

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 405

<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 314-A:6, VI</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Microblading Certification**

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

Plc 405 was recently adopted as an interim rule to establish criteria and procedures for individuals who are New Hampshire licensed estheticians or cosmetologists to obtain certification to perform microblading and the duties of those who are certified. Plc 405 is scheduled to expire March 1, 2022, so the rules in Plc 405 are proposed to be readopted with amendments as regular rules. Amendments are proposed to:

- **Include statements as to the purpose and applicability of the rules;**
- **Clarify the eligibility requirements for obtaining certification;**
- **Clarify the training requirements for obtaining certification;**
- **Clarify what must be submitted to apply for initial or renewal certification;**
- **Change the expiration date to be coterminous with the requisite esthetician or cosmetologist license;**
- **Clearly state continuing education requirements for renewal;**
- **Explicitly require applicants to sign initial and renewal applications;**
- **Clarify the limitations on the use of a tattoo machine; and**
- **Include provisions for investigations and disciplinary proceedings as directed by RSA 314-A:6, VI.**

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

The rules in Plc 405 affect anyone who is licensed, or becomes licensed, in New Hampshire as an esthetician or cosmetologist who wishes to be certified to perform microblading.

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 405	RSA 314-A:2, IV [2021, 60:1 effective 7-1-21]

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#: **(603) 271-0597 (main OPLC)**
Concord, NH 03301 E-mail: **Gretchen.R.Hamel1@oplcnh.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, December 3, 2021**

Please submit comments to OPLC-Rules@oplcnh.gov

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, November 17, 2021 at 9:30 AM**

Place: **Licensing Division Large Conference Room, Office of Professional
Licensure & Certification, 7 Eagle Square, Concord, NH 03301**

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

FIS # 21:109, dated 10/08/2021

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

The proposed rules when compared to the existing interim rules eliminate reference to fee amounts and directs that fee amounts will be specified in Plc 1002.

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 strike the \$110.00 fees contained in Plc 405.03 and Plc 405.04 (being renumbered to Plc 405.04 and Plc 405.05, respectively) and directs the fee will be specified in Plc 1002. The proposed fees associated with cosmetologists and estheticians who choose to perform microblading of eyebrows for their clients as contained in proposed rules Plc 1002 increases the initial and renewal application fees from \$110 for a 2-year certificate to \$155 for a 2-year certificate. The recommended fees are anticipated to generate an amount not to exceed 125% of actual cost providing the service pursuant to RSA 310-A:1-e. Therefore, the proposed rules do not have a cost.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

Businesses that employ licensed estheticians or cosmetologists who obtain microblading certification may benefit financially from increased business revenues. Due to the number and variability of factors, no estimate of the increase can be made.

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.