Rep. Grote, Rock. 24
March 7, 2023
2023-0807h
02/10

Amendment to HB 655-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and reenacted to insert the following new chapter:

CHAPTER 310

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

310:1 Purpose. The purpose of the office of professional licensure and certification is to promote efficiency and economy in the administration of the business processing, record keeping, and other administrative and clerical operations of professional licensing and certification boards, including both professional healthcare licensing and professional technical licensing. The individual licensing and certification boards that are organized under the office of professional licensure and certification have specialized knowledge and experience and are separate and distinct for the purpose of regulating their various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that there are opportunities for improving efficiency and customer service by providing for the joint administration of the boards' administrative, clerical, business processing, and record keeping functions. Except as provided in this section, the licensing and certification boards and entities organized under the office of professional licensure and certification shall exercise the powers, duties, functions, and responsibilities granted by statute.

310:2 Definitions; Establishment.

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) "Board" means a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.

(b) "Lapse" when referring to licenses shall mean expire.

(c) "License" shall include licenses, certifications or registrations required to practice a regulated profession.

(d) "Office" or "OPLC" shall mean the office of professional licensure and certification.

II. The office of professional licensure and certification shall consist of the division of licensing and board administration and the division of enforcement, under the executive director as the administrative head of the agency. The boards within the office of professional licensure and certification shall consist of:

(a) Advisory board of body art practitioners under RSA 314-A.

(b) Advisory board of court reporters under RSA 310-A:163.

(c) Advisory board of massage therapists under RSA 328-B.

(d) Advisory board of medical imaging and radiation therapy under RSA 328-J.

(e) Advisory board of recreational therapists established under RSA 326-J.

(f) Advisory board of respiratory care practitioners established under RSA 326-E.

(g) Advisory board of reflexology, structural integration, and Asian bodywork therapy under RSA 328-H.

(h) Board of accountancy under RSA 309-B.

(i) Board of acupuncture licensing under RSA 328-G.

(j) Board of architects under RSA 310-A:29.

(k) Board of barbering, cosmetology, and esthetics under RSA 313-A.

(l) Board of chiropractic examiners under RSA 316-A.

(m) Board of dental examiners under RSA 317-A.

(n) Board of directors, office of licensed allied health professionals under RSA 328-F.

(o) Board of examiners of nursing home administrators under RSA 151-A.

(p) Board of family mediator certification under RSA 328-C.

(q) Board of home inspectors under RSA 310-A:186.

(r) Board of land surveyors under RSA 310-A:55.

(s) Board of landscape architects under RSA 310-A:142.

(t) Board of licensed dietitians under RSA 326-H.

(u) Board of licensing for alcohol and other drug use professionals under RSA 330-C.

(v) Board of licensing for foresters under RSA 310-A:100.

(w) Board of manufactured housing under RSA 205-A:25.

(x) Board of medicine under RSA 329.

(y) Board of mental health practice under RSA 330-A.

(z) Board of natural scientists under RSA 310-A:81.

(aa) Board of nursing under RSA 326-B.

(bb) Board of pharmacy under RSA 318.

(cc) Board of podiatry under RSA 315.

(dd) Board of psychologists under RSA 329-B:3.

(ee) Board of professional engineers under RSA 310-A:3.

(ff) Board of professional geologists under RSA 310-A:120.

(gg) Board of psychologists under RSA 329-B.

(hh) Board of registration of funeral directors and embalmers under RSA 325.

(ii) Board of registration in optometry under RSA 327.

(jj) Board of registration of medical technicians under RSA 328-I.

(kk) Board of septic system evaluators under RSA 310-A:206.

(ll) Board of veterinary medicine under RSA 332-B.

(mm) Electricians' board under RSA 319-C.

(nn) Electrology advisory committee under RSA 314.

(oo) Genetic counselors governing board established under RSA 328-F and RSA 326-K.

(pp) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.

(qq) Guardians ad litem board under RSA 490-C.

(rr) Installation standards board under RSA 205-D.

(ss) Mechanical licensing board under RSA 153:27-a.

(tt) Midwifery council under RSA 326-D.

(uu) Naturopathic board of examiners under RSA 328-E.

(vv) Occupational therapy governing board established under RSA 326-F; and RSA 326-C.

(ww) Physical therapy governing board established under RSA 328-F and 328-A.

(xx) Real estate appraiser board under RSA 310-B.

(yy) Real estate commission under RSA 331-A.

(zz) Registration of ophthalmic dispensers under RSA 327-A.

(aaa) Speech-language pathology and hearing care provider governing board established under RSA 328-F and 326-F.

(bbb) Assessing standards board under RSA 21-J:14-a.

310:3 Executive Director; Directors; Unclassified Personnel.

I. The executive director of the office of professional licensure and certification shall be an unclassified employee of the state. The executive director shall be appointed by the governor, with consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified to hold that position by reason of professional competence, education, and experience. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II. The executive director shall nominate for appointment by the governor and council the unclassified positions of director of the division of licensing and board administration and director of the division of enforcement. Each director shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director for a term of 4 years.

III. The executive director shall nominate for appointment by the governor and council the unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator positions. Each inspector shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

IV. The executive director shall nominate for appointment by the governor and council the unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be

qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

V. The salaries of the executive director, each division director, each legal officer, the chief pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

310:4 Duties of Executive Director.

I. The executive director, as the administrative head of the office of professional licensure and certification, may employ such clerical or other assistants as are necessary for the proper performance of the office's work and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of the office's duties under this chapter. The office shall contract for the services of investigators, presiding officers, legal counsel, and industry experts as necessary and in consultation with the appropriate board.

II. The executive director of the office of professional licensure and certification shall be responsible for:

(a) Supervision of the division directors and chief legal officers.

(b) Employment of personnel needed to carry out the functions of the office and the boards.

(c) The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, based on set objective standards developed by the boards, and in accordance with RSA 541-A.

(d) The investigation of all complaints of professional misconduct in accordance with RSA 310:9.

(e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office.

(f) Drafting and coordinating rulemaking for all boards within the office in accordance with RSA 541-A, with the advice and recommendations of the boards.

(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A.

(h) 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. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

(i) Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), the office and all boards shall accept electronic signatures and scans of signed documents in addition to original signatures.

310:5 Administration of the Office of Professional Licensure and Certification; Funding.

I. The executive director of the office of professional licensure and certification shall establish and collect all license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.

II. There is hereby established the office of professional licensure and certification fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office. Funds in excess of $5,000,000 shall lapse to the general fund at the close of each biennium.

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of registration in optometry, board of podiatry, board of licensed dietitians, and board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

IV. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and certification fund.

310:6 Rulemaking Authority. The executive director of the office of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board. Fees shall be reassessed, at a minimum, every five years.

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

IV. Rules governing the professionals' health program as set forth in RSA 310:5.

V. Temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction. The temporary license shall be valid for 120 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be renewed, except that a complete application for full licensure before the expiration of the temporary license shall continue the validity of the temporary license until the office has acted on the application. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

310:7 Telemedicine and Telehealth Services.

I. For this section:

(a) "Asynchronous interaction" means an exchange of information between a patient and a health care professional that does not occur in real time.

(b) "Synchronous interaction" means an exchange of information between a patient and a health care professional that occurs in real time.

(c) "Telemedicine" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

(d) "Telehealth" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

III. Unless otherwise prescribed by statute, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate New Hampshire licensing body if the patient is physically located in New Hampshire at the time of service. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

IV. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record;

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate; and

(d) Provide meaningful language access if the individual is practicing in a facility that is required to ensure meaningful language access to limited-English proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, or RSA 354-A.

V. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

VI. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A; mental health practitioners governed by RSA 330-A; community mental health providers employed by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide consultation services or follow-up care via telehealth to a patient who previously received services from the provider in the state where the provider is licensed.

VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual patient.

310:8 License Renewals; Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the expiration of the license. Licenses shall lapse when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of a lapsed license are not authorized to practice until the licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses by submitting an application and meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees, at least 2 months before the date of expiration of their license, with notice of the need to complete their

renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the office, the rules of the board, or this section. Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications submitted electronically the electronic time stamp of submission.

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the office of professional licensure and certification shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

310:9 Complaints and Investigations.

I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

II. Upon receipt of an allegation of professional misconduct, the office shall determine whether the allegation states a viable claim. If the office determines that the allegation is not viable, it shall make a recommendation to the board for dismissal. The board shall review the office's recommendation and dismiss the allegation if it determines that the allegation does not state a claim of professional misconduct.

III. Notwithstanding any other law to the contrary, the office shall investigate allegations of misconduct by licensees (a) upon its own initiative or (b) upon written complaint alleging misconduct of a licensed, or unlicensed, individual or entity of a profession regulated under the office.

IV. Allegations of misconduct received by the office, information and records acquired by the office during an investigation, and reports and records made by the office because of its investigation, shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing. However, the office may disclose information acquired in an investigation to law enforcement or licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts that have sufficient knowledge on appropriate statutes or professions and their practices.

(b) Conduct inspections of places of business of a profession regulated under the office.

(c) Issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(2) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. When an allegation of misconduct is determined to be unfounded after an investigation, the board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for dismissing the complaint. The office shall retain all information concerning investigations in accordance with the retention policy established by the office.

VII. Subject to the limitations of RSA 329-B:26 and RSA 330-A:32, the office shall obtain, handle, archive, and destroy mental health and psychological records as follows:

(a) If a client or patient owning a privilege is the person who has made a complaint against a licensee, the office may access the records of such client or patient. The complaint form provided by the office and initial follow-up correspondence shall clearly indicate that the submission of the complaint by the client or patient who is the owner of the privilege shall override the privacy of that record for the purposes of the office's confidential investigation and proceedings. The client or patient's identity shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent. If the client or patient named in the complaint is a child, the legitimate assertion of the privilege by one natural or adoptive parent or legal guardian is sufficient for this paragraph to apply. The office may act on that parent or guardian's initiation of complaint regardless of the objection of the other parent or guardian.

(b) If the person who has made the allegations against the licensee is not the owner of the privilege for the records of the client or patient named in the complaint whose treatment is under investigation by the office, the records for investigation shall be treated as follows:

(1) When the office reviews the initial complaint and upon all further reviews of the case by the office or the board, the identity of the named client or patient shall be redacted from the documents reviewed.

(2) The names of clients or patients may be made available only to office staff and consultants assigned to investigate or adjudicate the matter, and in instances where the board has decided to proceed with discipline, to board members for purposes of determining recusal issues as described in subparagraph (f).

(3) The record of a client or patient under this subparagraph that has been specifically named in a complaint may be obtained by office staff as specified:

(A) Office staff and consultants may request permission from the client or patient to obtain the record for the investigation, informing the client or patient about the bounds of

confidentiality of such records and the nature of the investigative process. If the client or patient grants permission, office staff may obtain the copies of the record.

(B) If the client or patient denies permission for access to the record, the office may only obtain the record pursuant to a court order.

(4) Personally identifiable information pertaining to a client or patient under this subparagraph shall remain known only to staff and consultants assigned to the matter, which may include an employee of the office's investigations bureau, an employee of the office's prosecutions bureau, professional conduct investigator, the board administrator, and only those additional investigative assistants as the office's investigation team deems necessary to accomplish the investigation of the complaint.

(5) All communication beyond the office staff and consultants, or the board, pertaining to these clients or patients shall be conducted without the use of personally identifiable information.

(6) The identity of a client or patient shall not be disclosed to the public in any manner or in any proceeding of a board without his or her consent.

(c) Records of clients or patients who are not named in the initial complaint shall be treated as follows:

(1) If office staff and consultants assigned to the matter wish to obtain records of, or contact, clients or patients not named in the initial complaint, they shall make a request to the board with reasons for the request, specify the scope of cases and types of records requested, and state the name of the individual for whom authorization is requested to contact the client or patient.

(2) Upon board approval of a request pertaining to treatment of clients or patients defined in this subparagraph, the names of the clients or patients that fulfill the criteria of selection may be made available to office staff and consultants for purposes of determining whether recusal issues pertain to their selection for the investigation as described in subparagraph (f).

(3) If the board approves an investigation into client or patient cases who are not named in the original complaint, the board shall specify whether the clients or patients may be contacted directly.

(4) For records requested under this subparagraph, the keeper of the record shall be instructed to provide records that are redacted of personally identifiable information as defined in subparagraph (g). Each record shall be marked with an identifying code and the keeper of the record shall provide to the office's staff and consultants the contact information for corresponding clients or patients.

(5) The office shall store in a secure manner the list of these client or patient codes with corresponding contact information.

(6) If office staff and consultants have just cause to verify redacted copies against originals records of specified cases they shall request permission of the board, giving reason for the

request. Upon board approval, office staff and consultants may have access to the identified unredacted records, which may be viewed at a time and location of their choosing. Office staff and consultants may request a copy of the identified original records be sent to the office. Copies and corrections to the redacted records may be made by the office staff and consultants, after which any identified unredacted copies shall be destroyed and original records returned to the keeper of the records.

(7) Office staff and consultants contacting the clients or patients pursuant to subparagraph (c)(1) shall request permission from the clients or patients to conduct an interview, include an explanation that the individual(s) may grant or refuse permission for such interview, and explain there are no adverse personal consequences of any kind for refusal to grant permission or for withdrawing permission at any time during the interview. Office staff and consultants may inform the individual(s) that refusal to participate may prevent the investigation from proceeding or reaching a satisfactory conclusion.

(8) The identity of each client or patient shall be redacted from any documents reviewed by the board.

(9) The identity of a client or patient defined in this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without the client or patient's consent.

(d) Mental health or psychological records obtained through subparagraphs (a)-(c) shall be archived or destroyed at the conclusion of the matter in accordance with a retention schedule established by the office. The identification and contact information collected during the investigation for clients or patients other than a client or patient complainant shall be destroyed.

(e) For the purposes of this paragraph:

(1) "Record" means health or psychological information collected from or about an individual that:

(A) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(B) Relates to the individual, the past, present, or future physical or mental health or psychological condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(2) "Personally identifiable information" means information which identifies an individual or which a reasonable person would believe could be used to identify an individual, including common and uncommon identifiers, including but not limited to, name, address, birth date, social security number, court docket number, insurance policy number, and any other identifiers of an individual and of the individual's known relatives, household members, and employers that a reasonable person would believe could identify the individual to whom the record pertains.

(f) In the process of determining recusal, the security of the client or patient's identity shall be preserved as follows:

(1) Before engaging in any matter as defined in subparagraph (a), board members, investigators, and others as specified in this paragraph with access to case files shall first review the name of the client/patient before proceeding. If a conflict of interest is identified, that person shall recuse himself or herself from the matter.

(2) Before engaging in any cases defined in subparagraph (b), office staff and consultants at the onset of the investigation, board members at the time of reviewing the findings of the investigation, and any others authorized to have access to the case prior to commencing review of such cases shall first determine if there is a need for recusal.

(3) If a client or patient as defined in subparagraph (b) or (c) testifies or intends to attend the hearing of the case involving his or her treatment and the board may see the client or patient inadvertently or directly, the client or patient's name shall be revealed to the board members so they may have the opportunity to recuse themselves prior to the proceeding. The client or patient shall be informed beforehand of such disclosure.

(4) For recusals pertaining to clients or patients under subparagraph (c) of this section, office staff and consultants shall review the names of the clients or patients who qualify for the scope of investigation as approved by the board, to determine if there is cause for recusal.

(5) When board members review any report of investigation that includes case information pertaining to clients or patients as defined in subparagraph (c), they shall review their names prior to reading such reports in the following manner:

(A) If there are 10 or fewer cases with individual clinical information presented, then the methods of testing for recusal shall follow the recusal procedures in subparagraph (f)(2).

(B) When the report includes clinical information pertaining to more than 10 cases, the recusal methods of subparagraph (f)(4) shall apply.

(C) When such client or patients' information is presented only in aggregate form, no recusal is required.

