REGULAR CALENDAR

March 21, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Finance to which was referred HB 337-FN,

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Dan McGuire

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Finance**
Bill Number:	**HB 337-FN**
Title:	**relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.**
Date:	**March 21, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**OUGHT TO PASS**

STATEMENT OF INTENT

This bill requires more transparency by boards, councils and commissions associated with the Office of Professional Licensure and Certification (OPLC). They will give two weeks notice of meetings, one week notice of meeting materials, and will take written and oral comments from the public. No significant financial impact.

Vote 25-0.

Rep. Dan McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Finance

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public. **OUGHT TO PASS.** Rep. Dan McGuire for Finance. This bill requires more transparency by boards, councils and commissions associated with the Office of Professional Licensure and Certification (OPLC). They will give two weeks notice of meetings, one week notice of meeting materials, and will take written and oral comments from the public. No significant financial impact.

Vote 25-0.

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 337-FN

BILL TITLE: (New Title) relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

DATE: March 20, 2023

LOB ROOM: 210-211

MOTIONS: **OUGHT TO PASS**

Moved by Rep. D. McGuire Seconded by Rep. G. Griffin Vote: 25-0

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Joseph Pitre, Clerk

HOUSE COMMITTEE ON FINANCE

EXECUTIVE SESSION on HB 337-FN

BILL TITLE: relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

DATE: 3/20/23

LOB ROOM: 210-211

MOTION: (Please check one box)

☑ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Mc Guire Seconded by Rep. GRIFFIN Vote: 25-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: ____ **YES** ✓ **NO**

Minority Report? ____ Yes ✓ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:48:27 PM
Roll Call Committee Registers Report

2023 SESSION

Finance

Bill #: HB 387 FN Motion: OTP AM #: _____ Exec Session Date: 2 MAR 23

Members	YEAS	Nays	NV
Weyler, Kenneth L. Chairman	25		
Erf, Keith Vice Chairman	1		
McGuire, Dan	2		
Pitre, Joseph A. Clerk	3		
Emerick, Tracy	4		
Griffin, Gerald	5		
Mooney, Maureen C.	6		
Edwards, Jess C.	7		
Bean, Harry H.	8		
Hoell, J.R.	9		
Sweeney, Joe	10		
Cambrils, Jose E.	11		
Popovici-Muller, Daniel	12		
Wallner, Mary Jane	13		
Nordgren, Sharon L.	14		
Leishman, Peter R.	15		
Buco, Thomas L.	16		
~~Hatch, William A.~~ G-RASSE	17		
Huot, David O.	18		
Heath, Mary	19		
Murray, Kate R.	20		
Ebel, Karen E.	21		
Telerski, Laura D.	22		
Hakken-Phillips, Mary A.	23		
Stringham, Jerry M.	24		
TOTAL VOTE:	25	0	

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON HB 337-FN

BILL TITLE: **relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.**

DATE: **March 3, 2023**

ROOM: **212** **Time Work Session Called to Order: 10:30 a.m.**

Time Adjourned:

(please circle if present)

Committee Members: Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Hatch, Huot and Ebel

Bill Sponsors:

Rep. Merchant	**Rep. Ulery**	**Rep. C. McGuire**
Rep. Rochefort	**Rep. Cushman**	**Sen. Carson**
Sen. Prentiss		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. **Wallner** replaced Rep. **Hatch** for this work session.

Rep. **McGuire** moved OTP, seconded by Rep. **Cambrils**. Motion adopted 9-0.

Respectfully submitted,

Rep. Karen Ebel,
Acting Clerk, Division I

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/24/2023 2:49:20 PM
Roll Call Committee Registers Report

2023 SESSION

Finance - Division I

Bill #: 337 **Motion:** OTP **AM #:** _____ **Exec Session Date:** 3/3/23

Members	YEAS	Nays	NV
Leishman, Peter R. Chairman	✓		
McGuire, Dan Vice Chairman	✓		
Griffin, Gerald	✓		
Sweeney, Joe	✓		
Cambrils, Jose E.	✓		
Hatch, William A. Walker	✓		
Huot, David O.	✓		
Ebel, Karen E.	✓		
TOTAL VOTE:			

