

*Readopt with amendments Plc 1003, eff. 9-22-21 (doc. #13266, Interim), to read as follows:*

PART Plc 1003 PER DIEM COMPENSATION; REIMBURSABLE EXPENSES

Statutory Authority: RSA 310-A:1-d, II(h)(3)

Plc 1003.01 Purpose and Applicability.

(a) The purpose of this part is to recognize the value of the many professionals who volunteer to serve on the boards, commissions, and councils established to regulate various professions in order to safeguard the public health, safety, welfare, environment, and the public trust of the citizens of the State of New Hampshire, by establishing the rates at which members of such boards, commissions, and councils will be compensated for their attendance at meetings and partially reimbursed for expenses.

(b) This part shall apply to those boards, commissions, and councils supported by the office of professional licensure and certification (OPLC), as listed in RSA 310-A:1-a, I, hereinafter referred to as “supported boards, commissions, or councils”, to the extent the rules do not conflict with any statutes that address per diems or expense reimbursement.

Plc 1003.02 Definitions. For purposes of this part and for reimbursement, the following definitions shall apply:

(a) “Meeting” means a convening of a quorum of a supported board, commission, or council, ~~pursuant to a schedule or the call of the chair,~~ for the purpose of conducting official business within the jurisdiction of the body, whether conducted in-person ***or, if authorized by law to do so,*** held via electronic means, or conducted in-person with participation via electronic means by one or more members of the body or the public, or both, provided that if a meeting is continued so as to occur on more than one calendar day, each day that any part of the meeting occurs shall be a separate meeting for purposes of per diem and expense reimbursement. The term includes meetings of a quorum of a statutorily-created committee or subcommittee of a supported board, commission, or council.

(b) “Member” means an individual who has been appointed as required by applicable law to serve on a supported board, commission, or council or on a subunit.

(c) “Reimbursable expenses” means mileage, parking, and tolls as determined pursuant to Plc 1003.05.

(d) “Sub-unit” means a statutorily-created committee or subcommittee of a supported board, commission, or council.

Plc 1003.03 Classification of Boards, Commissions, and Councils. Because the supported boards, commissions, and councils vary considerably in the complexity and volume of work performed, the number of persons regulated, and the level of engagement of regulated persons and the general public, they are hereby assigned to class A, class B, or class C for purposes of determining the rate of per diem reimbursement, as follows:

(a) Class A boards, commissions, and councils shall be the following:

- (1) Acupuncture licensing under RSA 328-G:3;
- (2) Licensed allied health professionals under RSA 328-F:3, including the combined board of directors established by RSA 328-F:3, II and the individual governing boards established by RSA 328-F:3, I, for the professions listed therein, as reprinted in Appendix B;
- (3) Architects under RSA 310-A:29;

- (4) Body art practitioners under RSA 314-A;
  - (5) Chiropractic examiners under RSA 316-A:2;
  - (6) Court reporters under RSA 310-A:163;
  - (7) Licensed dietitians under RSA 326-H:7;
  - (8) Electrologists under RSA 314:2-a;
  - (9) Family mediators under RSA 328-C:4;
  - (10) Foresters under RSA 310-A:100;
  - (11) Guardians ad litem under RSA 490-C:1;
  - (12) Home inspectors under RSA 310-A:186;
  - (13) Land surveyors under RSA 310-A:55;
  - (14) Landscape architects under RSA 310-A:142;
  - (15) Board of manufactured housing under RSA 205-A:25;
  - (16) Manufactured housing installers under RSA 205-D:2;
  - (17) Massage therapists under RSA 328-B:5;
  - (18) Medical technicians under RSA 328-I:2;
  - (19) Midwifery council under RSA 326-D:3;
  - (20) Natural scientists under RSA 310-A:81;
  - (21) Naturopathic board of examiners under RSA 328-E:7;
  - (22) Nursing home administrators under RSA 151-A:3;
  - (23) Optometry under RSA 327:2;
  - (24) Podiatry under RSA 315:1;
  - (25) Professional engineers under RSA 310-A:3;
  - (26) Professional geologists under RSA 310-A:120;
  - (27) Reflexology, structural integrators, and Asian bodywork therapists under RSA 328-H:6;  
and
  - (28) Septic system evaluators under RSA 310-A:206;
- (b) Class B boards, commissions, and councils shall be the following:
- (1) Accountants under RSA 309-B:4;
  - (2) Licensing for alcohol and other drug use professionals under RSA 330-C:3;
  - (3) Barbering, cosmetology, and esthetics under RSA 313-A:2;