(g) A keeper of the record shall comply with board and the office's investigative team's requests for client or patient records and all redaction requirements specified under this section. The board may seek a court order to enforce valid requests for such records under this section.

VIII. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee.

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The 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. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and relevant experience to serve as hearing counsel in all disciplinary proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all disciplinary or non-disciplinary remedial proceedings before the boards. The presiding officer shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent 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.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, 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 or office in relation to proceedings under this chapter.

XIII. For matters involving individuals identified in mental health records, testimony by client or patients shall be handled with utmost regard for the privacy and protection of their identity from public disclosure.

(a) A noncomplainant client or patient shall not be compelled to testify at a hearing.

(b) If a noncomplainant client or patient testifies at a hearing, the identity of the individual shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client patient. The board may view the client or patient. The public's access to view or information that would identify the client or patient shall be restricted. The hearing may be closed to the public for the duration of the client or patient's testimony, at the board's discretion.

(c) If a complainant client or patient requests the privacy safeguards in subparagraph (b), the presiding officer may make such accommodations.

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If a board denies a license following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A:35.

III. In carrying out licensing proceedings, the board shall have the authority to:

(a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;

(b) Appoint a board member or other qualified person as presiding officer; and

(c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

310:12 Sanctions.

I. Upon making an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By placing the licensee on probationary status. The board may require the person to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed $3,000 per offense, or, in the case of continuing offenses, $300 for each day that the violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the licensee or certificate holder should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing

authority, except that the letter may be used as evidence to establish a relevant pattern or course of conduct in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to imposing any sanctions.

IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30.

V. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, the board may require the licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the office and any sums recovered shall be credited to the office's fund and disbursed by the office for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in a profession licensed or certified by the office of professional licensure and certification, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to $10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board.

310:14 Rehearing; Appeals.

I. Any person who has been denied a license or certification by the office or a board shall have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

II. Any person who has been disciplined by a board shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.

III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541. No sanction shall be stayed by the board during an appeal.

310:15 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be coterminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between administration and the boards in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

310:16 Military Service Members and Spousal Temporary Licensure. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days *of having* received the results of a criminal records check. The rules shall contain the following provisions:

I. The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

III. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

IV. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

2 Dedicated Fund; Office of Professional Licensure and Certification. Amend 6:12, I(b)(340) to read as follows:

(340) Moneys deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

3 Transition; Administrative Rules; Recodification of Office of Professional Licensure and Certification. The rules adopted for any occupation or profession under the office of professional licensure and certification under former RSA 310-A:1-a in effect on the effective date of this act shall, to the extent practicable, continue and be effective and apply to such respective occupation or profession until they expire or are amended or repealed.

4 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:16-b, III to read as follows:

III. The mechanical licensing board with the approval of the executive director of the office of professional licensing and certification shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

5 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:28, II to read as follows:

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed $500 per individual. The board shall also adopt fees for

replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

6 Reference Changed; Accountancy. Amend RSA 309-B:4, III to read as follows:

III. The office of professional licensure and certification shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the office of professional licensure and certification from fees authorized under this chapter shall be received and accounted for by the office of professional licensure and certification, shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

7 Reference Changed; Architects. Amend RSA 310-A:32, II to read as follows:

II. In adopting any rule under this section, the board ***shall*** consult with the office of professional licensure and certification established under RSA [~~310-A:1 through RSA 310-A:1-e~~] ***310***.

8 Reference Changed; Body Art. Amend RSA 314-A:2, II to read as follows:

II. There shall be a fee for an initial license and a renewal license. The procedure and timeframe for license renewals shall be as described in RSA [~~310-A:1-h~~] ***310***.

9 Reference Changed; Chiropractic. Amend RSA 316-A:14-a to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under RSA [~~310-A:1-h~~] ***310***.

10 Reference Changed; Dentists Professional Health. Amend RSA 317-A:16-a, VII to read as follows:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

11 Reference Changed; Pharmacists. Amend RSA 318:1, XV-a to read as follows:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA [~~310-A:1-g, I-b~~] ***310***, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

12 Reference Changed; Nurse Practice Act. Amend RSA 326-B:36-a, VI-a, (c) to read as follows:

(c) Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

13 Reference Changed; Acupuncture. Amend RSA 328-G:9, IX to read as follows:

IX. The procedure and timeframe for license renewals shall be as described in RSA [~~310-A:1-h~~] ***310***.

14 Reference Changed; Reflexologists. Amend RSA 328-H:2, IV-a to rad as follows:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification established under RSA [~~310-A:1 through RSA 310-A:1-e~~] ***310***.

15 Reference Changed; Physicians. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA [~~310-A:1-g, I-b~~] ***310***, provided the physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review a history, a diagnosis, a

treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

16 Reference Changed; Physicians. Amend RSA 329:1-d, I to read as follows:

I. "Telemedicine" means the use of audio, video, or other electronic media and technologies by a physician in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA [~~310-A:1-g~~] ***310***.

17 Reference Changed; Physicians Health. Amend RSA 329:13-b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

18 Reference Changed; Administrative Procedures. Amend 541-A:29-a, I to read as follows:

I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor, except as provided in RSA [~~310-A:1-d, V~~] ***310***.

19 Reference Changed; Planning Boards. Amend RSA 676:4-b, V to read as follows:

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the [~~joint board established under RSA 310-A:1~~] ***office of professional licensure and certification under RSA 310*** for possible [~~peer review or~~] disciplinary action.

20 Effective Date. This act shall take effect July 1, 2023.

2023-0807h

AMENDED ANALYSIS

The bill consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law.

HB 655-FN - AS INTRODUCED

2023 SESSION

23-0606
09/10

HOUSE BILL ***655-FN***

AN ACT relative to the office of professional licensure and certification.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Goley, Hills. 21; Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Sen. Carson, Dist 14; Sen. Lang, Dist 2

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill redefines the roles and responsibilities of the office of professional licensure and certification (OPLC) for the boards and commissions. OPLC issues licenses, sets fees, provides legal and investigatory services, and presents administrative rules as advised by the boards and commissions. The bill consolidates administrative authority for OPLC in a new chapter and repeals redundant provisions of law.

- -

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.

23-0606
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the office of professional licensure and certification.

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

1 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and reenacted to insert the following new chapter:

CHAPTER 310

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

310:1 Purpose. The purpose of the office of professional licensure and certification is to promote efficiency and economy in the administration of the business processing, recordkeeping, and other administrative and clerical operations of professional licensing and certification boards, including both professional healthcare licensing and professional technical licensing. The individual licensing and certification boards that are organized under the office of professional licensure and certification have specialized knowledge and experience and are separate and distinct for the purpose of regulating their various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that there are opportunities for improving efficiency and customer service by providing for the joint administration of the boards' administrative, clerical, business processing, and recordkeeping functions. Except as provided in this section, the licensing and certification boards and entities organized under the office of professional licensure and certification shall exercise the powers, duties, functions, and responsibilities granted by statute.

310:2 Definitions; Establishment.

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) “Board” means a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.

(b) “Lapse” when referring to licenses shall mean expire.

(c) “License” shall include certifications or registrations required to practice a regulated profession.

(d) “Office” or "OPLC" shall mean the office of professional licensure and certification.

(e) "Telehealth" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

(f) "Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

II. The office of professional licensure and certification shall consist of the division of licensing and board administration and the division of enforcement, under the executive director as

the administrative head of the agency. The boards within the office of professional licensure and certification shall consist of:

(a) Advisory board of body art practitioners under RSA 314-A.

(b) Advisory board of court reporters under RSA 310-A:163.

(c) Advisory board of massage therapists under RSA 328-B.

(d) Advisory board of medical imaging and radiation therapy under RSA 328-J.

(e) Advisory board of recreational therapists established under RSA 326-J .

(f) Advisory board of respiratory care practitioners established under RSA 326-E.

(g) Advisory board of reflexology, structural integration, and Asian bodywork therapy under RSA 328-H.

(h) Board of accountancy under RSA 309-B.

(i) Board of acupuncture licensing under RSA 328-G.

(j) Board of architects under RSA 310-A:29.

(k) Board of barbering, cosmetology, and esthetics under RSA 313-A.

(l) Board of chiropractic examiners under RSA 316-A.

(m) Board of dental examiners under RSA 317-A.

(n) Board of directors, office of licensed allied health professionals under RSA 328-F.

(o) Board of examiners of nursing home administrators under RSA 151-A.

(p) Board of family mediator certification under RSA 328-C.

(q) Board of home inspectors under RSA 310-A:186.

(r) Board of land surveyors under RSA 310-A:55.

(s) Board of landscape architects under RSA 310-A:142.

(t) Board of licensed dietitians under RSA 326-H.

(u) Board of licensing for alcohol and other drug use professionals under RSA 330-C.

(v) Board of licensing for foresters under RSA 310-A:100.

(w) Board of manufactured housing under RSA 205-A:25.

(x) Board of medicine under RSA 329.

(y) Board of mental health practice under RSA 330-A.

(z) Board of natural scientists under RSA 310-A:81.

(aa) Board of nursing under RSA 326-B.

(bb) Board of pharmacy under RSA 318.

(cc) Board of podiatry under RSA 315.

(dd) Board of psychologists under RSA 329-B:3.

(ee) Board of professional engineers under RSA 310-A:3.

(ff) Board of professional geologists under RSA 310-A:120.

(gg) Board of psychologists under RSA 329-B.

(hh) Board of registration of funeral directors and embalmers under RSA 325.

(ii) Board of registration in optometry under RSA 327.

(jj) Board of registration of medical technicians under RSA 328-I.

(kk) Board of septic system evaluators under RSA 310-A:206.

(ll) Board of veterinary medicine under RSA 332-B.

(mm) Electricians' board under RSA 319-C.

(nn) Electrology advisory committee under RSA 314.

(oo) Genetic counselors governing board established under RSA 328-F and RSA 326-K.

(pp) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.

(qq) Guardians ad litem board under RSA 490-C.

(rr) Installation standards board under RSA 205-D.

(ss) Mechanical licensing board under RSA 153:27-a.

(tt) Midwifery council under RSA 326-D.

(uu) Naturopathic board of examiners under RSA 328-E.

(vv) Occupational therapy governing board established under RSA 326-F; and RSA 326-C.

(ww) Physical therapy governing board established under RSA 328-F and 328-A.

(xx) Real estate appraiser board under RSA 310-B.

(yy) Real estate commission under RSA 331-A.

(zz) Registration of ophthalmic dispensers under RSA 327-A.

(aaa) Speech-language pathology and hearing care provider governing board established under RSA 328-F and 326-F.

310:3 Executive Director; Directors; Unclassified Personnel.

I. The executive director of the office of professional licensure and certification shall be an unclassified employee of the state. The executive director shall be appointed by the governor, with consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified to hold that position by reason of professional competence, education, and experience. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II. The executive director shall nominate for appointment by the governor and council the unclassified positions of director of the division of licensing and board administration and director of the division of enforcement. Each director shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director for a term of 4 years.

III. The executive director shall nominate for appointment by the governor and council the unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator positions. Each director shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

IV. The executive director shall nominate for appointment by the governor and council the unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

V. The salaries of the executive director, each division director, each legal officer, the chief pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

310:4 Duties of Executive Director.

I. The executive director, as the administrative head of the office of professional licensure and certification, may employ such clerical or other assistants as are necessary for the proper performance of the office's work and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of the office's 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.

II. The executive director of the office of professional licensure and certification shall be responsible for:

(a) Supervision of the division directors and chief legal officers.

(b) Employment of personnel needed to carry out the functions of the office and the boards.

(c) The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, based on set objective standards developed by the boards, and in accordance with RSA 541-A.

(d) The investigation of all complaints of professional misconduct in accordance with RSA 310:9.

(e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office.

(f) Drafting and coordinating rulemaking for all boards within the office in accordance with RSA 541-A, with the advice and recommendations of the boards.

(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A.

(h) 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. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

(i) Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), the office

and all boards shall accept electronic signatures and scans of signed documents in addition to original signatures.

310:5 Administration of the Office of Professional Licensure and Certification; Funding.

I. The executive director of the office of professional licensure and certification shall establish and collect all license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.

II. There is hereby established the office of professional licensure and certification fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office. Funds in excess of $5,000,000 shall lapse to the general fund at the close of each biennium.

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of registration in optometry, board of podiatry, board of licensed dietitians, and board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

IV. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and certification fund.

310:6 Rulemaking Authority. The executive director of the office of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board. Fees shall be reassessed, at a minimum, every five years.

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings,

disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

IV. Rules governing the professionals' health program as set forth in RSA 310:5.

V. Temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction. The temporary license shall be valid for 120 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be renewed, except that a complete application for full licensure by shall continue the validity of the temporary license until the office has acted on the application. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

310:7 Telemedicine and Telehealth Services.

I. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

II. Notwithstanding any provision of law to the contrary, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate licensing board within the office of professional licensure and certification. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

III. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record; and

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate.

IV. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

310:8 License Renewals; Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, certifications, or registrations, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the expiration of the license, certification, or registration. Licenses shall lapse when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of a lapsed license are not authorized to practice until the licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses within one year of the date of the lapse upon submitting an application and meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees, at least 2 months before the date of expiration of their license, with notice of the need to complete their renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the office, the rules of the board, or this section. Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications submitted electronically the electronic time stamp of submission.

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the office of professional licensure and certification shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

310:9 Complaints and Investigations.

I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

II. Upon receipt of an allegation of professional misconduct, the office shall determine whether the allegation states a viable claim. If the office determines that the allegation is not viable, it shall make a recommendation to the board for dismissal. The board shall review the office’s recommendation and dismiss the allegation if it determines that the allegation does not state a claim of professional misconduct.

III. Notwithstanding any other law to the contrary, the office shall investigate allegations of misconduct by licensees (a) upon its own initiative or (b) upon written complaint alleging misconduct of a licensed, or unlicensed, individual or entity of a profession regulated under the office.

IV. Allegations of misconduct received by the office, information and records acquired by the office during an investigation, and reports and records made by the office because of its investigation, shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing.

However, the office may disclose information acquired in an investigation to law enforcement or licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts.

(b) Conduct inspections of places of business of a profession regulated under the office.

(c) Issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(2) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. When an allegation of misconduct is determined to be unfounded after an investigation, the board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for dismissing the complaint. The office shall retain all information concerning investigations in accordance with the retention policy established by the office.

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The 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. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and experience to serve as hearing counsel in all disciplinary proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and experience to serve as presiding officer in all disciplinary or non-disciplinary remedial proceedings before the boards. The presiding officer shall have the authority to preside at such

hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent 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.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, 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 or office in relation to proceedings under this chapter.

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If a board denies a license following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A.

III. In carrying out licensing proceedings, the board shall have the authority to:

(a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;

(b) Appoint a board member or other qualified person as presiding officer; and

(c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

310:12 Sanctions.

I. Upon making an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By placing the licensee on probationary status. The board may require the person to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed $3,000 per offense, or, in the case of continuing offenses, $300 for each day that the violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the licensee or certificate holder should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence to establish a relevant pattern or course of conduct in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to imposing any sanctions.

IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30.

V. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, the board may require the licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the office and any sums recovered shall be credited to the office's fund and disbursed by the office for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in a profession licensed or certified by the office of professional licensure and certification, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed

professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to $10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board.

310:14 Rehearing; Appeals.

I. Any person who has been denied a license or certification by the office or a board shall have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

II. Any person who has been disciplined by a board shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.

III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541. No sanction shall be stayed by the board during an appeal.

310:15 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be coterminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the

division of duties between administration and the boards, councils, committees, and commissions in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

310:16 Military Service Members and Spousal Temporary Licensure. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

I. The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

III. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

IV. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

2 Dedicated Fund; Office of Professional Licensure and Certification. Amend 6:12, I(b)(340) to read as follows:

(340) Moneys deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

3 Transition; Administrative Rules; Recodification of Office of Professional Licensure and Certification. The rules adopted for any occupation or profession under the office of professional licensure and certification under former RSA 310-A:1-a in effect on the effective date of this act shall, to the extent practicable, continue and be effective and apply to such respective occupation or profession until they expire or are amended or repealed.