Weyler ✓

9-0

Moved OTP McGuire
Seconded Cambrils

HOUSE COMMITTEE ON Finance

DIVISION I WORK SESSION ON HB 337-FN

BILL TITLE: **relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.**

DATE: **February 21, 2023**

ROOM: **212** **Time Work Session Called to Order: 10:30 a.m.**

Time Adjourned: <<End Time>>

(please circle if present)

Committee Members: Leishman, D. McGuire, G. Griffin, Sweeney, Cambrils, Hatch, Huot and Ebel

Bill Sponsors:

Rep. Merchant	**Rep. Ulery**	**Rep. C. McGuire**
Rep. Rochefort	**Rep. Cushman**	**Sen. Carson**
Sen. Prentiss		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*Fiscal Note amended 2/15/23

Rep. **Merchant**: Deering hearings in study committee received comments that Board did not give ample time for public comment and review. Bill amended to take away any fiscal impact.

Douglas **Osterhoudt**, Esq. - counsel for Board

Respectfully submitted,

Rep. William Hatch
Clerk, Division I

LBA
23-0077
Revised 2/28/23
Amended 2/15/23

HB 337-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0180h)

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Up to $94,000	Up to $99,000	Up to $102,000
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill requires all boards, councils, and commission within the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on matters before the board, council, or commission from the public.

The Office of Professional Licensure and Certification (OPLC) states this bill creates new obligations for all boards, councils and commissions within the OPLC allowing comments from the public, both in person and remote, as well as accepting written comments on pending decisions. The OPLC states the amendment creates different standards for boards, councils, and commissions than other governing public bodies under RSA 91-A. The OPLC indicates the new requirements and obligations could be significant administrative work to the boards, councils and commissions. The OPLC states if they are required to review all materials before they are made public as an administrative service to the boards, councils, and commissions the OPLC would require one additional Attorney II level position to ensure proper experience, costing around $94,000 in their first year of hiring, assuming the individuals are hired at labor grade 28, step 1 with an assumed increase in steps and pay each year. The OPLC notes they may need clarity on the interpretations of emergency hearings under RSA 541-A:30, III and

how it interacts with RSA 91-A:5 as there does not appear to be a carve out for emergency hearings governed by RSA 91-A:5.

It is assumed any fiscal impact from this bill will not occur until FY 2024.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

HB 337-FN - AS AMENDED BY THE HOUSE

14Feb2023... 0180h

2023 SESSION

23-0077
06/04

HOUSE BILL ***337-FN***

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

SPONSORS: Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Rep. C. McGuire, Merr. 27; Rep. Rochefort, Graf. 1; Rep. Cushman, Hills. 28; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 337-FN - AS AMENDED BY THE HOUSE

14Feb2023... 0180h

23-0077
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 days prior to the meeting. All materials distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 days prior to the meeting, provided the materials do not contain information exempt from disclosure under RSA 91-A:5. The chair of the board, council, or commission shall be permitted to add items to the agenda within 7 days of a meeting if, in the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to materials associated with the new agenda item. In such circumstances, materials shall be made available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, enough paper copies shall be made available at the meeting location prior to the start of the meeting.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0077
1/5/23

HB 337-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

FISCAL IMPACT: **[X] State** **[ ] County** **[ ] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	In excess of $311,000	In excess of $322,000	In excess of $334,000
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill requires the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on pending decisions from the public.

The Office of Professional Licensure and Certification (OPLC) states requiring OPLC, as an administrative service to boards, councils, and commissions, to review all materials before they are made public will require at least two additional attorneys, at the Attorney II level to ensure proper experience, costing around $198,000 in their first year of hiring, assuming the individuals are hired at labor grade 28, Step 1 with an assumed increase in steps and pay each year. Additional, staffing may be necessary in the role of Board Administrators with labor grade ranges from 19 to 23 depending on experience and responsibility The number of additional Board Administrators and their labor grades are unknown meaning costs are indeterminable. Lastly OPLC, may need to hire additional hearings examiners at a labor grade 31 step one, to ensure proceedings are handled in a timely fashion in accordance with statue and rules as this bill will likely result in significant time delays resolving public evidentiary hearings. The examiner positions cost starts at $112,968 and will increase each year based on step and pay increase.

