

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Plc 1003.02, 1003.06

<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)(3)</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: **Reimbursable Expenses for Board of Registration of Funeral Directors & Embalmers**

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

The Office of Professional Licensure and Certification (OPLC) is proposing to readopt Plc 1003.02 with amendments to revise the definition of “reimbursable expenses” to accommodate reimbursing members of the Board of Registration of Funeral Directors and Embalmers (Board) for inspections and examinations, and to adopt a new section, Plc 1003.06, to establish the reimbursement rates and payment mechanism for Board members.

RSA 325 promotes public health, safety, and welfare by safeguarding the people of New Hampshire against incompetent and unauthorized embalming and funeral practices, and established the Board to ensure proper implementation of the statute.

RSA 325:17 authorizes the Board to conduct inspections of funeral homes and related sites, and is implemented through rules adopted by the Board as Frl 603. RSA 325:18 authorizes the Board to conduct examinations for the purpose of licensure of embalmers and funeral directors, and is implemented through rules adopted by the Board as Frl 302 relative to embalming, Frl 303 relative to funeral directors, and Frl 403 relative to reinstatement.

Inspections and examinations are conducted by members of the Board. Until the repeal of RSA 325:6 by Laws of 2021, 197:56, I (eff. 7-1-21), Board members received a per diem for conducting inspections and examinations. However, the per diem rules adopted by the OPLC only authorize per diems for attendance at meetings, not for other activities. Board members will not conduct the inspections and examinations without any reimbursement, which means that inspections and examinations are not being conducted and so licenses cannot be issued or renewed. By adopting the proposed rules, the OPLC will ensure that Board members can be compensated at least in part for their conduct of inspections and examination.

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

These rules directly affect members of the Board who are authorized to conduct inspections and examinations and indirectly affect funeral homes that need to be inspected and applicants for licensure as a funeral home director or embalmer who need to take and pass an examination.

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

Rule	State Statutes Implemented
Plc 1003.02	RSA 310-A:1-d, II(h)(3)
Plc 1003.06	RSA 310-A:1-d, II(h)(3); RSA 325:17, 18

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, April 22, 2022**

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

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, April 12, 2022 at 1:30 PM**

Place: **Hearing Room, Office of Professional Licensure & Certification,
7 Eagle Square, Concord, NH 03301**

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

FIS # 22:038, dated 03/10/2022

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

There is no difference in cost when comparing proposed Plc 1003.02 to the existing rule. Not applicable to Plc 1003.06 which is a new section.

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):

Plc 1003.06 provides for reimbursement to board members who perform inspections and examinations. Until July 2021, pursuant to RSA 325:6, board members received a per diem payment and travel reimbursement when conducting inspections or examinations. RSA 325:6 was repealed effective July 1, 2021. There will be no cost to the facilities or applicants as the inspection fees and examination fees are not being changed.

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:

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.