4 Board of Accountancy Repeals. The following provisions of RSA 309-B are repealed:

I. RSA 309-B:4, VI(b), relative to rules of investigations.

II. RSA 309-B:11, relative to investigations.

III. RSA 309-B:12, relative to hearings.

IV. RSA 309-B:13, relative to reinstatement.

V. RSA 309-B:15, relative to injunctions.

5 Board of Accountancy; Substantial Equivalency. Amend RSA 309-B:6, II to read as follows:

II. A licensee of this state offering or rendering services or using this state's certified public accountant designation in another state shall be subject to disciplinary action in this state for an act committed in another state for which the licensee would be subject to discipline in the other state. [~~Notwithstanding RSA 309-B:11, I,~~] The board shall be required to investigate any complaint made by the board of accountancy of another state.

6 Board of Accountancy; Cross References Amended. Amend the following RSA sections by replacing "RSA 309-B:11" with "RSA 310": 309-B:8, VIII(d); 309-B:16, I; 309-B:18.

7 Board of Acupuncture Licensing Repeals. The following provisions of RSA 328-G are repealed:

I. RSA 328-G:7, VII, relative to rulemaking for hearings.

II. RSA 328-G:12, relative to disciplinary proceedings.

III. RSA 328-G:13, relative to hearings.

IV. RSA 328-G:14, relative to penalties.

8 Architects Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:32, I(g), relative to administrative rules.

II. RSA 310-A:32, I(h), relative to rulemaking regarding hearings procedures.

III. RSA 310-A:33, relative to fees.

IV. RSA 310-A:46, relative to relative to expiration and renewals of licensure and certification.

V. RSA 310-A:47, relative to investigations and disciplinary proceedings.

VI. RSA 310-A:48, relative to hearings.

VII. RSA 310-A:49, relative to reissuance of licenses.

VIII. RSA 310-A:50, relative to violations.

IX. RSA 310-A:51, relative to restraint of violations.

9 Office of Professional Licensure and Certification; Disciplinary Actions; Penalties. Amend the introductory paragraph of RSA 310-A:47-a, I to read as follows:

I. The board, upon making an affirmative finding ***on a complaint*** under [~~RSA 310-A:47~~] ***this chapter***, may take disciplinary action in any one or more of the following ways:

10 Assessing Certification Board Repeal. The following are repealed:

I. RSA 310-C:12, I, relative to the assessing certificate.

II. RSA 310-C:13, relative to disciplinary proceedings.

III. RSA 310-C:14, relative to hearings and investigations.

IV. RSA 310-C:16, relative to summons and oaths.

11 Assessing Certification Board; Prohibited Conduct; Reference Correction. Amend RSA 310-C:3 to read as follows:

310-C:3 Prohibited Conduct. A person certified by the board under this chapter, shall, after a hearing, be subject to disciplinary action as provided in [~~RSA 310-C:13~~] ***RSA 310*** for being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended.

12 Barbering, Cosmetology & Esthetics Repeals. The following provisions of RSA 313-A are repealed:

I. RSA 313-A:4, relative to maintenance of records.

II. RSA 313-A:8, V, relative to fees.

III. RSA 313-A:8, VIII, relative to procedural rules for hearings.

IV. RSA 313-A:14, relative to nonresidents.

V. RSA 313-A:15, relative to examinations.

VI. RSA 313-A:19, II(b), relative to shop licensure requirements for booths.

VII. RSA 313-A:20, relative to expiration and renewal of licensure.

VIII. RSA 313-A:22, relative to disciplinary action.

IX. RSA 313-A:23, relative to hearings.

13 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. Amend RSA 313-A:8, XVII to read as follows:

XVII. A schedule of administrative fines for violations of this chapter under [~~RSA 313-A:22, III(e) and (f)~~] ***RSA 310*** and procedures for the payment of such fines.

14 Allied Health Professionals; Governing Boards Established; Repeal. RSA 328-F:3, II and III, relative to governing boards and the office of licensed allied health professionals, is repealed.

15 Allied Health Professionals; Governing Boards; Completion of Survey; Rulemaking. Amend RSA 328-F:11-a to read as follows:

328-F:11-a Completion of Survey; Rulemaking. The [~~board~~] ***governing boards*** shall adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey or opt-out form provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey.

16 Allied Health Professionals; Licensing Provisions; Criminal History Record Checks. Amend RSA 328-F:18-a to read as follows:

328-F:18-a Criminal History Record Checks.

I.***(a)*** The [~~board of directors~~] ***governing boards*** shall require [~~one of the following types of criminal background checks~~] from applicants for initial licensure or certification, reinstatement of licensure or certification, or conditional licensure or certification.

~~(a) An original criminal offender record report issued by each state where the applicant has resided or been licensed within the past 6 years; or~~

~~(b)~~]***,*** a criminal history record release form, as provided by the New Hampshire division of state police which authorizes the release of his or her criminal history record, if any, to the [~~office of licensed allied health professionals~~] ***office of professional licensure and certification***.

(b)(1) The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~office of licensed allied health professionals~~] ***office of professional licensure and certification*** may, in lieu of the criminal history records check, accept police clearances described in subparagraph (a).

(2) The [~~office of licensed allied health professionals~~] ***office of professional licensure and certification*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~office of licensed allied health professionals~~] ***office of professional licensure and certification***.

II. The [~~office of licensed allied health professionals~~] ***office of professional licensure and certification*** shall review the criminal record information prior to the respective governing board making a decision on licensure or certification and shall maintain the confidentiality of all criminal history records received pursuant to this section.

III. The applicant shall bear the cost of all criminal history record checks.

IV. The [~~board~~] ***office of licensure and certification*** shall consider military security clearance for an individual actively serving in any component of the Department of Defense in lieu of criminal background checks.

V. Pending the results of a criminal history record check, an applicant for licensure may be employed in a profession of the allied health field on a conditional basis for up to 90 calendar days before the [~~office of licensed allied health professionals~~] ***office of professional licensure and certification*** receives the results of a criminal history record check required for licensure, if the conditional employee:

(a) Is under the direct supervision of a licensee;

(b) Has provided a written attestation to the employer and the [~~board~~] ***office of professional licensure and certification*** that no disqualifying criminal history exists; and

(c) The [~~allied health~~] governing board is not a member of an interstate licensure compact.

17 Allied Health Professionals Repeal. The following are repealed:

I. RSA 328-F:1, relative to purpose.

II. RSA 328-F:2, relative to definitions.

III. RSA 328-F:4, VII, relative to the respiratory care practitioner governing board.

IV. RSA 328-F:4, IX, relative to the recreational therapy governing board.

V. RSA 328-F:5, I through V, relative to governing board authority.

VI. RSA 328-F:7, relative to removal of members and vacancies.

VII. RSA 328-F:8, relative to organization and meetings.

VIII. RSA 328-F:9, relative to records of the boards.

IX. RSA 328-F:10, relative to records of disciplinary history.

X. RSA 328-F:11-b, relative to telemedicine.

XI. RSA 328-F:12, relative to the board of directors.

XII. RSA 328-F:13, relative to the board of directors' rulemaking authority.

XIII. RSA 328-F:15, relative to fees.

XIV. RSA 328-F:19, relative to renewal.

XV. RSA 328-F:20, relative to reinstatement of lapsed licenses.

XVI. RSA 328-F:21, II, relative to notification of stolen licenses.

XVII. RSA 328-F:23, relative to disciplinary action and hearings.

XVIII. RSA 328-F:24, relative to investigations.

XIX. RSA 328-F:25, relative to the obligation to report.

XX. RSA 328-F:26, relative to temporary suspension.

XXI. RSA 328-F:27, relative to unauthorized practice.

XXII. RSA 328-F:29, relative to revocation of licensure.

18 Chiropractic; Repeals. The following provisions of RSA 316-A are repealed:

I. RSA 316-A:3, X, relative to procedures for investigations.

II. RSA 316-A:3, XI, relative to hearings procedures.

III. RSA 316-A:3, XII, relative to methods of informing the public of results of disciplinary action.

IV. RSA 316-A:5, relative to fees.

V. RSA 316-A:8, relative to income.

VI. RSA 316-A:11, I, relative to fees.

VII. RSA 316-A:15-a, relative to telemedicine.

VIII. RSA 316-A:18, relative to portability of licensure.

IX. RSA 316-A:20, relative to renewal.

X. RSA RSA 316-A:21, relative to inactive list.

XI. RSA 316-A:22, relative to disciplinary action.

XII. RSA 316-A:23, relative to notice and hearing procedure.

XIII. RSA 316-A:23-a, relative to investigations.

XIV. RSA 316-A:25, relative to penalties.

19 Dentists and Dentistry; Rulemaking Authority; Anesthesia. Amend RSA 317-A:12, XII-a, to read as follows:

XII-a. The use of general anesthesia, deep sedation, and moderate sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application [~~and application fee~~].

(c) On-site evaluations of personnel, facility, equipment, and records as they pertain to the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any combination thereof.

(d) [~~Fee for the on-site evaluations under subparagraph (c). If the evaluation is done by a third party, the fee need not be established by rule under or pursuant to RSA 541-A. Third party fees shall be paid directly to the third party.~~

~~(e)~~] The issuance of permits for use of general anesthesia, deep sedation, and moderate sedation, or of permits for use of moderate sedation.

[~~(f)~~] ***(e)*** The requirement that the physical presence of the dentist licensed under RSA 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

[~~(g)~~] ***(f)*** The establishment of the qualifications of dentists to administer general anesthesia or deep sedation which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt dentists who are board eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery from this requirement.

(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.

(3) Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.

[~~(h)~~] ***(g)*** A physical evaluation and medical history shall be taken before the administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the minimum requirements for physical evaluation and medical history;

20 Repeals; Dentistry. The following provisions of RSA 317-A are repealed:

I. RSA 317-A:7-b, relative to telemedicine.

II. RSA 317-A:12, IX, relative to procedures for hearings.

III. RSA 317-A:13, relative to licensure renewal.

IV. RSA 317-A:15, relative to failure to register.

V. RSA 317-A:15-a, relative to reinstatement of lapsed licenses.

VI. RSA 317-A:16, relative to inactive list.

VII. RSA 317-A:17, relative to professional misconduct.

VIII. RSA 317-A:17-a, relative to immunity.

IX. RSA 317-A:18, relative to investigatory powers.

X. RSA 317-A:18-a, relative to hearings.

XI. RSA 317-A:18-b, relative to temporary suspension.

XII. RSA 317-A:24, relative to applicants from out of states.

XIII. RSA 317-A:25, relative to certificates of good standing.

XIV. RSA 317-A:29, relative to lists of dentists.

XV. RSA 317-A:33, relative to penalty.

XVI. RSA 317-A:34, relative to injunction.

XVII. RSA 317-A:35, relative to disposal of fines.

21 Dentists and Dentistry; Examining Board; Reference Corrected. Amend RSA 317-A:4, I(c) to read as follows:

(c) To undertake, when appropriate, disciplinary proceedings and disciplinary action against licensees as authorized by [~~RSA 317-A:17, 317-A:18, 317-A:18-a, 317-A:18-b,~~] ***RSA 310*** and any other appropriate disciplinary statutes;

22 Dentists and Dentistry; Examinations and Licenses; Applications; Reference Corrected. Amend RSA 317-A:8, V to read as follows:

V. No application shall be granted unless the board finds that the applicant possesses the necessary educational, character, and other professional qualifications to practice dentistry or dental

hygiene, and that no circumstances exist which would be grounds for disciplinary action against a licensed dentist or hygienist pursuant to [~~RSA 317-A:17, II~~] ***RSA 310***.

23 Dentists and Dentistry; Examinations and Licenses; Rulemaking Authority; Reference Corrected. Amend RSA 317-A:12, XII to read as follows:

XII. The imposition of administrative fines authorized under [~~RSA 317-A:17, III(f)~~] ***RSA 310***;

24 Dentists and Dentistry; Examinations and Licenses; Professionals' Health Program; Reference Corrected. Amend RSA 317-A:12, XII to read as follows:

I. Any peer review committee may report relevant facts to the board relating to the acts of any dentist in this state if it has knowledge relating to the dentist which, in the opinion of the peer review committee, might provide grounds for disciplinary action as specified in [~~RSA 317-A:17, II~~] ***RSA 310***.

25 Electricians; Repeals. The following provisions of RSA 319-C are repealed:

I. RSA 319-C:6-a, VI, relative to rulemaking for investigations.

II. RSA 319-C:6-a, VII, relative to procedural rules for hearings.

III. RSA 319-C:6-b, relative to fees.

IV. RSA 319-C:9, relative to renewal of licenses.

V. RSA 319-C:12, relative to disciplinary action.

VI. RSA 319-C:12-a, relative to hearings.

VII. RSA 319-C:12-b, relative to appeals.

VIII. RSA 319-C:14, relative to nonresidents.

26 Family Mediators; Repeals. The following provisions of RSA 328-C are repealed:

I. RSA 328-C:4-a, I relative to duties of the board to maintain lists.

II. RSA 328-C:4-a, VI, relative to duties of the board to investigate complaints.

III. RSA 328-C:5-b, relative to immunity.

IV. RSA 328-C:6, relative to continuing education.

V. RSA 328-C:7, relative to disciplinary action.

VI. RSA 328-C:7-a, relative to appeals.

VII. RSA 328-C:11, relative to fees.

27 Licensing Foresters; Applications. Amend RSA 310-A:105 to read as follows:

310-A:105 Applications[~~; Fees~~]. Applications for licensing shall [~~be made on forms prescribed and furnished by the board, and shall~~] contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of the applicant's technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of the applicant's forestry experience. [~~The fee for a license as a forester shall be fixed by the board. One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining~~

~~balance within 30 days after being notified by certified mail, return receipt requested, that the application has been accepted, the applicant shall forfeit the right to have the license issued and the applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.~~]

28 Licensing Foresters; Examination; Re-Examination; Issuance of License. Amend RSA 310-A:106 and 310-A:107 to read as follows:

310-A:106 Examination; Re-Examination[~~; Fee~~]. The methods and procedure for written and oral examinations shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of 6 months [~~and shall be entitled to one re-examination without payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the board~~].

310-A:107 Issuance of License; Endorsement of Documents. The [~~board~~] ***office*** shall issue a license upon payment of the fee [~~as provided in this subdivision~~] to any applicant, who[~~, in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and shall have a serial number. The issuance of a license [~~by the board~~] shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with the licensee's name and license number during the life of the license. It shall be a class B misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said license has been renewed or reissued. It shall be a class B misdemeanor for any licensed forester to endorse any plan, map or report unless the licensed forester shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation of the same.

29 Licensing Foresters; Renewal. Amend RSA 310-A:109 as follows:

310-A:109 License Renewal. Licenses may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. [~~The secretary shall notify each forester one month prior to the expiration of such certificate.~~] The applicant shall submit proof of completion of 20 hours of continuing education approved by the board at the time of license renewal, together with a record of any legal action brought against the applicant for services as a forester.

30 Licensing Foresters; Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:108, relative to expiration.

II. RSA 310-A:110, relative to failure to renew.

III. RSA 310-A:111, relative to reciprocity.

IV. RSA 310-A:112, relative to disciplinary action.

V. RSA 310-A:113, relative to hearings.

VI. RSA 310-A:113-a, relative to additional powers and subpoenas.

VII. RSA 310-A:114, relative to violations and penalty.

VIII. RSA 310-A:115, relative to restraint of violations.

IX. RSA 310-A:116, relative to administrative costs.

31 Embalmers and Funeral Directors; Funeral Directors; Inspections. Amend RSA 325:17 to read as follows:

325:17 Inspection. The [~~board~~] ***office of professional licensure and certification*** may inspect all places where funeral directing is conducted or where embalming is practiced ***in accordance with standards established by the board pursuant to rule***. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

32 Embalmers and Funeral Directors; Funeral Directors; Examinations. RSA 325:18 is repealed and reenacted to read as follows:

325:18 Examinations. The board shall require applicants who desire to engage in funeral directing or embalming to complete an examination, subject to RSA 325:19.