It is assumed any fiscal impact from this bill will not occur until FY 2024.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

Rep. Schuett, Merr. 12
Rep. T. Lekas, Hills. 38
January 30, 2023
2023-0180h
06/10

Amendment to HB 337-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 days prior to the meeting. All materials distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 days prior to the meeting, provided the materials do not contain information exempt from disclosure under RSA 91-A:5. The chair of the board, council, or commission shall be permitted to add items to the agenda within 7 days of a meeting if, in the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to materials associated with the new agenda item. In such circumstances, materials shall be made available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, enough paper copies shall be made available at the meeting location prior to the start of the meeting.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission.

HB 337-FN - AS INTRODUCED

2023 SESSION

23-0077
06/04

HOUSE BILL ***337-FN***

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

SPONSORS: Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Rep. C. McGuire, Merr. 27; Rep. Rochefort, Graf. 1; Rep. Cushman, Hills. 28; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

- -

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 337-FN - AS INTRODUCED

23-0077
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraphs; Office of Professional Licensure and Certification; Division of Licensing and Board Administration and Division of Enforcement Established. Amend RSA 310-A:1-l by inserting after paragraph VI the following new paragraphs:

VII. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 days prior to the meeting. All materials shared during these meetings shall be available to the public no less than 7 days prior to the meeting. Materials not made available to the public shall not be discussed or acted upon unless discussed and acted upon during an emergency meeting as permitted under RSA 91-A:2, III.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public in attendance of meetings both in-person or remote.

IX. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on pending decisions.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0077
1/5/23

HB 337-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	In excess of $311,000	In excess of $322,000	In excess of $334,000
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill requires the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on pending decisions from the public.

The Office of Professional Licensure and Certification (OPLC) states requiring OPLC, as an administrative service to boards, councils, and commissions, to review all materials before they are made public will require at least two additional attorneys, at the Attorney II level to ensure proper experience, costing around $198,000 in their first year of hiring, assuming the individuals are hired at labor grade 28, Step 1 with an assumed increase in steps and pay each year. Additional, staffing may be necessary in the role of Board Administrators with labor grade ranges from 19 to 23 depending on experience and responsibility The number of additional Board Administrators and their labor grades are unknown meaning costs are indeterminable. Lastly OPLC, may need to hire additional hearings examiners at a labor grade 31 step one, to ensure proceedings are handled in a timely fashion in accordance with statue and rules as this bill will likely result in significant time delays resolving public evidentiary hearings. The examiner positions cost starts at $112,968 and will increase each year based on step and pay increase.

It is assumed any fiscal impact from this bill will not occur until FY 2024.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

CONSENT CALENDAR

February 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 337-FN,

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Dianne Schuett

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Executive Departments and Administration**
Bill Number:	**HB 337-FN**
Title:	**relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.**
Date:	**February 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0180h**

STATEMENT OF INTENT

This bill is intended to give more notice and transparency to interested parties and the public regarding public meetings of all entities within the Office of Professional Licensure and Certification (OPLC). It specifies two weeks notice before meetings and how materials should be provided to the public. The amendment corrects an RSA cited in the original bill, which negates the fiscal note on that version, and clarifies language in the bill which satisfies both the sponsor's goal of more transparency while protecting certain information that the OPLC is obliged to keep confidential.

Vote 20-0.

Rep. Dianne Schuett
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill is intended to give more notice and transparency to interested parties and the public regarding public meetings of all entities within the Office of Professional Licensure and Certification (OPLC). It specifies two weeks notice before meetings and how materials should be provided to the public. The amendment corrects an RSA cited in the original bill, which negates the fiscal note on that version, and clarifies language in the bill which satisfies both the sponsor's goal of more transparency while protecting certain information that the OPLC is obliged to keep confidential. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB337-FN Date: 1/19/23

Committee: ED+A

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Paula Minehan	125 Airport Rd Concord	415-9254	NH Hosp Assoc	X	
Maggie Donohue	96 Rockingham Concord	603-724-5242	PT	X	
Bill Rombly	46 Maple St Manchester.	603-669-5713	PF&HVAC	X	
Steven Rancourt	McGrath Rd	603-635-3269	ECBA	X	
Rep Carol McGuire			Merr 27	X	
Elizabeth Sargent, NH Society Health System				X	
Elizabeth Sargent, NH Funeral Directors			Pharmacists Assoc.	X	
Simon Thomson, NH State Chiropractic Society				X	

