

INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number _____ Rule Number Plc 1400

<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: November 10, 2022</p>	<p style="text-align: right;">RSA 326-J:1-a, II</p> <p>2. RSA Authority: <u>2022, 72:12-13, eff. 7-19-22</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <table style="width: 100%;"><tr><td style="padding-left: 20px;">Adoption</td><td style="text-align: center;"><u>X</u></td></tr><tr><td style="padding-left: 20px;">Amendment</td><td style="text-align: center;">_____</td></tr><tr><td style="padding-left: 20px;">Repeal</td><td style="text-align: center;">_____</td></tr><tr><td style="padding-left: 20px;">Readoption</td><td style="text-align: center;">_____</td></tr><tr><td style="padding-left: 20px;">Readoption w/amendment</td><td style="text-align: center;">_____</td></tr></table>	Adoption	<u>X</u>	Amendment	_____	Repeal	_____	Readoption	_____	Readoption w/amendment	_____
Adoption	<u>X</u>										
Amendment	_____										
Repeal	_____										
Readoption	_____										
Readoption w/amendment	_____										

6. Short Title: **Recreational Therapists**

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

Name: Gretchen Hamel	Title: Program Specialist IV
Address: OPLC 7 Eagle Square Concord, NH 03301	Phone #: Please contact by email
	Fax#: [discontinued]
	E-mail: <u>Gretchen.R.Hamel1@oplc.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, 72:4-9, eff. 7-19-22, amended RSA 326-J to convert the previous Recreational Therapy Governing Board 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 to implement RSA 326-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 recreational therapists; instead, changes are being proposed to how applications are processed and other related items.

The proposed Interim rules include the following:

- Part Plc 1401 Purpose And Applicability**
- Part Plc 1402 Definitions**
- Part Plc 1403 Advisory Board**
- Part Plc 1404 Initial Licensure**
- Part Plc 1405 Recreational Therapy Students**
- Part Plc 1406 Temporary Licenses**

Part Plc 1407 Licensee Obligations; Continuing Competence

Part Plc 1408 License Renewal And Reinstatement

Part Plc 1409 Ethical And Professional Standards

Part Plc 1410 Procedures; Disciplinary Proceedings

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

The proposed Interim rules will affect any individual who is a licensed recreational therapist or who wishes to become a licensed recreational therapist 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 1400 (see below for additional/specific provisions)	RSA 326-J
Plc 1403	RSA 326-J:1-a
Plc 1404	RSA 326-J:5, I & III
Plc 1405	RSA 326-J:3, I
Plc 1406	RSA 310-A:1-f
Plc 1407	RSA 326-J:6, I(b)
Plc 1408	RSA 326-J:6; RSA 326-J:5, II
Plc 1409	RSA 326-J:1-a, II
Plc 1410	RSA 326-J:1-a, II

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

If the proposed Interim rules are not adopted, recreational therapists will only be regulated by the statutory provisions in RSA 326-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:

December 15, 2022

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

FIS # 22:226, dated 11/09/2022

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):

There are indeterminable costs and benefits attributable to the proposed interim rules. The current fees, located in Ahp 301.02, are compared to the proposed fees in the chart below.

- The application/initial licensing fees will reduce by \$5. Currently, the Office of Professional Licensure and Certification (OPLC) state last fiscal year there were 212 initial licenses. Assuming the counts stay the same, the fiscal impact would be a reduction in revenue of \$1,060.

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- The renewal of license fee is increasing by \$55. OPLC states last fiscal year there were 584 renewals. If renewals stayed the same revenue would increase by \$32,120.
- The license reinstatement fee is being reduced by \$55. OPLC states last fiscal year there were 19 reinstatements. If reinstatements stay the same in the next fiscal year revenues would reduce by \$1,045.
- Temporary initial license fee is reducing by \$75. OPLC states currently there are no active temporary licenses.
- OPLC does not have counts on late filing for renewal of license fees meaning this impact will be an indeterminable reduction of revenues if late filings occur.

Type of Fee	Current Fee	Proposed Fee	Difference
Application processing fee for initial license	\$60	\$165	\$5 less
Initial license (with a document suitable for framing)	\$110		
Temporary initial license fee	\$100	\$25	\$75 less
Renewal of license	\$110	\$165	\$55 more
Late filing for renewal of license	\$110	\$0	\$110 less
License reinstatement	\$220	\$165	\$55 less

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 on revenue to the OPLC fund from the proposed fee changes listed above.

B. To State citizens and political subdivisions:

State citizens who are respiratory care practitioners will see a variation in costs and benefits depending on which fee 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 respiratory care practitioner's fees will see a variation in costs and benefits depending on which fees are required to be paid.