33 Embalmers and Funeral Directors; Funeral Directors; Licensure. Amend RSA 325:20 to read as follows:

325:20 Licensure. The [~~board~~] ***office*** shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies [~~the~~] board [~~of her or his qualifications~~] ***requirements***, a license, entitling her or him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.

34 Embalmers and Funeral Directors; Investigatory Powers of the Board. Amend RSA 325:33, I to read as follows:

I. The board may investigate possible misconduct by licensees, and applicants, and any other matters within the scope of this chapter. Investigations may be conducted with or without the issuance of a board order setting forth the general scope of the investigation. Board investigations and information obtained by the board pursuant to such investigations[~~, including complaints received under RSA 325:32, I(b),~~] shall be privileged, confidential, and exempt from the public disclosure provisions of RSA 91-A, unless such information is subsequently included in the record in a public disciplinary hearing. The board may disclose information obtained in its investigations to law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance with specific statutory requirements or court orders.

35 Repeals; Embalmers and Funeral Directors. The following are repealed:

I. RSA 325:9, VII, relative to administration of the chapter.

II. RSA 325:9, VIII, relative to procedures for hearings.

III. RSA 325:12-a, relative to fees.

IV. RSA 325:22, relative to nonresidents.

V. RSA 325:22-a, relative to interstate agreements.

VI. RSA 325:23, relative to expiration.

VII. RSA 325:24, relative to notices of expiration.

VIII. RSA 325:25, relative to renewal of licenses.

IX. RSA 325:32, relative to disciplinary action.

X. RSA 325:32-a, relative to reciprocal discipline.

XI. RSA 325:32-b, relative to temporary suspension.

XII. RSA 325:33-a, relative to summons, oaths, and witnesses.

XIII. RSA 325:34, relative to hearings.

XIV. RSA 325:34-a, relative to license suspension.

XV. RSA 325:35, relative to immunity from civil action.

XVI. RSA 325:36, relative to reinstatement application.

36 Cremation of Human Remains; Crematory License Required. Amend RSA 325-A:2 to read as follows:

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by ***the office pursuant to rules adopted by*** the board under this chapter. The [~~board~~] ***office*** shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.

37 Cremation of Human Remains; License Application. Amend RSA 325-A:4 to read as follows:

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the [~~board~~] ***office***. The application shall be accompanied by the license fee [~~required under RSA 325-A:7~~] and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the board, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant's social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

38 Cremation of Human Remains; Change in Location. Amend RSA 325-A:6 to read as follows:

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application [~~with the board~~] at least 30 days prior to the designated date of such relocation. The application

shall be accompanied by a ***required*** fee [~~as determined by the board in rules adopted under RSA 541-A~~].

II. A crematory authority desiring to change ownership of a crematory shall file a written application [~~with the board~~] at least 30 days prior to the designated date of such change. The application shall be accompanied by a ***required*** fee [~~as determined by the board in rules adopted under RSA 541-A~~].

III. A crematory authority desiring to change its name shall file a written application [~~with the board~~] at least 30 days prior to such change. The application shall be accompanied by a ***required*** fee [~~as determined in rules adopted under RSA 541-A~~].

39 Cremation of Human Remains; Inspection. Amend RSA 325-A:8, I-II to read as follows:

I. The [~~board~~] ***office*** shall at least once every 3 years inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in [~~such manner and at such times as provided in rules adopted by the board~~] ***in accordance with rules adopted by the board pursuant to RSA 541-A***.

II. The [~~board~~] ***office*** shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The board shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

40 Cremation of Human Remains; Repeals. The following are repealed:

I. RSA 325-A:5, relative to license expiration.

II. RSA 325-A:7, relative to fees.

III. RSA 325-A:8, IV, relative to appointment of technical advisers.

IV. RSA 325-A:9, relative to complaints.

V. RSA 325-A:10, relative to imminent danger.

VI. RSA 325-A:11, relative to denial of a license.

VII. RSA 325-A:12, relative to disciplinary action.

VIII. RSA 325-A:13, relative to appeal.

IX. RSA 325-A:14, relative to license reinstatement.

X. RSA 325-A:16, relative to injunctions.

XI. RSA 325-A:28, II relative to fees.

XII. RSA 325-A:28, VI, relative to inspection procedures.

41 Genetic Counselors; Provisional License. Amend RSA 326-K:4 to read as follows:

326-K:4 Provisional License.

I. A provisional license may be issued by the [~~board~~] ***office*** to an applicant who meets all of the requirements for licensure except for the certification component and has been granted active candidate status by ABGC.

II. A provisional license shall be valid for the ABGC examination cycle for which active candidate status by the ABGC has been granted. Such provisional license shall expire automatically upon the earliest of the following:

(a) Issuance of a full license;

(b) Thirty days after the applicant fails to pass the certification examination; or

(c) Two years from the issuance of a provisional license.

III. A provisional license may only be extended upon approval of the [~~board~~] ***office*** for good cause shown.

IV. A provisional licensed genetic counselor shall work under the general supervision of a licensed genetic counselor or a licensed physician at all times during which the provisional licensed genetic counselor performs genetic counseling. An application for extension of the provisional license shall be signed by the supervising licensed genetic counselor or supervising licensed physician.

V. The [~~board~~] ***office*** is authorized to issue conditional provisional licenses in accordance with ***governing board*** rules adopted pursuant to RSA 541-A.

42 Genetic Counselors; Prohibition on Unlicensed Practice. Amend RSA 326-K:5, I to read as follows:

I. No person shall practice or represent himself or herself as a genetic counselor in this state without first applying for and receiving a license or provisional license from the [~~board~~] ***office*** to practice as a licensed genetic counselor.

43 Genetic Counselors; Privileged Communications. Amend RSA 326-K:8, II to read as follows:

II. Information and results may be made available to the board ***or the office*** for use in an investigation or disciplinary proceeding under RSA 328-F concerning a licensed genetic counselor only if the results are coded to maintain confidentiality of the client.

44 Repeal; Genetic Counselors. RSA 326-K:6, relative to reciprocity is repealed.

45 Guardian ad Litem Board; Rulemaking Authority. Amend RSA 490-C:5, I(f) to read as follows:

(f) Procedures for conducting investigations and hearings conducted by the board [~~under this chapter~~].

46 Guardian ad Litem Board; Rulemaking Authority. Amend RSA 490-C:5, II to read as follows:

II. The board may adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The application or certification requirements and criteria for temporary or conditional certification or both, including but not limited to procedures and requirements regarding the circumstances and manner in which individuals may be temporarily or conditionally certified or both, the term and duration of conditional or temporary certification or both, and the ethical standards and standards of practice applicable to persons so certified.

(b) Procedures for the reporting of activities conducted by guardians ad litem appointed in New Hampshire.

[~~(c) The administration of oaths or affirmations, the preservation of testimony, and the issuance of subpoenas for witnesses and for documents, on the approval of the attorney general, relative to investigations, adjudicatory hearings, or other proceedings held by the board.~~

~~(d) Procedures for informal resolution or referral of complaints.~~

~~(e) Procedures and requirements relating to the resignation or surrender of certification, including but not limited to the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.~~

~~(f) Disciplinary procedures, penalties, and sanctions for conditionally or temporarily certified guardians ad litem or both and persons formerly certified by the board, which penalties, sanctions, and procedures may include, but need not be limited to, those listed in RSA 490-C:4, I(f).~~

~~(g) Procedures and requirements relative to maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.~~]

47 Guardian ad Litem Board; Certification. Amend RSA 490-C:5-a to read as follows:

490-C:5-a Certification.

I. To be eligible for initial certification, recertification, reinstatement, or renewal of certification, as a guardian ad litem under this chapter, an applicant shall be of good character and shall meet such criteria or requirements as may be established by the board.

II. Certification issued by the board shall be valid for 3 years from the date of issuance, and shall expire 3 years from the date of issuance, unless renewed or reissued pursuant to rules [~~adopted by~~], and upon payment of ***required*** fees [~~established in, the rules of the board~~].

III. If timely and sufficient application has been made in accordance with board rules for renewal of certification, the existing certification shall not expire until the board has taken final action on the application for renewal.

IV. Conditional or temporary certification as a guardian ad litem under this chapter shall be according to such criteria, terms, requirements, and [~~procedures, and~~] for such duration, as may be established by the board.

48 Repeals; Guardian ad Litem Board. The following are repealed:

I. RSA 490-C:5-c, relative to immunity from civil and criminal actions.

II. RSA 490-C:8, relative to appeals.

49 Home Inspectors; Rulemaking. Amend RSA 310-A:187, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.

(b) The criteria for a license to be renewed or reinstated, including any requirements for continuing education.

(c) Disciplinary actions by the board that shall be implemented for violations of the standards of practice, code of ethics, and rules adopted by the board.

(d) [~~Procedures for the conduct of hearings consistent with the requirements of due process.~~

~~(e)~~] Procedures for approving education courses for eligibility for licensure and for a continuing education program.

[~~(f)~~] ***(e)*** How an applicant shall be examined, including the form of the examination.

[~~(g)~~] ***(f)*** The design of an official seal.

[~~(h)~~] ***(g)*** The establishment of administrative fines which may be levied in the administration of this subdivision.

50 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The [~~board~~] ***office*** shall issue a license upon payment of the license fee [~~established by the office of professional licensure and certification~~], to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license [~~by the board~~] shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the licensee to perform home inspections after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

51 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

310-A:195 Expiration and Renewals.

[~~I.~~] The board shall send, by mail or otherwise, notification of the impending license expiration to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence [~~satisfactory to the board~~] of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

[~~II. All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. A licensed home inspector shall complete at least 20 hours of board-approved continuing education during each license period~~

~~in order to maintain his or her license. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.~~

~~III. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.~~]

52 Repeals; Home Inspectors. The following are repealed:

I. RSA 310-A:186, VI-VII, relative to the board of home inspectors.

II. RSA 310-A:188, relative to fees.

III. RSA 310-A:194, relative to reciprocity.

IV. RSA 310-A:196, relative to disciplinary hearings.

V. RSA 310-A:197, relative to hearings.

VI. RSA 310-A:198, relative to reissuance of licenses.

VII. RSA 310-A:200, relative to restraint of violations.

53 Manufactured Housing Installation Standards; Qualifications for License. Amend RSA 205-D:8 to read as follows:

205-D:8 Qualifications for License. The [~~board~~] ***executive director of the office*** shall issue a license to any applicant who at a minimum:

I. Has attained the age of 18;

II. Has 2 years experience as a manufactured housing installer [~~or proves to the board's satisfaction equivalent installation experience~~] ***as determined by rules adopted pursuant to RSA 541-A***;

III. Has successfully completed 6 hours of training on installation standards; and

IV. Complies with the requirements of RSA 205-D:10.

54 Manufactured Housing Installation Standards; Application for License. Amend RSA 205-D:10, I to read as follows:

I. Applications for licenses shall be made on forms adopted by the [~~board~~] ***executive director***.

55 Manufactured Housing Installation Standards; Warranty Seal. Amend RSA 205-D:17 to read as follows:

205-D:17 Warranty Seal. In order to keep record of and verify the proper installation of manufactured homes, no manufactured house may be installed in this state until the manufacturer or an installer licensed by the [~~board~~] ***executive director*** has obtained a warranty seal from the [~~board~~] ***executive director*** and attached the seal to the manufactured house.

56 Manufactured Housing Installation Standards; Rulemaking Authority. RSA 205-D:20 is repealed and reenacted to read as follows:

205-D:20 Rulemaking Authority. The board shall be authorized, pursuant to RSA 541-A, to adopt rules relative to:

I. The establishment of uniform manufactured housing installation standards.

II. The qualifications of license applicants set under this chapter.

III. How an applicant shall be trained, including the minimum education requirements and training standards.

IV. The establishment of fees required under this chapter.

V. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards.

VI. The establishment of bond and letter of credit requirements under RSA 205-D:9.

57 Repeals; Manufactured Housing Installation Standards. The following are repealed:

I. RSA 205-D:5, IV, relative to complaints by an installer.

II. RSA 205-D:6, relative to complaints.

III. RSA 205-D:11, I, relative to expiration of licenses.

IV. RSA 205-D:12, relative to fees.

V. RSA 205-D:13, relative to disciplinary action.

VI. RSA 205-D:14, relative to hearings.

VII. RSA 205-D:15, relative to penalty.

VIII. RSA 205-D:19, relative to federal funds.

58 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

310-A:65 Application. Applications for licensure shall be on forms prescribed and furnished by the [~~board~~] ***office***, shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All applications shall be accompanied by a fee established by the [~~board~~] ***office***.

59 Land Surveyors; Application for Certificate of Authorization. Amend RSA 310-A:65-a to read as follows:

310-A:65-a Application for Certificate of Authorization. The [~~board~~] ***office*** shall issue a certificate of authorization to any business organization in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the [~~board~~] ***office*** an application on a form provided by the [~~board~~] ***office***, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, a business organization, other than a proprietorship or partnership, shall file with the [~~board~~] ***office*** an application on a form provided by the [~~board~~] ***office***, which specifies:

(a) The names and addresses of all officers and board members of the business organization.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the business organization.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the [~~board~~] ***office*** an application on a form provided by the [~~board~~] ***office***, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the [~~board~~] ***office*** by a business organization under paragraphs I, II and III shall be reported to the [~~board~~] ***office*** within 30 days of the change.

60 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

I. The [~~board~~] ***office*** shall issue a license upon payment of the required fee to any applicant who, in the opinion of the [~~board~~] ***office***, has satisfactorily met all the requirements for such license. This license shall authorize the practice of land surveying. The issuance of a license by the [~~board~~] ***office*** shall be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the license remains valid.

61 Land Surveyors; Repeal. The following are repealed:

I. RSA 310-A:58, VII, relative to rulemaking regarding administration of the chapter.

II. RSA 310-A:58, VIII, relative to rulemaking regarding hearing procedures.

III. RSA 310-A:58, X, relative to rulemaking for retired status.

IV. RSA 310-A:59, relative to additional powers to adopt a seal.

V. RSA 310-A:60, relative to fees.

VI. RSA 310-A:68, relative to expiration and renewals.

VII. RSA 310-A:69, relative to nonresidents.

VIII. RSA 310-A:70, relative to disciplinary action.

IX. RSA 310-A:71, relative to hearings.

X. RSA 310-A:72, relative to violations and penalties.

XI. RSA 310-A:73, relative to restraint of violations.

62 Landscape Architects; Repeals. The following are repealed:

I. RSA 310-A:143, I(g), relative to rulemaking authority.

II. RSA 310-A:143, I(h), relative to rulemaking authority over procedures for hearings.

III. RSA RSA 310-A:144, relative to fees.

IV. RSA 310-A:154, relative to expiration and renewals.

V. RSA 310-A:155, relative to disciplinary action.

VI. RSA 310-A:156, relative to hearings.

VII. RSA 310-A:157, relative to reissuance of licenses.

VIII. RSA 310-A:158, relative to violations.

IX. RSA 310-A:159, relative to restraint of violations.

63 Licensed Dietitians; Issuance, Expiration, and Renewal of a License. Amend RSA 326-H:14, I, to read as follows:

I. The [~~board~~] ***office*** shall license as a dietitian each applicant who proves [~~to the satisfaction of the board~~] his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The [~~board~~] ***office*** shall issue to each person qualified a license, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

64 Licensed Dietitians; Repeals. The following are repealed:

I. RSA 326-H:10, VII, relative to procedures for investigations and hearings.

II. RSA 326-H:11, relative to immunity from civil action.

III. RSA 326-H:13, relative to reciprocity.

IV. RSA 326-H:14, II-IV, relative to licensure renewal.

V. RSA 326-H:16, relative to suspension and revocation of a license.

VI. RSA 326-H:17, relative to hearings.

VII. RSA 326-H:18, relative to reinstatement.

VIII. RSA 326-H:19, relative to offenses.

65 Alcohol and Other Drug Use Professionals; Powers and Duties of the Board. RSA 330-C:5 is repealed and reenacted to read as follows:

330-C:5 Powers and Duties of the Board. The board shall:

I. Conduct hearings, and proceedings concerning alleged violations of this chapter or of rules adopted under this chapter.