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB337 on 2

Support: 6 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Carson, Senator Sharon	Londonderry, NH Sharon.Carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No
Buttrick, Bruce	Goffstown, NH bbuttrick8468@comcast.net	A Member of the Public	Myself	Support	No	No
Kokko, Katherine	Milford, NH katherine.kokko@gmail.com	A Member of the Public	Right to Know NH (RTKNH)	Support	No	No
Bessey, Diane	Rochester, NH dbessey@monarchschoolne.org	A Member of the Public	Myself	Support	No	No
Chebook, Robert	MANCHESTER, NH 03103, NH rob@wlbradycorp.com	A Member of the Public	Myself	Support	No	No

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 337-FN

BILL TITLE: **relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.**

DATE: **January 19, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **10:45 am**

Time Adjourned: **11:15 am**

Committee Members: Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, Santonastaso, True, T. Dolan, Abare, Gerhard, Grote, P. Schmidt, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

Bill Sponsors:

Rep. Merchant	**Rep. Ulery**	**Rep. C. McGuire**
Rep. Rochefort	**Rep. Cushman**	**Sen. Carson**
Sen. Prentiss		

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Merchant: Fourteen days notice by OPLC for non-emergency meetings. Notify public seven days before a meeting. Bill placed in wrong place. Recommends to move bill to 310-D

***Lindsey Courtney** (OPLC): Spoke about concerns on HB337 as currently written. Does not want the 14 days to slow down work force.

***Bill Trombly** (PFGFHVAC): Looking to have board meetings. Not looking to have hearings. Posting the meeting 14 days a head of time is
"really needed." Looking to have relative documents published for access.

***Steven Rancourt** (ECBA): Also in favor of 14 day notice and publishing documents. Public information posted on time is extremely helpful.

Respectfully Submitted,

Shane Sirois

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 337-FN

BILL TITLE: relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

DATE: January 27, 2023

Subcommittee Members: Reps. T. Lekas, Bailey, Abare, Goley and Juliet. Smith

Comments and Recommendations: Simon Thompson ELBA, Support but will review

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Schuett | Seconded by Rep. T. Lekas | AM Vote: 4-0

Amendment # OPLC Proposed

Moved by Rep. Schuett | Seconded by Rep. T. Lekas | Vote: 4-0

Respectfully submitted,

Rep. Tony Lekas
Subcommittee Chairman

State of New Hampshire

REPRESENTATIVE GARY MERCHANT
SULLIVAN, DISTRICT 6

Testimony HB 337
House Executive Department and Administration
January 19, 2023

Good morning, madam Chairwoman, members of the Executive Department and Administration committee, and members of the public. For the record, I am Representative Gary Merchant for Sullivan County, District #6, Claremont, and Croydon.

I come before this committee as the prime sponsor of HB 337. HB 337 is a simple, common-sense bill that requires boards, commissions or councils under the Office of Professional Licensure and Certification (OPLC) to post dates of public, non-emergency meetings at least 14 days before a meeting, and to make available 7 days before the meeting, and that all documents to be reviewed by a board, commission or council be made available to the public at least 7 days before the public meeting, and that a board, commission or council may not act upon any document not shared with the public within the required timeframe.

This summer, I participated on a legislative committee established by SB 330, now RSA 219:2 to review licensing procedures, structural issues, and funding of OPLC. Legislative members of the committee were Sen. Sharon Carson (Chair), Rep. Timothy Lang, Rep. Jordan Ulery, Rep. Jeffrey Goley, Rep. Carol McGuire, and me.

During several meetings, I heard from many professional organizations and members of a profession about challenges in knowing when a meeting would convene, and that materials (documents) being discussed by a board, commission, or council were not available to the public for the public to understand and to follow during a board, commission, or council discussion, nor was there an opportunity for the public to share comments during the meeting.

I served on the NH Board of Pharmacy for 10 years, and during that time, documents for a public meeting were made available to board members about one week before a meeting. It was not until leaving the board of pharmacy that I realized the challenges and frustration to follow a board discussion when one does not have the documents being discussed by the board, nor being provided an opportunity to speak about concerns on action pending before the board.

