

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 1100

<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 328-H:5, VIII</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 _____</p>
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5. Short Title: **Reflexologists, Structural Integrators, and Asian Bodywork Therapists**

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

The Office of Professional Licensure and Certification (OPLC) is proposing to adopt Plc 1100 relative to reflexologists, structural integrators, and Asian bodywork therapists. These professions were previously regulated by the Department of Health and Human Services (DHHS) under RSA 328-H and He-P 1400. Authority to regulate the profession was transferred to the Executive Director of the Office of Professional Licensure and Certification (OPLC) pursuant to Laws of 2015, Ch. 276, eff. July 1, 2015. The OPLC previously initiated the drafting of new rules but was unable to complete the process due to unexpected staff turnovers. The OPLC is now proposing to adopt Plc 1100 to establish the rules required by RSA 328-H:5, VIII.

The proposed rules contain the following:

- Plc 1101 Purpose and Applicability
- Plc 1102 Definitions
- Plc 1103 Advisory Board
- Plc 1104 Initial Licensure
- Plc 1105 License Renewal
- Plc 1106 Procedures; Disciplinary Proceedings; Administrative Fines
- Plc 1107 Certification Requirements
- Plc 1108 Practice Requirements

The proposed rules are largely the same in substance as He-P 1400, with the exceptions noted below. Many revisions that are editorial in nature have been made to reflect current rule drafting requirements and to clarify the rules. Changes that are more substantive are as follows:

- All procedures will be in Plc 200.
- The procedures for notifying licensees of a proposed administrative fine are spelled out.
- The amount of the fine imposed for the specified violations has been increased for many of the listed violations, as RSA 328-H:15 requires fines to be “scaled to reflect the scope and severity of the violation” and the fines in He-P 1400 were not so scaled.
- Language has been added to allow a fine to be imposed for a violation that is not listed, based on the specified criteria that include the severity of the violation and the state of mind of the violator (i.e., whether a violation was committed knowingly, recklessly, or negligently).
- Provisions have been added for allowing persons to request the approval of other national certifying organizations.

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- Requirements for recordkeeping have been added, as required by RSA 328-H:5, VIII(e).
- Fees that are not established in the statute will be in Plc 1000.

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

The rules in Plc 1100 affect individuals who have or who wish to have a license to practice reflexology, structural integration, or Asian bodywork therapy in New Hampshire and to any organization that wishes to become approved in New Hampshire as school for one or more of these professions.

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 1100 (see below for additional/specific provisions)	RSA 328-H
Plc 1103	RSA 328-H:6
Plc 1104	RSA 328-H:8
Plc 1105	RSA 328-H:9
Plc 1106	RSA 328-H:10; RSA 328-H:15

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, March 18, 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, March 3, 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 # **21:148**, dated **12/28/2021**

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

Not applicable as these are new rules. Reflexologists, Structural Integrators, and Asian Bodywork Therapists were previously regulated by the Department of Health and Human Services (DHHS) under RSA 328-H and He-P 1400. The authority to regulate the profession was transferred to the Office of Professional Licensure and Certification (OPLC) pursuant to Laws of 2015, Ch. 276, eff. July 1, 2015. He-P 1400, was not repealed by DHHS, however, it expired in March 2018.

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 govern the regulation of Reflexologists, Structural Integrators, and Asian Bodywork Therapists. The rules establish fines for specified violations associated with Reflexologists, Structural Integrators, and Asian Bodywork Therapists. They also reference an application processing fee and renewal fees. However, the proposed rules have no cost as the fines are attributable to RSA 328-H:15. Per the RSA, the executive director may impose an administrative fine not to exceed \$2,000. The application processing fee of \$155 will be established in Plc 1002 and the renewal fee of \$110 is established under RSA 328-H:9, II.

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.