II. Determine and enforce appropriate disciplinary action against licensees and certificate holders found guilty of violating this chapter or the rules adopted under this chapter.

III. Approve, deny or withdraw approval of providers of continuing education programs and individual continuing education programs.

IV. Select nationally recognized examinations that meet the requirements of this chapter.

66 Alcohol and Other Drug Use Professionals; Repeals. The following are repealed:

I. RSA 330-C:6, relative to advisory committees.

II. RSA 330-C:7, relative to records.

III. RSA 330-C:8, relative to fees and charges.

IV. RSA 330-C:9, IX, relative to rulemaking authority to establish rules for hearings.

V. RSA RSA 330-C:14-a, relative to telemedicine.

VI. RSA 330-C:21, relative to applicants from other states.

VII. RSA 330-C:22, II-V, relative to renewals.

VIII. RSA 330-C:23, relative to reinstatement.

IX. RSA 330-C:27, relative to disciplinary action and misconduct.

X. RSA 330-C:28, relative to investigations and hearings.

XI. RSA 330-C:29, relative to hearings.

XII. RSA 330-C:30, relative to rehearing and appeals.

XIII. 330-C:31, relative to unlawful acts.

XIV. 330-C:33, relative to exemptions.

67 Mechanical Licensing Board; Repeals. The following are repealed:

I. RSA 153:28, II, relative to rulemaking regarding fees.

II. RSA 153:30, relative to expiration and renewal of licensure.

III. RSA 153:32, relative to disciplinary action.

IV. RSA 153:33, relative to appeals from board decisions.

V. RSA 153:37, relative to penalties.

68 Physicians and Surgeons; Examining Board; Board; Duties. Amend RSA 329:2, II to read as follows:

II. The board shall:

~~(a) Evaluate persons who apply for the authority to practice medicine in New Hampshire and license to those who are found qualified under the standards of this chapter.~~

~~(b) Investigate and evaluate existing licensees through the medical review subcommittee and commence disciplinary action concerning licensees in accordance with the standards of this chapter.~~

~~(c) Investigate and prepare reports on any matter within the scope of this chapter.~~

~~(d)~~] Assess, compromise, and collect civil penalties against persons engaged in the unauthorized practice of medicine or other violations of this chapter.

69 Physicians and Surgeons; Examining Board; Rulemaking Authority. RSA 329:9 is repealed and reenacted to read as follows:

329:9 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants for initial and continued licensure consistent with the provisions of this chapter, including the requirements for continuing education, including the requirements for continuing education.

II. The substantive requirements for the reinstatement of licenses after lapses, voluntary surrender, or disciplinary action consistent with this chapter.

III. Ethical and professional standards required to be met by each holder of a license to practice medicine.

IV. The circumstances under which restricted licenses are to be issued.

V. The licensing of physician assistants as provided in RSA 328-D:2.

VI. Substantive requirements for assessing, compromising and collecting administrative fines against licensees as authorized under RSA 329:17, VII(g) and against licensees and nonlicensees as authorized by RSA 329:2, II(d).

VII. Procedures for appropriate pain management pursuant to RSA 318-B:10, IX.

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

IX. A process for registering practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

70 Physicians and Surgeons; Examinations and Licenses; Criminal History Record Checks. Amend RSA 329:11-a, I as follows:

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [~~board of medicine~~] ***office*** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office***.

71 Physicians and Surgeons; Repeals. The following are repealed:

I. RSA 329:9-g, relative to annual education program.

II. RSA 329:16-a, relative to renewal.

III. RSA 329:16-c, relative to inactive status.

IV. RSA 329:16-d, relative to notice of renewal.

V. RSA 329:16-e, relative to neglect to renew.

VI. RSA 329:16-g, relative to continuing medical education requirement.

VII. RSA 329:16-h, relative to reinstatement.

VIII. RSA 329:17, relative to disciplinary action and remedial proceedings;

IX. RSA 329:17-b, relative to injunction.

X. RSA 329:17-c, relative to denial or revocation of license.

XI. RSA 329:18, relative to investigations.

XII. RSA 329:18-a, relative to hearings.

XIII. RSA 329:18-b, relative to temporary suspension where imminent threat.

72 Physician Assistants; License Required. Amend RSA 328-D:2 to read as follows:

328-D:2 License Required.

I. No person shall practice as a physician assistant in the state of New Hampshire unless he or she is licensed [~~by the board of medicine~~] in accordance with this chapter.

II. This section shall not be construed to prohibit students enrolled in physician assistant training programs, from performing work incidental to their respective courses of study or supervised clinical work while under the supervision of a designated preceptor.

III. The [~~board~~] ***office*** shall license each applicant who satisfies the requirements under RSA 328-D:3. Upon payment of a license fee, the [~~board~~] ***office*** shall issue to such person a license, which shall be prima facie evidence of the right to practice as a physician assistant.

73 Physician Assistants; Criminal History Record Checks. Amend RSA 328-D:3-a as follows:

328-D:3 Conditions for Licensure.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [~~board~~] ***office*** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office***.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~board~~] ***office*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [~~board~~] ***office*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~board~~] ***office***.

IV. The [~~board~~] ***office*** shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check

74 Physician Assistants; Renewal of Licenses. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply [~~to the board~~] for biennial renewal of license on forms provided by the office of professional licensure and certification and shall pay a renewal fee as established by the office of professional licensure and certification. [~~Applications for renewal shall be filed no later than December 31 of every other year. A license issued under this chapter shall not expire until the board has taken final action upon the application for renewal.~~]

75 Physician Assistants; Repeals. The following provisions of RSA 328-D are repealed:

I. RSA 328-D:5-a, relative to failure to renew.

II. RSA 328-D:7, relative to disciplinary action.

III. RSA 328-D:8, relative to appeals.

IV. RSA 328-D:10, I(j), relative to implementation of rules setting forth strategies to increase military acceptance.

V. RSA 328-D:11, relative to recordkeeping.

VI. RSA 328-D:13, relative to penalty.

76 Mental Health Practice; Qualifications; Administrative Members. Amend RSA 330-A:6, I to read as follows:

I. Each [~~non-public~~] member of the board [~~and the advisory committees~~] shall be a resident of this state and licensed under the provisions of this chapter.

77 Mental Health Practice; Processing License Applications; Criminal History Record Check. Amend RSA 330-A:15-a to read as follows.

330-A:15-a Processing License Fee Applications; Criminal History Record Check.

[~~I. License applications shall be processed as follows:~~

~~(a) The board shall either request additional information or documentation within 15 days or act on an application for licensure as a mental health practitioner within 30 days of receipt of a completed application.~~

~~(b) The board shall review complete applications received at least 10 days prior to a regularly scheduled meeting at its next regularly scheduled meeting.~~]

[~~II.~~] ***I.*** Every applicant for initial licensure shall submit to the [~~board~~] ***office*** a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office***.

[~~III.~~] ***II.*** The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~board~~] ***office*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

[~~IV.~~] ***III.*** The [~~board~~] ***office*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the

board. The [~~board~~] ***office*** shall maintain the confidentiality of all criminal history records information received pursuant to this section.

[~~V.~~] ***IV.*** The applicant shall bear the cost of a criminal history record check.

78 Mental Health Practice; Pastoral Psychotherapists. Amend the introductory paragraph of RSA 330-A:17 as follows:

The [~~board~~] ***office*** shall issue a pastoral psychotherapist license to any person who satisfactorily meets all of the following requirements or their equivalent:

79 Mental Health Practice; Clinical Social Workers. Amend the introductory paragraph of RSA 330-A:18 as follows:

The [~~board~~] ***office*** shall issue a clinical social worker license to any person who meets all of the following requirements or their equivalent:

80 Mental Health Practice; School Social Workers. Amend the introductory paragraph of RSA 330-A:18-a, I as follows:

I. The [~~board~~] ***office*** shall issue a school social worker license to any person who:

81 Mental Health Practice; Conditional License. Amend the introductory paragraph of RSA 330-A:18-d, I as follows:

I. Applicants for licensure under this section may apply [~~to the board~~] for conditional licensure. To receive a conditional license, applicants shall comply with the following requirements:

82 Mental Health Practice; Clinical Mental Health Counselors. Amend the introductory paragraph of RSA 330-A:19 to read as follows:

The [~~board~~] ***office*** shall issue a clinical mental health counselor license to any person who meets all of the following requirements or their equivalent:

83 Mental Health Practice; School Social Workers. Amend the introductory paragraph of RSA 330-A:21 as follows:

The [~~board~~] ***office*** shall issue a marriage and family therapist license to any person who meets all of the following requirements or their equivalent:

84 Mental Health Practice; Qualifications. Amend 330-A:6, I-a to read as follows:

I-a. Each non-public member of the board and all licensed mental health professionals performing board-related duties [~~otherwise immune from civil action pursuant to RSA 330-A:27, IV~~] shall comply with and be subject to all provisions of this chapter and that licensee's professional ethical code in performing board-related duties.

85 Managed Care Law; Reimbursement for Providers Waiting for Health Carrier Credentialing Verification. Amend RSA 420-J:8-c, II(a) to read as follows:

(a) Mental health practitioners licensed under RSA 330-A [~~and applicants for mental health practice licensure from other states who are permitted to practice in this state pursuant to RSA 330-A:26, II~~].

86 Repeals; Mental Health Practice. The following are repealed:

I. RSA 330-A:4, relative to committees.

II. RSA 330-A:10, I, relative to licensing procedures.

III. RSA 330-A:10, XIII, relative to complaints procedures.

IV. RSA 330-A:10, XV, relative to procedures for addressing complaints.

V. RSA 330-A:12, relative to fees.

VI. RSA 330-A:15-b, relative to telemedicine.

VII. RSA 330-A:23, relative to unlawful practice and penalty.

VIII. RSA 330-A:24, relative to injunction.

IX. RSA 330-A:26, relative to reciprocity.

X. RSA 330-A:27, relative to disciplinary action.

XI. RSA 330-A:28, relative to investigations and complaints.

XII. RSA 330-A:29, relative to hearings.

XIII. RSA 330-A:30, relative to temporary suspension where imminent threat.

XIV. RSA 330-A:31, relative to expirations, renewals, and inactive status.

87 Midwifery; Certification. Amend RSA 326-D:6, as follows:

326-D:6 Certification.

I. No person shall practice midwifery in this state without first obtaining certification from the [~~council~~] ***office***. The [~~council~~] ***office*** shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits [~~a $110 certification~~] ***the required*** fee.

[~~II. Certification issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in accordance with rules adopted by the council and upon payment of a $110 renewal fee.~~]

[~~III~~] ***II***. The title "certified midwife" shall be used only by persons certified under this chapter. No person shall continue to represent himself or herself as a certified midwife after certification has been suspended under this chapter. Any person whose certification under this chapter has been suspended or revoked [~~by the council for disciplinary action under RSA 326-D:8,~~] shall not engage in the practice of midwifery unless and until the suspension or revocation of certification has been lifted.

[~~IV. Any person who shall practice or attempt to practice as a certified midwife in this state without certification shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person. Any person violating any other provision of this chapter shall be guilty of a violation.~~]

88 Midwifery; Qualifications. Amend RSA 326-D:7, VIII as follows:

VIII. Pass [~~both~~] a written [~~and an oral~~] examination [~~administered~~] ***approved*** by the council. Such examinations shall include, but shall not be limited to, questions relative to New Hampshire laws and rules governing midwives.

89 Repeals; Midwifery. The following are repealed:

I. RSA 326-D:5, I(h) and III, relative to administrative fines and rulemaking authority for hearings.

II. RSA 326-D:8, relative to disciplinary action.

III. RSA 326-D:11, relative to certificate renewal.

IV. RSA 326-D:12-a, relative to telemedicine.

V. RSA 326-D:13, relative to reciprocity.

90 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I as follows:

I. Application for certification shall [~~be on forms prescribed and furnished by the board. Such forms shall~~] include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the board may by rule require. All applications shall be signed under oath by the applicant.

91 Natural Scientists; Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:80, relative to reciprocity.

II. RSA 310-A:82, VII, relative to rules concerning administration.

III. RSA 310-A:83, relative to additional powers.

IV. RSA 310-A:88, relative to expiration.

V. RSA 310-A:39, relative to certificate renewal.

VI. RSA 310-A:90, relative to failure to renew.

VII. RSA 310-A:92, relative to fees.

VIII. RSA 310-A:93, relative to disciplinary action.

IX. RSA 310-A:94, relative to hearings.

X. RSA 310-A:95, relative to violations.

XI. RSA 310-A:96, relative to restraint of violations.

92 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I as follows:

I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the [~~board~~] ***office*** to practice naturopathic medicine.

93 Naturopathic Health Care Practice; Powers and Duties of the Board. Amend RSA 328-E:8 is repealed and reenacted as follows:

328-E:8 Powers and Duties of the Board. The board shall:

I. Insure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public.

II. Enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

94 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9(g) to read as follows:

(g) File an application and pay the [~~$300 license~~] ***required*** fee.

95 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-a to read as follows:

328-E:9-a Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [~~board~~] ***office*** a criminal history record information authorization form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record information, if any, to the [~~board~~] ***office***.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~board~~] ***office*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [~~board~~] ***office*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~board~~] ***office***. The [~~board~~] ***office*** shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history records check.

96 Repeal; Naturopathic Health Care Practice. The following are repealed:

I. RSA 328-E:13, relative to license renewal.

II. RSA 328-E:14, relative to enforcement.

III. RSA 328-E:14-a, relative to hearings.

97 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and reenacted to read as follows:

326-B:4 Powers and Duties of the Board. The board may:

I. Establish reasonable and uniform standards for nursing practice consistent with the criteria identified by the National Council of State Boards of Nursing.

II. Establish eligibility criteria for licensure and renewal of licensure, including examination requirements and continuing education requirements. The board shall select an appropriate nationally approved licensing examination.

III. Determine and enforce appropriate disciplinary action against all individuals found guilty of violating this chapter or the rules adopted under this chapter.

IV. Deny or withdraw approval of nursing educational programs that do not meet the minimum requirements of this chapter.

V. In accordance with state due process laws, limit the multistate licensure privilege of any registered nurse or licensed practical nurse to practice in New Hampshire and may take any other actions under applicable state laws necessary to protect the health and safety of New Hampshire citizens. If the board does take such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such action taken by the state of New Hampshire.

98 New Paragraph; Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 by inserting after paragraph XIV the following new paragraph:

XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R section 483.156, including placement of qualified individuals on the nursing assistant registry.

99 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I to read as follows:

I. Submit a completed application [~~and fees as established by the board~~].

100 Nurse Practice Act; Temporary Licenses. Amend RSA 326-B:24, I to read as follows:

I. The [~~board~~] ***office*** shall issue temporary licenses pursuant to this section to applicants who meet entry level licensing requirements in the license category. A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in 180 days, whichever is less.

101 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

I. The [~~board~~] ***office*** may issue a certificate of medication administration to a current LNA who:

102 Delegation; Circumstances Not Subject to Disciplinary Action by the Board of Nursing. Amend RSA 326-B:29, II to read as follows:

II. No person may coerce an RN or an LPN into compromising client safety by requiring the nurse to delegate a nursing activity or task when the nurse determines that it is inappropriate to do so. A licensee shall not be subject to disciplinary action for refusing to delegate or refusing to provide training related to such delegation when the licensee has determined that such delegation may compromise client safety [~~except as provided in RSA 326-B:37, II(h)(2)~~].