272 Pleasant Street
Claremont, NH 03743
603-558-1389
gary.merchant@leg.state.nh.us

I serve as chair of the NH Prescription Drug Affordability Board, and the law requires the board to notice meetings at least two weeks before a meeting and that documents shared during a public session be made available to the public at least one week before a meeting. These actions have not been an operational nor financial burden to this board.

The bill contains a fiscal note from OPLC that the agency will incur a financial cost of more than $311,000 in FY 2024 and increasing each year subject to inflation. I question the requirement to add additional legal staff to review documents that a board, council, or commission will discuss during a public meeting.

91-A states that any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term "governmental records" includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term "governmental records" shall also include the term "public records."

Government transparency is a cornerstone of our democracy. The public has a right to know what the government or any governmental entity plans to do, or considers doing, and a government or governmental entity has an obligation to inform the public what is plans to do or consider prior to taking any action.

Openness in the conduct of public business is essential to a democratic society. The purpose of this bill is to ensure both the greatest possible public access to the actions, discussions, and records of all entities within the Office of Professional Licensure and Certification, and their accountability to the people they serve.

Democracy dies in darkness.

Respectfully submitted,

Gary Merchant

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TITLE XXX
OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION HB 337

Section 310-A:1-d ← NEEDS TO BE HERE

310-A:1-d Administration of the Office of Professional Licensure and Certification. –
I. The office of professional licensure and certification shall operate under the supervision of the executive director appointed under RSA 310-A:1-b. The office may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of its duties under this chapter. The office may contract for the services of investigators, hearing officers, legal counsel and experts as necessary and in consultation with the appropriate board, council, or commission.
II. The executive director of the office of professional licensure and certification shall be responsible for:
(a) Supervision of the division directors;
(b) The performance of the administrative, clerical, and business processing responsibilities of the boards, commissions, and councils;
(c) Employment of such personnel needed to carry out the functions of the boards;
(d) The issuance of a license or certification to any applicant who has met the requirements for licensure or certification and denying a license or certification to applicants who do not meet the minimum qualifications;
(e) Maintenance of the official record of all applicants and licensees in accordance with the retention policy established by the office of professional licensure and certification;
(f) Supervision, coordination, and assistance to the boards, commissions, and councils in rulemaking, pursuant to RSA 541-A;
(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A;
(h) Establishing by rule, pursuant to RSA 541-A:
(1) All fees authorized by statute for all boards, commissions, councils, and programs within the office of professional licensure and certification, in consultation with the affected boards, commissions, and councils on a biennial basis in conjunction with the preparation of the biennial budget;
(2) Such organizational and procedural rules necessary to administer the boards, commissions, councils, and programs in the office of professional licensure and certification, including rules governing the administration of complaints and investigations, hearings, disciplinary proceedings, payment processing procedures, and application procedures. The boards shall retain the authority to determine the criteria necessary for licensing applications;
(3) The rate of per diem compensation and reimbursable expenses for all boards, commissions, councils, and programs within the office of professional licensure and certification; and
(4) Rules governing the professionals' health program as set forth in RSA 310-A:1-e; and
(i) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. Such report shall satisfy the requirements for any annual or biennial report imposed by statute on any board, commission, or council administered by the office of professional licensure and certification. The report shall be posted on the

website of the office of professional licensure and certification immediately upon submission.
III. Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), all boards, councils, or commissions shall accept electronic signatures and scans of signed documents in addition to original signatures.
IV. All boards, councils, and commissions may issue standing orders delegating non-discretionary tasks to staff of the office of professional licensure and certification.
V. In the event a board, commission, or council does not meet the requirements of RSA 541-A:29 for taking action on a license application, such application shall only be deemed approved and the executive director shall only issue a license if the application otherwise meets the requirements for licensure established in law or administrative rule.

Source. 2015, 276:46, eff. July 1, 2015. 2018, 330:1, eff. July 1, 2018. 2020, 25:10, eff. July 20, 2020. 2021, 197:1, eff. July 1, 2021; 205:2, Pt. V, Secs. 2 and 4, eff. Jan. 1, 2022. 2022, 32:1, eff. July 2, 2022.

