

INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number _____ Rule Number Plc 1300

<p>1. Agency Name & Address:</p> <p style="text-align: center;">Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p> <p>5. Filing Date: December 8, 2022</p>	<p style="text-align: right;">RSA 328-J:7</p> <p>2. RSA Authority: <u>Laws of 2022, 104:5, eff. 7-26-22</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u> X </u></p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment _____</p>
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6. Short Title: **Medical Imaging and Radiation Therapy**

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 by email
7 Eagle Square	Fax#: [discontinued]
Concord, NH 03301	E-mail: <u>Gretchen.R.Hamel1@opl.nh.gov</u>

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. Summary explaining the effect of the rule:

Laws of 2022, 104, eff. 7-26-22, amended RSA 328-J to convert the previous Board of Medical Imaging and Radiation Therapy to an advisory board and transfer the Board’s authority to the Executive Director of the Office of Professional Licensing and Certification (OPLC), in consultation with the advisory board. The Executive Director is proposing to adopt Interim rules pursuant to RSA 541-A:19, I(a) to implement RSA 328-J and to minimize the time between the lapse of the prior Board’s authority to enforce its rules and the effective date of rules that can be enforced by the Executive Director.

The proposed Interim rules are not intended to change the substantive requirements for licensure of medical imaging and radiation therapy (MIRT) professionals. Primarily, changes are being proposed to how applications are processed and other related items, and to adjust the application fees to better cover costs.

The proposed Interim rules include the following:

- Part Plc 1301 Purpose and Applicability; Sending Notices and Licenses**
- Part Plc 1302 Definitions**
- Part Plc 1303 Advisory Board**
- Part Plc 1304 Statutory Qualifications For Licensure**
- Part Plc 1305 Initial Licensure**
- Part Plc 1306 Temporary Licenses**

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Part Plc 1307 Scope of Practice

Part Plc 1308 Licensee Obligations; Continuing Education

Part Plc 1309 Renewal Of Licenses; Reinstatement

Part Plc 1310 Ethical and Professional Standards

Part Plc 1311 Procedures; Disciplinary Actions

9. Listing of people, enterprises, and government agencies affected by the rule:

The proposed Interim rules will affect any individual who is a licensed professional in any of the MIRT professions or who wishes to become a licensed professional in any of the MIRT professions in New Hampshire.

10. 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 1300 (see below for more specific and additional statutes)	RSA 328-J
Plc 1303	RSA 328-J:3
Plc 1304	RSA 328-J:11
Plc 1305	RSA 328-J:7-a; RSA 328-J:10; RSA 328-J:13
Plc 1306	RSA 328-J:13, II
Plc 1307	RSA 328-J:12
Plc 1308	RSA 328-J:17; RSA 328-J:15
Plc 1309	RSA 328-J:15
Plc 1310	RSA 328-J:7, IV
Plc 1311	RSA 328-J:19; RSA 328-J:20

11. Summary of the effect upon the state if the rule were not adopted:

If the proposed Interim rules are not adopted, MIRT professionals will only be regulated by the statutory provisions in RSA 328-J and will not have the benefit of rules to assist them in complying with the statute.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

January 20, 2023

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable.

FIS # 22:240, dated 12/07/2022

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

Not applicable as these are new interim rules.

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 will increase state revenue and increase costs to licensees by an indeterminable amount. The current fees, located in Mirt 307.01, are compared to the proposed fees in the chart below.

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Type of Fee	Current Fee	Proposed Fee	Difference
Application for licensure/Initial License	\$110	\$155	\$45 more
Renewal of license	\$110	\$155	\$45 more
Late filing for renewal of license	\$110 plus \$22 per month for a maximum of 12 months	No additional fee	Minimum of \$110 less
Temporary License	As established by OPLC	same	none

- The application/initial licensing fees will be increased by \$45. The Office of Professional Licensure and Certification (OPLC) states last fiscal year there were 491 initial licenses. Assuming the counts stay the same, the fiscal impact would be an increase in revenue of \$22,095.
- The renewal of license fee is increasing by \$45. OPLC states last fiscal year there were 565 renewals. The fiscal impact would be an increase in revenue of \$25,425 if the counts stayed the same. However, this license is a biennial license which could impact counts resulting in an indeterminable increase in revenue.
- OPLC does not have counts on late filing for renewal of license fees. The impact of this change is an indeterminable increase in revenue if late filings occur. However, it is important to note that late fees have not been collected since January 27, 2022, when Plc 1001.13 (“No Additional Fee for Late Renewal”) became effective.
- Mirt 305.02(a)(4) references the temporary licensure fee to be established by the OPLC Executive Director. The new rules will keep the same fee but have referenced Plc 1001 for the specified fee.

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, most likely an increase in revenue to the OPLC fund from the proposed fee changes listed above.

B. To State citizens and political subdivisions:

State citizens who are medical imaging and radiation therapy (MIRT) professionals will see an increase in costs based on the licensing fees they are required to pay. There is no cost or benefit to political subdivisions.

C. To independently owned businesses:

Independently owned business who pay for their MIRT professional’s fees will see an increase cost based on the increase in licensing fees.