103 Nurse Practice Act; Alternative Recovery Monitoring Program. Amend RSA 326-B:36-a, I - III to read as follows:

I.(a) Any person or qualified health care professional committee may report relevant facts to the board relating to the acts of any person licensed by the board in this state if they have knowledge relating to the licensee which, in their opinion, might provide grounds for disciplinary or remedial action [~~as specified in RSA 326-B:37, II~~].

(b) A person or qualified health care professional committee who may report under subparagraph (a) shall include:

(1) A self-reporting licensee, whether without a prior history of substance use disorder or a previously impaired licensee returning to practice under a probationary license who requests participation in an alternative recovery monitoring program;

(2) A quality assurance committee acting in a clinical setting;

(3) Any committee of a professional society comprised primarily of licensees of the board of nursing, or its staff; or

(4) Any person participating in a program established to aid licensees impaired by substance use disorder or mental or physical illness.

(c) No person furnishing any such information to the board in good faith for the purpose of protecting the safety of patients or the public or the health of an impaired licensee shall be liable in damages to any person, including the allegedly impaired licensee.

II. Upon a determination by the board that a report or complaint submitted by any person or qualified health care professional committee is without merit, the report shall be kept confidential or nonpublic in the subject licensee's individual record in the board's office. A licensee subject to a report under this section or the licensee's authorized representative shall be entitled on written request to examine the licensee's individual record [~~in the board's office~~], including any such report submitted to the board, and to place into the record a statement of reasonable length of the licensee's view with respect to any information existing in the report, in accordance with rules [~~established by the board~~].

III.(a) If the board determines that a report or complaint submitted by any person or qualified health care professional committee has or may have merit, the board may either:

(1) Refer the matter for disciplinary proceedings [~~under RSA 326-B:37~~], subject to paragraph IV of this section; or

(2) Refer the impaired licensee to an alternative recovery monitoring program under paragraph VI.

(b) Among the factors bearing on the board's decision whether to proceed with disciplinary proceedings or refer the licensee to an alternative recovery monitoring program, the board may consider whether the affected licensee has taken the initiative to voluntarily self-report under subparagraph I(b)(1), or whether a report or complaint has been initiated by a third party under subparagraph I(b)(2), (3), or (4).

104 Nurse Practice Act; Privileged Communications Between Licensees and Their Clients. Amend RSA 326-B:35, II to read as follows:

II. This section shall not apply to disciplinary proceedings conducted by:

(a) The board; ***or***

(b) [~~The board of examiners of nursing home administrators under RSA 151-A:11; or~~

~~(e)~~] Any other statutorily-created health care occupational licensing board conducting disciplinary proceedings.

105 Repeals; Nurse Practice Act. The following are repealed:

I. 326-B:6, relative to collection and expenditure of funds;

II. 326-B:8, relative to fees and charges;

III. 326-B:22, relative to licensure renewals;

IV. 326-B:23, relative to license reinstatement;

V. 326-B:25, relative to modified licenses

VI. 326-B:37, relative to disciplinary action and misconduct;

VII. 326-B:38, relative to investigations and hearings;

VIII. 326-B:39, relative to rehearing and appeals;

IX. 326-B:40, relative to injunctive relief;

X. 326-B:41, relative to unlawful acts;

XI. 326-B:41-a, relative to penalty;

106 Nursing Home Administrators; Functions and Duties of the Board. Amend RSA 151-A:4, I(c) through (e) to read as follows:

(c) [~~Issue licenses and registrations~~] ***Establish eligibility requirements for licensure and registration*** to qualified individuals and invoke disciplinary actions for violations of the provisions of licensure or practice under this chapter. The disciplinary actions may include revocation or suspension of a license or registration, imposition of a fine, or reprimand or censure of the licensee. All disciplinary proceedings by the board shall meet due process requirements for notice and hearings as provided in RSA 541-A;

(d) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(e) [~~Receive, investigate, and~~] take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

107 Nursing Home Administrators; Qualifications for Admission to Examination. Amend RSA 151-A:4-a to read as follows:

151-A:4-a Rulemaking. The board shall adopt rules pursuant to RSA 541-A as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state:

I. To meet the requirements set forth in section 1908 of the Social Security Act and other federal requirements.

II. [~~To establish and collect fees for examination of applicants, for temporary and emergency permits, and for transcribing and transferring records and other services.~~

~~III.~~] To establish a schedule of fines.

[~~IV. To establish procedures and requirements for disciplinary proceedings and criteria for disciplinary actions, including suspending, revoking or placing conditions on a license.~~

~~V.~~] ***III.*** To establish standards and criteria for licensing, application and examination of applicants, and criteria for granting waivers of experience pursuant to RSA 151-A:5, II.

[~~VI.~~] ***IV.*** To establish criteria for review and approval of educational requirements, including formal educational requirements for licensure or renewal and practical training requirements.

[~~VII. To establish procedures for accepting and processing reports of violations of this chapter.~~]

108 Nursing Home Administrators; Qualifications for Admission to Examination. Amend RSA 151-A:5 to read as follows:

151-A:5 Qualifications for Admission to Examination. The [~~board~~] ***executive director*** shall admit to examination for licensure as a nursing home administrator any candidate who pays a licensing fee and submits evidence of good moral character and suitability prescribed by the board and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

I. That no applicant for licensure as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence[~~, on forms provided for such purpose by the board,~~] that the applicant has successfully completed a bachelor of science or bachelor of arts degree from an accredited school.

II. That no applicant for licensure as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless the applicant submits evidence [~~satisfactory to the board~~] that such applicant possesses such training or experience in the field of institutional administration as is required by the rules of the board, or has been granted a waiver by the board based on conditions established by rule.

109 Nursing Home Administrators; Criminal History Records Checks. Amend RSA 151-A:6-a, I through IV to read as follows:

I. Every applicant for initial or reciprocity licensure or reinstatement shall submit to the [~~board~~] ***office of professional licensure and certification*** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office of professional licensure and certification***.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2

attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [~~board~~] ***office of professional licensure and certification*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~board~~] ***office of professional licensure and certification***.

[~~IV. The board shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.~~]

110 Nursing Home Administrators; Licenses. Amend RSA 151-A:7 to read as follows:

151-A:7 Licenses.

I. An applicant for a license as a nursing home administrator who has:

(a) Successfully complied with the requirements of RSA 151-A:5 and the standards provided for therein; and

(b) Passed the examination provided for in RSA 151-A:6***,*** shall be issued a license[~~, on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice and otherwise hold such applicant out as a duly licensed nursing home administrator~~].

II. Under emergency conditions the ***executive director*** [~~secretary of the board in the secretary's discretion subject to the confirmation of the board~~] may issue a non-renewable temporary emergency permit to a person of good character and suitability to act in the capacity of an administrator under the supervision of a licensed administrator pending [~~action by the board until~~] the next examination or not to exceed 6 months.

[~~II-a. If the board is satisfied that a candidate for licensure under the reciprocity provisions of RSA 151-A:9 meets all the requirements and needs only sit for the state examination, the board may, if an urgent need is demonstrated, provide the candidate with a temporary permit to work as an administrator in a nursing home within the state of New Hampshire. This temporary permit shall only be valid for a period of 6 months and shall not be renewable or reissued to the same candidate.~~]

111 Repeal; Nursing Home Administrators. The following are repealed:

I. RSA 151-A:1, II, relative to definition of secretary.

II. RSA 151-A:4, II, relative to functions of the board to issue subpoenas.

III. RSA 151-A:6, II, relative to nursing home administrator examinations.

IV. RSA 151-A:7, II-a, relative to nursing home administrator licenses.

V. RSA 151-A:8, I-V, relative to registration.

VI. RSA 151-A:9, relative to reciprocity.

VII. RSA 151-A:10, relative to injunction.

VIII. RSA 151-A:11, relative to disciplinary proceedings.

IX. RSA 151-A:12, relative to restoration of licenses.

112 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The [~~board~~] ***office*** shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the licensing fee, shall be licensed [~~by the board~~].

113 Repeals; Optometry. The following are repealed:

I. RSA 327:5-a, relative to fees.

II. RSA 327:6-b, relative to the joint credentialing committee.

III. RSA 327:9, relative to portability of licensure.

IV. RSA 327:11, relative to record of licenses.

V. RSA 327:13, relative to renewal of licensure.

VI. RSA 327:13-a, relative to reinstatement.

VII. RSA 327:20, relative to disciplinary action.

VIII. RSA 327:21, relative to complaints.

IX. RSA 327:22, relative to hearings.

X. RSA 327:30, relative to penalty.

XI. RSA 327:31, IV and VII, relative to ethical standards and fines.

114 Pharmacy; Rulemaking Authority. RSA 318:5-a is repealed and reenacted to read as follows:

318:5-a Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants in addition to those requirements set by statute.

II. How an applicant shall be examined, including:

(a) Time and place of examination;

(b) The subjects to be tested;

(c) Passing grade; and

(d) Disposition of examination papers.

III. The standards for registering pharmacies and licensing pharmacists and the practice of pharmacy.

IV. The standards for licensure of research organization.

V. Ethical standards required to be met by each holder of any license issued under this chapter and how such license may be revoked for violation of these standards.

VI. Continuing education requirements under this chapter.

VII. Standards for the inspection of licensees.

VIII. Registration or certification of pharmacy technicians, including:

(a) Requirements for registration or certification;

(b) The duties, functions, and standards of conduct of pharmacy technicians;

(c) Requirements for the supervision of pharmacy technicians by licensed pharmacists;

(d) Standards for denial and revocation of registration and certification;

(e) Requirements for renewal of registration or certification; and

(f) Requirements for reinstatement of registration or certification.

IX. Registration of pharmacy interns, including:

(a) Requirements for registration;

(b) The duties, functions, and standards of conduct of pharmacy interns;

(c) Requirements for the supervision of pharmacy interns by licensed pharmacists;

(d) Standards for denial and revocation of registration;

(e) Requirements for renewal of registration; and

(f) Requirements for reinstatement of registration.

X. Licensure of advanced pharmacy technicians, including:

(a) Requirements for licensure, including experience and education requirements.

(b) The duties, functions, and standards of conduct of licensed advanced pharmacy technicians.

(c) Standards for the supervision of licensed advanced pharmacy technicians by licensed pharmacists.

(d) Standards for denial and revocation of licensure.

(e) Requirements for renewal of a license.

(f) Requirements for reinstatement of a license.

XI. Procedures for the use, documentation, security, maintenance, and monitoring of automated pharmacy systems, including the placement of automated pharmacy systems in long-term care facilities, hospices, and state or county correctional institutions, for the purposes of storage and dispensing of controlled and non-controlled prescription drugs.

XII. Standards for contracting, implementation, and operation of central prescription processing.

XII. The adoption of protocols and procedures for the temporary absence of a pharmacist from a pharmacy while on duty.

XIII. The requirements for the use of electronic transmission prescriptions, including the contents of such order and the verification of electronic signatures.

XIV. Procedures and protocols for emergency contraception drug therapy, pursuant to RSA 318:47-e.

XV. The education and training standards and other requirements for pharmacists who, pursuant to prescriber-approved protocol:

(a) Administer prescription medications, including influenza immunizations.

(b) Engage in collaborative pharmacy practices.

XVI. Disclosure and confidentiality relative to the New Hampshire Rx advantage program, pursuant to RSA 161-L:3.

XVII. Dispensing hormonal contraceptives in accordance with RSA 318:47-l.

XVIII. The standards and procedures for licensure of drug or device distribution agents.

115 Pharmacy; Definitions; Reference Deleted. Amend RSA 318:1, XVI to read as follows:

XVI. "Prescription" means a verbal, or written, or facsimile or electronically transmitted order for drugs, medicines and devices by a practitioner licensed in the United States, to be compounded and dispensed by licensed pharmacists in a duly registered pharmacy, and to be kept on file for a period of 4 years. A written order shall include an electronic transmission prescription received and retained in a form complying with rules adopted pursuant to RSA [~~318:5-a, XV~~] ***318:5-a***. Prescriptions may also apply to the finished products dispensed or administered by the licensed pharmacist in the registered pharmacy, on order of a licensed practitioner as defined in this section.

116 Pharmacy; Definitions; Reference Deleted. Amend RSA 318:1, XIX to read as follows:

XIX. "Supervision" means under the direct charge or direction and does not contemplate absence of the person responsible for providing such supervision, except where permitted by rules of the board under RSA [~~318:5-a, XIV~~] ***318:5-a***.

117 New Paragraph; Definitions; Pharmacy; OPLC. Amend RSA 318:1 by inserting after paragraph IX-a the following new paragraph:

IX-b. "Office" or "OPLC" means the office of professional licensure and certification in RSA 310.

118 Pharmacy; Inspectional Services. Amend RSA 318:9-a to read as follows:

318:9-a Inspectional Services. The [~~pharmacy board through the office of professional licensure and certification~~] ***office*** shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians licensed by the New Hampshire board of pharmacy who have training and experience regarding pharmacy statutes and rules.

119 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy technician unless such person is either registered by the [~~board~~] ***office*** to perform certain functions or, upon completion of training, certified to perform certain functions, and does so under standards of supervision established by rules of the board adopted pursuant to RSA 541-A.

120 Pharmacy; Pharmacy Interns. Amend the introductory paragraph of RSA 318:15-b to read as follows:

318:15-b Pharmacy Interns. No person shall perform the functions or duties of a pharmacy intern unless such person is registered by the [~~board~~] ***office*** to perform certain functions, and does so under standards of supervision established by rules of the board adopted pursuant to RSA 541-A.

121 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as follows:

I. No person employed as a licensed advanced pharmacy technician shall perform the functions or duties of a licensed advanced pharmacy technician as defined in RSA 318:1, XXXIII unless such person is issued a license by the [~~board~~] ***office*** and does so under standards of supervision established by rules of the board adopted pursuant to RSA 318:5-a, XI-c.

122 Pharmacy; Examinations and Licenses; Pharmacists. Amend RSA 318:18 to read as follows:

318:18 Pharmacists.

I.(a) An applicant for examination and licensure as a pharmacist shall have graduated with the basic, professional pharmacy baccalaureate degree or pharmacy doctor degree from a school of pharmacy, college of pharmacy, or pharmacy department of a university approved by the board including programs accredited by the American Council on Pharmaceutical Education or the Canadian Council for Accreditation of Pharmacy Programs or, if a graduate of a foreign school or college of pharmacy other than Canadian, the applicant shall be fully certified by the Foreign Pharmacy Graduate Equivalency Committee (FPGEC) which shall include passing the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) and Test of English as a Foreign Language (TOEFL), with scores approved by the board of pharmacy as set forth in the rules.

(b) In addition to the above, all applicants for examination and licensure as a pharmacist shall:

(1) Not be less than 18 years of age;

(2) Be of good professional character and temperate habits; and

(3) File proof [~~satisfactory to the board~~], substantiated by proper affidavits, of a minimum of one year (1,500 hours) internship activity in a community or institutional pharmacy in the United States or Canada or an equivalent program which has been approved by the board of pharmacy; and shall pass the national examination administered by the National Association of Boards of Pharmacy (NABP) to establish his or her fitness to practice the profession of pharmacy. The internship required in this section shall be service and experience in a community or institutional pharmacy under the supervision of a licensed pharmacist and shall be predominantly

related to the selling of drugs and medical supplies; interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical products; keeping records and making reports required under federal and state statutes; and otherwise practicing pharmacy under the immediate supervision and direction of a licensed pharmacist.

II. The board ***or office*** may deny licensure as a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a felony; or of a misdemeanor resulting from a violation of a federal, state or local drug or pharmacy-related law, rule, or regulation.