TITLE XXX
OCCUPATIONS AND PROFESSIONS

CHAPTER 310-A
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION HB337

Section 310-A:1-l

310-A:1-l Hearings, Decisions and Appeals. –

I. Disciplinary proceedings shall be open to the public, except upon order by the board, council, or commission upon good cause shown. The public docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Notwithstanding any other provision of law, allegations of misconduct or lack of professional qualifications that are not settled shall be heard by the board, council, or commission, or a panel of the board, council, or commission with a minimum of 3 members appointed by the chair of the board or other designee. Any member of the board, or other person qualified to act as presiding officer and duly designated by the board, shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on evidentiary and other procedural matters, and prepare a recommended decision. In the case of a hearing before a panel, the presiding officer shall prepare a recommended decision for the board, council, or commission, which shall determine sanctions.

III. Except as otherwise provided by RSA 541-A:30, the board, council, or commission shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

IV. In disciplinary and licensing proceedings, the presiding officer may hold prehearing conferences that are closed to the public and exempt from the provisions of RSA 91-A until such time as a public evidentiary hearing is convened. In all instances, settlement discussions engaged in by the parties at prehearing conferences may be conducted off the record.

V. The board, council, or commission may dispose of issues or allegations at any time during an investigation or disciplinary proceeding by approving a settlement agreement or issuing a consent order or an order of dismissal for default or failure to state a proper basis for disciplinary action. Disciplinary action taken by the board at any stage of a proceeding, and any dispositive action taken after the issuance of a public hearing notice, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties.

VI. No civil action shall be maintained against the board or any member of the board or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

Source. 2021, 205:2, Pt. V, Sec. 3, eff. Jan. 1, 2022.

Daniel Richardson

Great improvement to fair citizen access to rulinga of the state's quasi-judicial boards, councils, and commissions!

Bruce Buttrick

I am a licensed Fuel Gas Fitter , who is regulated by the Mechanical Licensing Board, over seen by the OPLC.

Diane Bessey

I believe in full transparency in all aspects of government. The Office of Progressional Licensure has been understaffed since I arrived in NH 25 years ago as a PT, and not improved its efficiency/transparency in processing related service licensure even as recently as December 2022 when PT licensures were up for renewal and there was a blatant mistake on the application for renewal, and NO ONE in that office could correct it, resulting in a number of PTs appearing to be “late” in submitting the required materials and then being hit with a late fee- with no notification. That situation has since been rectified after causing much angst to providers and their employers. I have had a several conversations with Governor Sununu over the years of the corrections needed in this Office, beginning with the hiring of knowledgeable staff... and we all know what staffing is like now...Thank you for this opportunity to testify today. Full transparency and public voice are needed.

Robert Chebook

I am in favor of this Bill as it affords ample time for public review (of agenda) and comment of such. This additional time allowance is very important for the working “tradespersons” who are busy with their work schedules. This proposed time-frame, allows for more public participation, especially a remote opportunity for input/comment.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 337-FN

BILL TITLE: relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

DATE: February 8, 2023

LOB ROOM: 306-308

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Schuett	Seconded by Rep. T. Lekas	AM Vote: 20-0

Amendment # 2023-0180h

Moved by Rep. Schuett	Seconded by Rep. T. Lekas	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM
Roll Call Committee Registers Report

2023 SESSION

Executive Departments and Administration

Bill #: 337 Motion: OTP/A AM #: _____ Exec Session Date: 2-8-23

Members	YEAS	Nays	NV
McGuire, Carol M. Chairman	✓		
Simon, Matthew J. Vice Chairman	✓		
Lekas, Tony	✓		
Bailey, Glenn	✓		
Santonastaso, Matthew	✓		
True, Chris	✓		
Dolan, Tom	✓		
Abare, Kimberly L	✓		
Gerhard, Jason	✓		
Sirois, Shane A	✓		
Grote, Jaci L.	✓		
Schmidt, Peter B.	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
O'Brien, Michael B.	✓		
Wilhelm, Matthew B. MASSAMICLA	✓		
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
Smith, Juliet L SOUCY	✓		
TOTAL VOTE:			

20 – 0

20-0