- (4) Electricians under RSA 319-C:4;
  - (5) Funeral directors and embalmers under RSA 325:2;
  - (6) Mechanical licensing board under RSA 153:27-a;
  - (7) Medical ~~imaging~~ and radiation therapists under RSA 328-J:1;
  - (8) Mental health practice under RSA 330-A:3;
  - (9) Psychologists under RSA 329-B:3;
  - (10) Real estate appraisers under RSA 310-B:4; and
  - (11) Board of veterinary medicine under RSA 332-B; and
- (c) Class C boards, commissions, and councils shall be the following:
- (1) Dental examiners under RSA 317-A:2;
  - (2) Medicine under RSA 329:2;
  - (3) Nursing under RSA 326-B:3;
  - (4) Pharmacy under RSA 318:2; and
  - (5) Real estate commission under RSA 331-A:5.
- (d) Subject to (e), below, all sub-units shall be classified as class A.
- (e) The medical review subcommittee established by RSA 329:17, V-a and the board of mental health professional conduct investigation committee established pursuant to RSA 330-A:4, I-a shall be classified as class C.

Plc 1003.04 Per Diem Reimbursement.

- (a) Members who wish to receive a per diem reimbursement for attendance at meetings shall proceed in accordance with this section.
- (b) Subject to availability of funds, the following rates shall apply:
- (1) Members of a class A board shall receive \$25 per meeting attended;
  - (2) Members of a class B board shall receive \$65 per meeting attended; and
  - (3) Members of a class C board shall receive \$115 per meeting attended.
- (c) To receive per diem reimbursement, the member shall print his or her name *and employee number* on the “*Per Diem Request*” form, *revised September 2021, that is* provided at the meeting and sign the form, after which the board administrator shall proceed as specified in (d), below.
- (d) The board administrator shall:
- (1) Identify the supported board, commission, or council or sub-unit that conducted the meeting;

(2) Identify the statute that authorizes the supported board, commission, or council or sub-unit;

(3) Enter the date of the meeting, the reason for the meeting, and the per diem amount that applies; and

(4) Sign the form prior to submitting it to the director of the division of licensing and board administration.

(e) The board administrator's signature shall constitute certification that the identified members did in fact attend the meeting and that the information contained in the form is true and correct to the best of his or her knowledge and belief.

(f) Upon receipt of a complete, signed request for per diem reimbursement, the director of the division of licensing and board administration shall direct the reimbursement to be made from available funds.

(g) If no funds are available when a request for per diem reimbursement is received, the director shall notify the member requesting reimbursement that the request is denied due to a lack of funds within 30 days.

Plc 1003.05 Reimbursable Expenses.

(a) Members who wish to receive reimbursement for mileage for miles actually driven, costs of parking, or tolls paid, or any combination thereof, shall proceed in accordance with this section.

(b) Subject to availability of funds, mileage for driving from a member's starting point to the place of a meeting for the purpose of attending the meeting, and from a meeting to the member's ending point shall be compensated for the number of miles calculated pursuant to (c), below, at the per-mile rate established for state employees.

(c) Total reimbursable mileage shall be determined as follows:

(1) The starting point shall be the member's usual residence, provided that if the member travels to the meeting from a closer starting point, such as an office, the closer starting point shall be used;

(2) The ending point shall be the member's usual residence, provided that if the member actually travels a shorter distance, such as to an office or other meeting, the shorter distance shall be used; and

(3) Subject to (d), below, the mileage determined pursuant to (1) plus the mileage determined pursuant to (2) shall be added together, and then 30 miles shall be subtracted from the total to determine reimbursable mileage, as shown in the following equation:

$$(\text{Mileage to meeting}) + (\text{mileage from meeting}) - 30 = \text{reimbursable mileage}$$

(d) If the total reimbursable mileage calculated pursuant to (c), above, is 0 or a negative number, no reimbursement shall be made.