123 Pharmacy; Change in Name, Employment, or Residence. Amend RSA 318:26-a to read as follows:

318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced pharmacy technician, or pharmacy technician who changes his or her name, place or status of employment, or residence shall notify the [~~board~~] ***office*** in writing within 15 days. [~~For failure to report such a change within 15 days, the board may suspend the pharmacist's license, the advanced pharmacy technician's license, or the pharmacy technician's registration. Reinstatement shall be made only upon payment of a reasonable fee as established by the board.~~]

124 Pharmacy; Impaired Pharmacist Program. Amend RSA 318:29-a to read as follows:

318:29-a Impaired Pharmacist Program.

I. Any pharmaceutical peer review committee may report relevant facts to the board ***or office*** relating to the acts of any pharmacist in this state if they have knowledge relating to the pharmacist which, in the opinion of the peer review committee, might provide grounds for disciplinary action as specified in [~~RSA 318:29, II~~] ***RSA 310***.

II. Any committee of a professional society comprised primarily of pharmacists, its staff, or any district or local intervenor participating in a program established to aid pharmacists impaired by substance abuse or mental or physical illness may report in writing to the board ***or office*** the name of the impaired pharmacist together with the pertinent information relating to his ***or her*** impairment. The board ***or office*** may report to any committee of such professional society or the society's designated staff information which it may receive with regard to any pharmacist who may be impaired by substance abuse or mental or physical illness.

III. [~~Upon a determination by the board that a report submitted by a peer review committee or professional society committee is without merit, the report shall be expunged from the pharmacist's individual record in the board's office. A pharmacist or his authorized representative shall be entitled on request to examine the pharmacist's peer review or the pharmaceutical organization committee report submitted to the board and to place into the record a statement of reasonable length of the pharmacist's view with respect to any information existing in the report.~~

~~IV.~~] Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board, compiled in conjunction with an impaired pharmacist peer review committee, shall be confidential

and are not to be considered open records unless the affected pharmacist so requests; provided, however, the board may disclose this confidential information only:

(a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a board action or order;

(b) To the pharmacist licensing or disciplinary authorities of other jurisdictions; or

(c) Pursuant to an order of a court of competent jurisdiction.

[~~V.~~] ***IV.***(a) No employee or member of the board, peer review committee member, pharmaceutical organization committee member, pharmaceutical organization district or local intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding the impaired pharmacist shall by reason of furnishing such information be liable for damages to any person.

(b) No employee or member of the board or such committee, staff, or intervenor program shall be liable for damages to any person for any action taken or recommendations made by such board, committee, or staff unless he is found to have acted recklessly or wantonly.

[~~VI.(a)~~] ***V.*** The [~~board~~] ***office*** may contract with other organizations to operate the impaired pharmacist program for pharmacists who are impaired by drug or alcohol abuse or mental or physical illness. This program shall include, but is not limited to, education, intervention and post-treatment monitoring.

[~~(b) The board may allocate an amount determined by the board from each pharmacist biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set forth in subparagraph VI(a).~~]

125 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:

318:37 Required; Compliance.

I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and medicines unless such pharmacy is registered with and a permit therefor has been issued by ***the office in accordance with rules adopted by*** the pharmacy board, except as provided in this chapter.

II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.

(b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:

(1) Maintain a license in good standing from the state in which the mail-order pharmacy is located;

(2) Submit to the New Hampshire [~~pharmacy board~~] ***OPLC*** an application for registration [~~as provided by the office of professional licensure and certification;~~

~~(3) Pay all appropriate registration fees~~];

(4) Submit to the New Hampshire [~~pharmacy board~~] ***OPLC*** a copy of the state pharmacy license from the state in which the mail-order pharmacy is located;

(5) Submit to the New Hampshire [~~pharmacy board~~] ***OPLC*** a copy of the state and federal controlled substance registrations from the state in which it is located, if controlled substances are to be shipped into this state.

(c) When requested to do so by the New Hampshire pharmacy board, each mail-order pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning notices, disciplinary actions, notice of deficiency reports, or any other related reports from the state in which it is located concerning the operation of a mail-order pharmacy for review of compliance with state and federal drug laws.

(d) Except in emergencies that constitute an immediate threat to the public health and require expedited action by the board, the New Hampshire pharmacy board shall file a complaint with the licensing board of the state in which the mail-order pharmacy is located when known or suspected violations of the laws of the state in which the pharmacy is located are uncovered. If the licensing board in the state in which the mail-order pharmacy is located initiates disciplinary action, the New Hampshire pharmacy board may request the appropriate documents involved in the action for consideration of discipline against the pharmacy registration of the mail-order pharmacy. If no action is taken against the mail-order pharmacy by the licensing board of the state in which it is located, the New Hampshire pharmacy board may request copies of any investigation reports available from that state.

(e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state that licenses and regulates mail-order pharmacies for the purpose of investigating complaints against pharmacies located in New Hampshire or the sharing of information and investigative reports, as long as the other state shall extend the same reciprocal cooperation to the New Hampshire pharmacy board.

126 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to read as follows:

318:51-a Licensing of Manufacturers and Wholesalers Required.

I. No person shall manufacture legend drugs or controlled drugs as that term is defined in RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the same without first having obtained a license to do so from the [~~board. Such license shall expire biennially on June 30 of every even-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by midnight on June 30 of every even-numbered year~~] ***office according to the eligibility requirements set forth in rules adopted by the pharmacy board***.

II. No license shall be issued under this section unless the applicant has furnished proof [~~satisfactory to the board of pharmacy~~]:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and such security equipment so as to properly carry on the business described in his ***or her*** application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of [~~RSA 318:29~~] ***RSA 310***.

V.(a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the manufacturer, wholesaler, distributor, reverse distributor, or broker.

(2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(4) [Repealed.]

(c) A new license shall be required for a change of ownership of an established manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity which results in a change in the controlling interest in the manufacturer, wholesaler, distributor, reverse distributor, or broker.

127 Pharmacy; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318:51-b to read as follows:

318:51-b Licensing of Limited Retail Drug Distributors Required.

I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-a, without first having obtained a license to do so from the [~~board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by midnight June 15 of every odd-numbered year~~] ***office according to the eligibility requirements set forth in rules adopted by the pharmacy board***.

II. No license shall be issued under this section unless the applicant has furnished proof [~~satisfactory to the board~~] that:

(a) The applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) The applicant has sufficient space and security equipment as to properly carry on the business described in the application.

(c) The license granted by this chapter shall at all times be displayed in a conspicuous place in the facility for which it is issued.

(d) The applicant, other than a distributor of legend devices or medical gases, has a written contract with a pharmacist licensed in the state to serve as a consultant on all matters relating to the storage and dispensing of prescription drugs.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of [~~RSA 318:29~~] ***RSA 310***.

128 Pharmacy; Licensing of Outsourcing Facilities Identified. Amend RSA 318:51-c to read as follows:

318:51-c Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the United States Food and Drug Administration.

I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1, VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without first having obtained a license from the [~~board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a fee established by the board shall be filed biennially by June 15 of every odd-numbered year~~] ***office according to the eligibility requirements set forth in rules adopted by the pharmacy board***.

II. No license shall be issued under this section unless the applicant has furnished proof [~~satisfactory to the pharmacy board~~]:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and security equipment as to properly carry on the business described in the application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section shall be subject to the provisions of [~~RSA 318:29~~] ***RSA 310***.

V.(a) The outsourcing facility to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the outsourcing facility.

(2) Name of the outsourcing facility, old and new, if applicable.

(3) Address of the outsourcing facility, old and new, if applicable.

(4) Names, addresses, and titles of new corporate officers, partners, or owners.

(c) A new license shall be required for a change of ownership of an established outsourcing facility to a successor business entity which results in a change in the controlling interest in the outsourcing facility.

VI. The outsourcing facility to which a license has been issued shall, within 30 days of any written warnings or disciplinary action from any state or federal licensing or enforcement agency, notify the board and provide a copy of the action.

129 Pharmacy; Licensure of Research Organizations. Amend RSA 318:51-f to read as follows:

318:51-f Licensure of Research Organizations.

I. No research organization shall procure or conduct research operations with prescription drugs by researchers without first having obtained a license from the [~~board. Such license shall expire biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by June 15 of every odd-numbered year~~] ***office according to the eligibility requirements set forth in rules adopted by the pharmacy board***.

II. No license shall be issued under this section unless the applicant has furnished proof [~~satisfactory to the board of pharmacy~~]:

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient space and security equipment as to properly carry on the research operations described in the application.

III. The license granted under this section shall at all times be displayed in a conspicuous place in the research organization facility for which it is issued.

IV. No license shall be issued under this section to research organizations for sale, dispensing, or distribution of prescription drugs.

(a) Prescription drugs are to be used solely for research purposes only.

(b) Use of controlled drugs is prohibited under the license for research organizations issued under this section.

(c) No research organization shall distribute prescription drugs directly to a consumer or a patient, or operate in such a manner as to endanger the public health.

(d) The research organization shall effectively destroy all prescription drugs in due course by means of conducting routine research operations or disposal by approved methods.

(e) The research organization shall maintain up-to-date and accurate records indicating:

(1) The amount of prescription drug destroyed.

(2) The date on which the prescription drug was destroyed.

(3) The manner or method by which the prescription drug was destroyed.

(f) Inventories and disposal transactions shall be maintained for 2 years and made available for inspection by the board's inspectors within a period of 72 hours from notice.

V. No license shall be granted to any research organization if any of its managing officers or researchers have within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined by this chapter or RSA 318-B, or is an impaired person.

VI. Any licensee under this section is subject to the provisions of [~~RSA 318:29~~] ***RSA 310***.

VII.(a) The licensee shall, within 30 days of any change of information supplied in the original license application, notify the board.

(b) The notice required pursuant to subparagraph (a) shall contain the:

(1) Current New Hampshire license number of the research organization.

(2) Name of managing officers and researchers, old and new, if applicable.

(3) Address of the research organization, old and new, if applicable.

VIII. A new license shall be required for a change of ownership of an established research organization to a successor business entity which results in a change in the controlling interest in the research organization.

130 Pharmacy; Licensure of Drug or Device Distribution Agents. Amend RSA 318:51-g, I and II to read as follows:

I. No person shall act as a prescription drug or device distribution agent, which includes controlled drugs as the term is defined in RSA 318-B:1, VI, without first having obtained a license to do so from the [~~board~~] ***office according to the eligibility requirements set forth in rules adopted by the pharmacy board***.

II. Any person licensed pursuant to this section shall be subject to the provisions of [~~RSA 318:29~~] ***RSA 310***.

131 Pharmacy; Repeals. The following are repealed:

I. RSA 318:5, II, relative to officers and duties.

II. RSA 318:6-a, relative to fees.

III. RSA 318:16-e, relative to telemedicine.

IV. RSA 318:21, relative to applicants from out of state.

V. RSA 318:23, relative to application fees.

VI. RSA 318:25, relative to renewal of license.

VII. RSA 318:26, relative to neglect to renew.

VIII. RSA 318:29, relative to disciplinary action.

IX. RSA 318:29-b, relative to denial of a license.

X. RSA 318:29-c, relative to immunity.

XI. RSA 318:30, relative to investigatory powers of the board.

XII. RSA 318:30-a, relative to temporary suspension.

XIII. RSA 318:31, relative to hearings.

XIV. RSA 318:33, relative to attendance.

XV. RSA 318:35, relative to association.

XVI. RSA 318:36, relative to information.

XVII. RSA 318:38, II-III, relative to permits and fees.

XVIII. RSA 318:56, relative to unused prescription program.

XIX. RSA 318:57, relative to definitions.

XX. RSA 318:58, relative to donating unused drugs.

XXI. RSA 318:59, relative to rulemaking.

XXII. RSA 318:60, relative to limited immunity.

132 Physical Therapy; Powers and Duties. RSA 328-A:3 is repealed and reenacted to read as follows:

328-A:3 Powers and Duties of the Board. The board shall:

I. Provide for the examinations for physical therapists and physical therapist assistants and adopt passing scores for these examinations.

II. Regulate the practice of physical therapy by interpreting and enforcing this chapter.

III. Elect officers from its members necessary for the operations and obligations of the board. Terms of office shall be one year.

133 Physical Therapy; Rulemaking. Amend RSA 328-A:4, VIII to read as follows:

VIII. Regarding the establishment, criteria, [~~fees,~~] and renewal of, and disciplinary proceedings for certified animal physical therapists under RSA 328-A:15-b.

134 Physical Therapy; Examination. Amend RSA 328-A:7, I to read as follows:

I. The [~~board~~] ***office*** shall conduct***, through a third party,*** examinations within the state at least quarterly [~~at a time and place prescribed by the board~~]. The passing score shall be determined by the board.

135 Repeals; Physical Therapy. The following are repealed:

I. RSA 328-A:15, II, relative to physical therapy, rights of consumers to privacy.

II. RSA 328-A:12, relative to unlawful practice of physical therapy.

III. RSA 318-A:13, relative to reporting violations.

136 Podiatry; Licenses. Amend RSA 315:8 to read as follows:

315:8 Licenses.

I. The [~~board~~] ***office*** shall issue a license to applicants who have submitted a complete application, paid a license fee, achieved a satisfactory examination score, and satisfied all other criteria of competence and professional character required by this chapter.

I-a.(a) The [~~board~~] ***office*** shall issue special training licenses to persons of good professional character who are enrolled in a regular residency or graduate fellowship training program accredited

by the Council for Podiatric Medical Education, and who possess such further education and training as the board may require by rule.

(b) A person holding a training license shall be subject to the disciplinary provisions of RSA 315:9 and such additional professional character and competency requirements as the board may require by rule.

(c) Training licenses shall be confined to activities performed in the course of the qualifying residency training program, shall expire automatically upon the licensee's separation from the residency training program for any reason, and may be issued on a restricted or conditional basis.

II. Upon review of any application for licensure under this chapter, the board may, upon notice and the opportunity for a hearing, deny an application, issue a license subject to restrictions or limitations as evidenced on the face of the license, or impose probationary conditions upon any applicant who fails to establish his ***or her*** qualifications to the satisfaction of the board.

III. [~~Each license shall be numbered and recorded by the board. During each year, the board shall make available to each licensee upon the request of the licensee a list of the names, business addresses, and license numbers of all podiatrists licensed under this chapter.~~

~~IV.~~] [Repealed.]

137 Repeal. The following are repealed:

I. RSA 325:2-a, relative to podiatry; peer review committee.

II. RSA 325:4, IV, relative to podiatry; rules for hearing procedures.

III. RSA 325:6-a, relative to podiatry; telemedicine.

IV. RSA 315:9, relative to podiatry; disciplinary action.

V. RSA 315:10, relative to podiatry; investigations and preliminary hearings.

VI. RSA 315:10-a, relative to podiatry; hearings.

VII. RSA 315:10-b, relative to podiatry; temporary suspension of license.

VIII. RSA 315:12, relative to podiatry; neglect to renew.

IX. RSA 315:13-a, relative to podiatry; reinstatement.

X. RSA 315:15, relative to podiatry; fees.

XI RSA 315;16, relative to podiatry; penalty.

XII. RSA 315:11, relative to podiatry; license renewal.

138 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the [~~board~~] ***office***, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed professional engineers having personal knowledge of the applicant's professional experience. [~~The board shall establish fees for application and any examination required under this subdivision. If the board denies the issuance of~~

~~a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.~~]

139 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The [~~board~~] ***office*** shall issue a license, upon payment of the registration fee [~~established by the office of professional licensure and certification,~~] to any applicant who[~~, in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license [~~by the board~~] shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents involving the practice of engineering under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional engineer who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

140 Professional Engineers; Engineering Certificates for Business Organizations. Amend RSA 310-A:20 to read as follows:

310-A:20 Engineering Certificates for Business Organizations.

I. The practice of or offer to practice professional engineering for others by individual engineers licensed under this subdivision through a business organization as officers, partners, associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

(a) One or more of the corporate officers, of a corporation or one or more general partners, or associates is designated as being responsible for the engineering activities and engineering decisions of the business organization, and is a licensed engineer under this subdivision.

(b) All personnel of the business organization who act in its behalf as professional engineers are licensed under this subdivision.

(c) The business organization has been issued a certificate of authorization by the [~~board~~] ***office***, as provided in this section.

