (existing Interim rule, no changes proposed);**
- **Pharmacy permits and mail-order pharmacy permits (expired Interim rule; the only changes proposed to the expired rule are the addition of a missing word (“permit”) in 2 places and adjustment of capitalization);**
- **The professions regulated by the OPLC with the Advisory Board of Reflexologists, Structural Integrators, and Asian Bodywork Therapists (new section); and**
- **The professions regulated by the Board of Veterinary Medicine (new section).**

A draft of the rules was provided to the supported boards, commissions, and councils in the Fall of 2021, and comments received have been considered in determining the proposed fees.

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

The rules in Plc 1002 affect individuals and businesses who have or who wish to have a license to practice any of the professions identified in (a), above, and to any organization that wishes to become approved in New Hampshire as a school for electrology or for barbering, cosmetology, or esthetics.

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 1002	RSA 310-A:1-e, I

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

Name: **Gretchen Hamel** Title: **Program Specialist IV**
Address: **OPLC** Phone #: **Please contact via email**
7 Eagle Square Fax #: **[discontinued]**
Concord, NH 03301 E-mail: **Gretchen.R.Hamel1@oplc.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 Friday, June 10, 2022**

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

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 26, 2022 at 1:30 PM**
Place: **Board Room, Office of Professional Licensure & Certification,
7 Eagle Square, Concord, NH 03301**

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

FIS # 22:077, dated 04/15/2022

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.

This is not applicable to:

- Plc 1002.10 as the previous emergency rule expired March 9, 2022.
- Plc 1002.35, previously effective as Plc 1002.23, as the previous interim rule expired March 21, 2022.
- Plc 1002.01 thru 1002.06, Plc 1002.08 thru 1002.09, Plc 1002.11 thru 1002.22, Plc 1002.24 thru Plc 1002.25, Plc 1002.27 thru 1002.34, Plc 1002.36 thru Plc 1002.44, which are new sections.

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 contain the following fee changes and will have an indeterminable impact on the OPLC Fund, state citizens and independently owned business.

The expired emergency rule for Plc 1002.10 had the same fee amounts of \$750 for a comprehensive evaluation under Den 304.05 and \$300 for site visit under Den 304.05 as the proposed rule Plc 1002.10. Therefore, there is no difference in cost between the expired emergency rule and the proposed rule.

The expired interim rule for Plc 1002.23, which is Plc 1002.35 in the proposed rule, had the same fee amount of \$500 for an initial and renewal pharmacy permit and \$2,000 for an initial and renewal mail order pharmacy permit. Therefore, there is no difference in cost between the expired interim rule Plc 1002.23 and the proposed rule Plc 1002.35.

The proposed change in fee amounts are anticipated to generate an amount not to exceed 125% of actual cost for providing the service pursuant to RSA 310-A:1-e. There will be additional revenue to the State to the extent such fees are collected and deposited into the office of professional licensure and certification fund.

The table below provides the proposed fee changes and either the existing fee or the fee that was contained in rules other than Plc 1002 that have expired:

Rule	Category	Proposed		Existing or Previously Contained in other Rules	
		Duration	Fee	Duration	Fee
1002.06	Application processing: initial, renewal, or reinstatement of personal licenses for barber, cosmetologist, esthetician, manicurist, and master barber	2 years	\$50		\$30 new - variable length \$40 renew - 24 months \$45 if expired ≤ 6 months \$100 if expired > 6 months, ≤ 5 years
1002.06	Application processing: initial, renewal, or reinstatement of tanning registration	1 year	\$77.50		\$45 new - 1 year \$45 renew if timely +\$55 late fee if after 4-30; 24 mos.
1002.06	Application processing: initial or renewal apprentice certification	1 year	\$25		Shop apprentice: \$75 new - 1 year; \$85 renew - 1 year School/student apprentice: \$25 new
1002.06	Application processing: initial, renewal, or reinstatement of instructor license	2 years	\$75		\$30 new; \$55 renewal - 24 months Shop instructor license: \$50 Instructor in additional license category - \$60 new
1002.06	Application processing: initial, renewal, or reinstatement of booth rental license	2 years	\$75		\$50 new \$75 renew [no term specified] + \$55 late fee
1002.06	Application processing: initial, renewal, or reinstatement of shop license	2 years	\$100		\$60 new - variable term \$100 renew 24 mos. +\$55 late fee
1002.06	Application processing: initial, renewal, or reinstatement of school license	2 years	\$315		\$150 new - variable term \$150 renew 24 mos.

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1002.13	Application processing: initial, renewal, or reinstatement of electrology license	2 years	\$155	“license fee” is \$110 per RSA 314:10, I; fees for applications, exams to be set in rules; Per expired He-P 1306.01: Application fee - \$150.00; Initial license fee - \$25.00; License renewal fee - \$100.00	
1002.13	Application processing: initial or renewal approval for electrology school	5 years	\$375	No fee in expired He-P 1300	
1002.16	Application processing: initial license, renewal, or reinstatement for embalmers	2 years	\$155	2 years	\$110
1002.16	Application processing: license renewal or reinstatement for crematories	5 years (per RSA 325-A:5)	\$500	5 years	\$500 renew + \$100/mo. late
1002.42	Application processing: initial, renewal, or reinstatement of license	2 years	\$155	\$110 license fee per 328-H:8, I(c); \$110 renew fee per 328-H:9, II (on or before June 30); Expired He-P 1406.01 set “initial license application fee” at \$175 and “license renewal application fee” at \$150	
1002.44	Application processing: initial, renewal, or reinstatement of veterinarian license	2 years	\$155	Expired Vet 306.01: Exam, initial licensing - \$175 annual License renewal applied for before Dec. 31st - \$150 annual license renewal after Dec. 31st - \$200	

A. To State general or State special funds:

There will be no direct impact on the State general fund, however after paying all costs and salaries associated with the Office, any remaining balance in the fund lapses to the general fund at the close of each biennium. There will be an indeterminable impact to the office of professional licensure and certification fund from the proposed certification and renewal fees.

B. To State citizens and political subdivisions:

There is an indeterminable impact to state citizens to the extent the state citizens have a requirement to pay the above-mentioned fees for licensing. There is no cost or benefit to political subdivisions.

C. To independently owned businesses:

There is an indeterminable impact to independently owned businesses to the extent the business pays for an employee’s licensing fees.

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

The rules do not apply to political subdivisions, and all costs are attributable to the statute. 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.