(e) Costs of parking and tolls paid shall be determined as the amounts actually paid by the member:

(1) To park for the purposes of attending a meeting for which a per diem will be or is being requested, provided that only the time spent getting from the vehicle to the meeting, from the meeting to the vehicle, and attending the meeting shall be reimbursable; and

(2) To pass through a state-operated toll gate in order to get to or from a meeting for which a per diem will be or is being requested.

(f) To be reimbursed for mileage, costs of parking, or tolls paid, or any combination thereof, the member shall submit a request as specified in Plc 1003.06.

(g) Upon receipt of a complete, signed request for reimbursement of mileage, parking, or tolls, or any combination thereof, the director of the division of licensing and board administration shall direct the reimbursement to be made from available funds.

(h) If no funds are available when a request for mileage reimbursement is received, the director shall notify the member requesting reimbursement that the request is denied due to a lack of funds within 30 days.

Plc 1003.06 Requests for Reimbursable Expenses.

(a) Any member who wishes to receive reimbursement for mileage, parking, or tolls, or any combination thereof, shall submit the information listed in (e), below, to the director of the division of licensing and board administration using state of New Hampshire Form A-4M "STATE OF NEW HAMPSHIRE PAYMENT VOUCHER - IN-STATE REIMBURSEMENT REQUEST", available at <https://das.nh.gov/documents/hr/forms/travel/In-State-Travel-Form-A-4M-2021.xlsx>.

(b) No member shall submit a request more frequently than once in any calendar month.

(c) Each request shall be signed by the member submitting the request, which shall constitute certification that:

(1) The member did in fact attend each meeting for which travel expenses are being requested;

(2) The member did in fact drive the miles for which mileage reimbursement is being requested or, if a request is submitted prior to leaving the meeting, that the member will drive the miles for which a mileage reimbursement is being requested;

(3) The member did in fact pay the amounts being requested for parking and tolls; and

(4) The member understands that the submission of false, incomplete, or misleading information may violate RSA 641 relative to falsification in official matters.

(d) The submission of false, incomplete, or misleading information shall constitute grounds for the director to deny the request and to seek reimbursement of any amounts paid based on the request.

(e) The information required to be submitted shall be as follows:

(1) The time period covered by the request;

(2) The member's name;

(3) The name of the supported board, commission, or council for which the member attended a meeting and, if the meeting was of a sub-unit, the name of the sub-unit;

(4) The date of each meeting attended for which reimbursement for mileage, parking, or tolls, or any combination thereof, is being requested;

(5) For mileage reimbursement, the miles driven to the meeting and from the meeting, as described in Plc 1003.05(c); and

(6) For reimbursement of parking or tolls, the amount paid for each as shown by receipts submitted with the request.

#### Appendix A: State Statutes Implemented

Rule	State Statute(s) Implemented
Plc 1003	RSA 310-A:1-d, II(h)(3)

#### Appendix B: Statutory Provisions

##### **328-F:3 Governing Boards Established; Board of Directors; Office of Licensed Allied Health Professionals. –**

I. There shall be established governing boards of athletic trainers, occupational therapists, recreational therapists, respiratory care practitioners, physical therapists, speech-language pathologists, hearing care providers, and genetic counselors.

II. The governing boards' chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. The board of directors shall contract for the services of investigators and legal counsel retained through the office of professional licensure and certification. The board of directors shall have the authority to delegate to the person in the supervisory position matters of administrative and personnel management.

III. There shall be an office of licensed allied health professionals established in Concord within the office of professional licensure and certification.

**Source.** 1997, 287:1. 2001, 158:100. 2003, 310:38. 2006, 220:4. 2010, 118:12. 2013, 271:4. 2015, 276:66. 2021, 91:166, eff. July 1, 2021.