

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 700

<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 314:2, VI; RSA 314:8</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: **Electrologists**

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 700 relative to Electrologists. Electrology was previously regulated by the Department of Health and Human Services (DHHS) under RSA 314 and He-P 1300. Authority to regulate the profession was transferred to the Executive Director of the OPLC pursuant to Laws 2015, 276:90, effective July 1, 2015. The OPLC previously initiated a rulemaking to adopt rules as Plc 500 but was unable to complete the rulemaking due to unexpected staff turnovers. The OPLC is now proposing to adopt Plc 700 to establish the rules required by RSA 314:8.

The proposed rules contain the following:

- Plc 701 Purpose and Applicability**
- Plc 702 Definitions**
- Plc 703 Advisory Committee**
- Plc 704 Initial Licensure**
- Plc 705 Renewals; Continuing Education**
- Plc 706 Procedures; Disciplinary Sanctions; Administrative Fines**
- Plc 707 Office, School, and Practice Requirements; Sanitation; Inspections**
- Plc 708 School Approvals and Requirements**
- Plc 709 Standards of Practice**

The proposed rules are largely the same in substance as He-P 1300, 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.**
- A requirement that applicants demonstrate good professional character has been added as required by RSA 314:3, III(e).**
- The factors considered when imposing discipline and the corresponding type of discipline imposed are spelled out in more detail.**
- 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 314:13, III requires fines to be “scaled to reflect the scope and severity of the violation” and the fines in He-P 1300 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).
- The approval for electrology schools is proposed to be time limited, with an opportunity for renewal. (There currently are no NH-licensed electrology schools.)
- Provisions have been added for disciplinary proceedings against electrology schools. (He-P 1300 included a rule that said approval could be revoked if the school did not comply with requirements, but no other sanctions were available.)
- Standards of practice have been added to establish the expectations for professional and ethical behavior.
- 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 700 affect individuals who have or who wish to have a license to practice electrology in New Hampshire and to any organization that wishes to become approved in New Hampshire as an electrology school without being accredited by one of the identified accrediting organizations.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute(s) Implemented
Plc 700 (see below for additional/specific provisions)	RSA 314; RSA 310-A:I-d, II(d)
Plc 703	RSA 314:2-a
Plc 704	RSA 314:2, I; RSA 314:3
Plc 705	RSA 314:2, II; RSA 314:5
Plc 706.01	RSA 541-A:16, I; RSA 310-A:1-d, II(h)(2); RSA 314:2, V; RSA 314:9
Plc 706.02	RSA 314:2, III; RSA 314:6
Plc 706.03	RSA 314:2, VII; RSA 314:13
Plc 707	RSA 314:2, VI; RSA 314:8, VIII & XVIII
Plc 708	RSA 314:2, VI; RSA 314:3, III(c); RSA 314:8, XVI
Plc 709	RSA 314:2, VI; RSA 314:8, VII

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 4, 2022**

Please submit comments to OPLC-Rules@oplc.nh.gov

- Fax E-mail Other format (specify):

RULEMAKING NOTICE FORM - Page 3

9. Public hearing scheduled for:

Date and Time: **Wednesday, February 23, 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 # 21:147, 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. Electrology was previously regulated by the Department of Health and Human Services He-P 1300 rules, which expired in December 2017.

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 Electrologists. The rules establish fines for specified violations associated with Electrologists. They reference application and renewal fees as well as an examination fee. However, these rules have no cost as the fines are attributable to RSA 314:13,I. Per the RSA, the executive director may impose an administrative fine not to exceed \$2,000. The application and renewal fee of \$110 is listed in RSA 314:10, I and the examination fee of \$100 is established in Plc 1002.

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.