II. The requirements of this subdivision shall not affect a business organization or its employees in performing services for such business organization or its subsidiary or affiliated business organizations. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared them or under whose direct supervisory control they were prepared.

III. A business organization desiring a certificate of authorization shall file with the [~~board~~] ***office*** an application, using a form provided by the [~~board~~] ***office***, listing the names and addresses of all officers and board members, general and limited partners, associates, and any individuals duly licensed to practice engineering in this state who shall be in responsible charge of the practice of engineering in this state through the business organization, and any other information required by the [~~board~~] ***office***. The same form, giving the same information, must accompany the annual renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the [~~board~~]***office*** within 30 days after the effective date of such change. If all requirements of this section are met, the [~~board~~] ***office*** shall issue a certificate of authorization to such business organization, and such business organization shall be authorized to contract for and to collect fees for furnishing engineering services.

IV. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners, by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering be relieved of responsibility for engineering services performed by reason of such individual's employment by or relationship with such business organization.

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of engineering among the objects for which it is established unless the [~~board~~] ***office*** shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state. However, the requirements of this subdivision shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.

VI. A professional engineer who renders occasional, part-time or consulting engineering services to or for a business organization may not, for the purposes of this subdivision, be designated as being responsible for the engineering activities and decisions of such business organization.

141 Repeals; Engineers. The following are repealed:

I. RSA 310-A:5-a, relative to professional engineers; notice of rulemaking proceedings.

II. RSA 310-A:6,I(g), relative to professional engineers; rules concerning the administration of the chapter.

III. RSA 310-A:6, I(h), relative to professional engineers; rules for hearing procedures.

IV. RSA 310-A:6-a, relative to professional engineers; immunity from civil liability.

V. RSA 310-A:7, relative to professional engineers; fees.

VI. RSA 310-A:19, I, relative to professional engineers; portability.

VII. RSA 310-A:19, III, relative to professional engineers; non-residents.

VIII. RSA 310-A:21, relative to professional engineers; license expiration and renewals.

IX. RSA 310-A:22, relative to professional engineers; investigations and disciplinary proceedings.

X. RSA 310-A:22-a, relative to professional engineers; investigations.

XI RSA 310-A:23, relative to professional engineers; hearings.

XII RSA 310-A:24, relative to professional engineers; reissuance of licenses.

XIII RSA 310-A:26, relative to professional engineers; restraint of violations.

142 Professional Geologists; Certificate; Seals. Amend RSA 310-A:130 to read as follows:

310-A:130 Certificates; Seals. The [~~board~~] ***office*** shall issue a license, upon payment of the licensing fee [~~established by the office of professional licensure and certification,~~] to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license [~~by the board~~] shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

143 Repeals; Geologists. The following are repealed:

I. RSA 310-A:121, I(f), relative to professional geologists; hearings procedures.

II. RSA 310-A:122, relative to professional geologists; immunity.

III. RSA 310-A:131, relative to professional geologists; interstate licensure.

IV. RSA 310-A:132, relative to professional geologists; license expiration.

V. RSA 310-A:133, relative to professional geologists, investigations and disciplinary proceedings.

VI. RSA 310-A:134, relative to professional geologists, investigations.

VII. RSA 310-A:135, relative to professional geologists; hearings.

VIII. RSA 310-A:136, relative to professional geologists, reissuance of licenses.

IX. RSA 310-A:138, relative to restraint of violations.

144 Psychologists; Criminal History Records Checks. Amend RSA 329-B:14-a to read as follows:

329-B:14-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [~~board~~] ***office*** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office***.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~board~~] ***office*** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [~~board~~] ***office*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~board~~] ***office***.

IV. The [~~board~~] ***office*** shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

145 Psychologists; Psychologists License. Amend RSA 329-B:15 to read as follows:

329-B:15 Psychologist License.

I. The [~~board~~] ***office*** shall issue a psychologist license to any person who:

(a) Has passed a satisfactory examination in psychology.

(b) Has received the doctoral degree based on a program of studies, the content of which was primarily psychological, from a regionally accredited educational institution having a graduate program, or its substantial equivalent in both subject matter and extent of training.

(c) Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

(d) Is of good professional character.

(e) Has paid all fees [~~established and collected by the board~~].

(f) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

II. Examinations for applicants under this chapter shall be held [~~by the board~~] at least once each year. The board shall determine the subject and scope of the examination, which may be written[~~, oral, or both~~]. If an applicant fails the first examination, the applicant may be admitted to

a subsequent examination upon the payment of an additional fee [~~in the amount established by the board~~].

146 Psychologists; Licensed School Psychologist; Doctoral and Licensed School Psychologist Specialist. Amend RSA 329-B:15-a to read as follows:

329-B:15-a Licensed School Psychologist-Doctoral and Licensed School Psychologist-Specialist.

I. The [~~board~~] ***office*** shall issue a license for the title of licensed school psychologist-doctoral to any person who has a doctoral degree in psychology and:

(a) Is certified as a school psychologist by the New Hampshire department of education, bureau of credentialing; and

(b) Has completed all of the following requirements:

(1) Has passed a satisfactory examination in psychology as determined by the board including a national school psychologists' examination.

(2) Has met education and other requirements determined by the board.

(3) Is of good professional character.

(4) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

(5) Has paid all fees established by the office of professional licensure and certification [~~established~~] under RSA [~~310-A:1-a and collected by the board~~] ***310***.

II. The [~~board~~] office shall issue a license for the title of licensed school psychologist-specialist to any person who does not have a doctoral degree and:

(a) Is certified as a school psychologist by the New Hampshire department of education, bureau of credentialing; and

(b) Has completed all of the following requirements:

(1) Has passed a satisfactory examination in psychology as determined by the board including a national school psychologists' examination.

(2) Has met education and other requirements determined by the board.

(3) Is of good professional character.

(4) Has submitted a complete set of fingerprints and a criminal history records release form in accordance with RSA 329-B:14-a.

(5) Has paid all fees established by the office of professional licensure and certification [~~established~~] under RSA [~~310-A:1-a and collected by the board~~] ***310***.

III. The following shall apply to those school psychologists who are certified by the department of education on the effective date of this section:

(a) Each certified school psychologist in good standing who holds a doctoral degree in psychology shall be licensed as licensed school psychologist-doctoral.

(b) Each certified school psychologist in good standing who does not hold a doctoral degree in psychology shall be licensed as licensed school psychologist-specialist.

(c) Those certified school psychologists who are subject to discipline or are under review, or who are under investigation shall be reviewed by the board which shall grant, deny, or issue a license with conditions as determined by the board.

(d) Those school psychologists granted licenses under this paragraph shall be exempt from fees for the initial license period which shall extend beyond that individual's certification in school psychology by 3 months and shall include an additional year for those whose certifications from the department of education would expire in June of 2020. Following that time, such individual shall be eligible for renewal under the rules established by the board and upon payment of the applicable fee.

IV. Examinations for applicants under this section shall be held [~~by the board~~] at least once each year. The board shall determine the subject and scope of the examination, which may be written[~~, oral, or both~~]. If an applicant fails the examination, the board shall deny the license or specify conditions under which the applicant may be admitted to a future examination according to board rules.

V. Unless otherwise licensed under another provision, a licensed school psychologist-doctoral or licensed school psychologist-specialist licensure is for services provided in those settings that are provided in an educational institution. No persons licensed under this section may provide services outside such settings if the services are directly related to the client's improvement of school functioning including but not limited to learning, development, social and emotional functioning, and behavior, but any services provided outside of the school shall relate to such person's students and his or her employment in a school. No persons licensed under this section shall hold themselves out as psychologists, psychological examiners, or by any business name incorporating variations of those titles other than school psychologists or nationally certified school psychologists unless they are otherwise licensed under another provision.

VI. The board ***or OPLC*** shall provide materials and information concerning licensed school psychologists-doctoral and licensed school psychologists-specialist to the department of education bureau of credentialing that will further the proper administration of the credentials of each department.

147 Psychologists; Repeals. The following provisions of RSA 329-B are hereby repealed:

I. RSA 329-B:10, II, relative to rules concerning licensing procedures.

II. RSA 329-B:10, XII, relative to rules regarding complaint procedures.

III. RSA 329-B:12, relative to establishment of fees.

IV. RSA 329-B:16, relative to telepass.

V. RSA 329-B:18, relative to injunction.

VI. RSA 329-B:20, relative to temporary and emergency licensure from other states.

VII. RSA 329-B:21, relative to disciplinary action.

VIII. 329-B:22, relative to investigations and complaints

IX. 329-B:23, relative to hearings.

X. RSA 329-B:24, relative to temporary suspensions.

XI. RSA 329-B:25, relative to expirations, renewals, and inactive status.

148 State Licensed or Certified Real Estate Appraisers; Licensure or Certification Process. Amend RSA 310-B:5 to read as follows:

310-B:5 Licensure or Certification Process.

I. Applications for original license or certification, renewal license or certification and examinations shall be made in writing [~~to the board on forms approved by the board~~].

II. Appropriate fees[~~, as fixed by the board under rules established pursuant to RSA 541-A,~~] shall accompany all applications for original license, certification, renewal license, renewal certification, reciprocal license, and reciprocal certification. An annual federal registration fee shall be collected by the [~~board~~] ***office*** for transmittal to the federal government under Title XI.

III. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in this chapter and state that [~~he~~] ***the applicant*** understands the types of misconduct for which disciplinary proceedings may be initiated against a certified or licensed real estate appraiser, as set forth in this chapter.

149 State Licensed or Certified Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-B:5-a to read as follows:

310-B:5-a Prohibited Conduct. A person licensed or certified [~~by the board~~] under this chapter, shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended.

150 State Licensed or Certified Real Estate Appraisers; Criminal History Records Checks. Amend RSA 310-B:6-a to read as follows:

310-B:6-a Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [~~board~~] ***office*** a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the [~~board~~] ***office***.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. The [~~board~~] ***office*** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. In the event that the first set of fingerprints is invalid

due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [~~board~~] ***office*** may, in lieu of the criminal history records check, conduct the national background check based on personal information.

III. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [~~board~~] ***office***. The [~~board~~] ***office*** shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.

151 State Licensed or Certified Real Estate Appraisers; Examination Prerequisites. Amend RSA 310-B:8 to read as follows

310-B:8 Examination Prerequisites.

I. As prerequisites to taking the examination for certification as a certified general real estate appraiser, an applicant shall present evidence[~~, satisfactory to the board~~], of having completed the required classroom hours in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board***, in accordance with rules adopted by the board pursuant to RSA 541-A***.

II. As prerequisites to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence[~~, satisfactory to the board,~~] of having completed the required classroom hours in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board***., in accordance with rules adopted by the board pursuant to RSA 541-A***.

III. As prerequisites to taking the examination for licensure as a licensed residential real estate appraiser, an applicant shall present evidence[~~, satisfactory to the board,~~] of having completed the required classroom hours in subjects related to real estate appraisal, including instruction related to the Uniform Standards of Professional Appraisal Practice, from an educational source approved by the board***., in accordance with rules adopted by the board pursuant to RSA 541-A***.

152 State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA 310-B:9, II to read as follows:

II. Each applicant for license or certification shall furnish a signed, detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the [~~board~~] ***office*** for examination a sample of appraisal reports which the applicant has prepared in the course of his or her appraisal practice.

153 State Licensed or Certified Real Estate Appraisers; Registration of Appraisal Management Companies. Amend RSA 310-B:12-b, I to read as follows:

I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in business as an appraisal management company or to advertise or hold itself out as engaging in or conducting business as an appraisal management company in this state without first obtaining a registration issued by the [~~board~~] ***office*** under the provisions of this chapter.

(a) An applicant for registration as an appraisal management company in this state shall submit to the [~~board~~] ***office*** an application using the method prescribed and furnished by the office of professional licensure and certification.

(b) In the event a registration process is unavailable upon the effective date of this chapter, an appraisal management company already conducting business in this state may continue to conduct business in accordance with this chapter until the 120th day after a registration process becomes available.

154 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, I to read as follows:

I. An appraisal management company that applies to the [~~board~~] ***office*** for a registration to do business in this state as an appraisal management company shall not:

155 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, III to read as follows:

III. Each appraisal management company seeking to be registered in this state shall certify to the [~~board~~] ***office*** on an annual basis on a form prescribed by the board that the appraisal management company has systems in place to verify that:

156 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Appraisal Review. Amend RSA 310-B:12-i as follows:

310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or independent contractor to, an appraisal management company that performs a USPAP Standard 3 review of an appraisal report on property located in this state shall be an appraiser with the proper level of licensure issued by the [~~board~~] ***office*** . Quality control examinations are exempt from this requirement as they are not considered a Standard 3 review.

157 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Registration Number. Amend RSA 310-B:12-m to read as follows:

310-B:12-m Appraisal Management Company; Registration Number.

I. The [~~board~~] ***office*** shall issue a unique registration number to each appraisal management company registered in this state pursuant to this chapter.

II. The [~~board~~] ***office*** shall maintain a list of the appraisal management companies registered in this state and the registration numbers assigned to such persons.

III. An appraisal management company registered in this state shall disclose the registration number provided to it by the [~~board~~] ***office*** on the engagement documents presented to an appraiser.

158 State Licensed or Certified Real Estate Appraisers; License or Certificate. Amend RSA 310-B:16, I to read as follows:

I. A license or certificate issued under authority of this chapter shall bear a license or certificate number assigned by the [~~board~~] ***office***.

159 State Licensed or Certified Real Estate Appraisers; Repeals. The following provisions of RSA 310-B are repealed:

I. RSA 310-B:3-a, relative to penalty.

II. RSA 310-B:10, relative to term of licensure.

III. RSA 310-B:12, relative to nonresident licensure.

IV. RSA 310-B:12-a, relative to temporary practice.

V. RSA 310-B:12-e, relative to appraisal management company fee.

VI. RSA 310-B:13, relative to renewal.

VII. RSA 310-B:13-a, relative to lapse.

VIII. RSA 310-B:14, I relative to continuing education.

IX. RSA 310-B:16, I, relative to license or certificate.

X. RSA 310-B:18, relative to disciplinary proceedings.

XI. RSA 310-B:18-b, relative to reissuance of license.

XII. RSA 310-B:19, relative to hearings.

XIII. RSA 310-B:20, relative to fees.

XIV. RSA 310-B:21, relative to receipts.

XV. RSA 310-B:23-a, relative to summons.

XVI. RSA 310-B:24, VII, relative to rulemaking authority.

XVII. RSA 310-B:24, IX, relative to the requirements for public information requests.

160 New Paragraph; Real Estate Practice Act; Rulemaking. Amend RSA 331-A:25 by inserting after paragraph XV the following new paragraph:

XVI. Supervision requirements for salespersons.

161 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA 331-A are repealed:

I. RSA 331-A:7, II relative to fees.

II. RSA 331-A:7, IV, relative to fees.

III. RSA 331-A:7, V, relative to orders.

IV. RSA 331-A:12-a, relative to inactive license status.

V. RSA 331-A:15, relative to issuance of licenses.

VI. RSA 331-A:17, IV-VI relative to license amendments.

VII. RSA 331-A:18, relative to lapse of license.

VIII. RSA 331-A:19, relative to renewal of license.

IX. RSA 331-A:24, relative to fees.

X. RSA 331-A:25, IV, relative to rulemaking regarding fees.

XI. RSA 331-A:25, VII, relative to license certificates.

XII. RSA 331-A:25, X, relative to procedures.

XIII. RSA 331-A:25, XI, relative to conduct of hearings.

XIV. RSA 331-A:25, XIII, relative to procedures for renewal licenses.

XV. RSA 331-A:28, relative to disciplinary actions.

XVI. RSA 331-A:29, relative to disciplinary procedures.

XVII. RSA 331-A:30, relative to hearing procedures.

XVIII. RSA 331-A:31, relative to payment by the state.

XIX. RSA 331-A:33, relative to immunity.

XX. RSA 331-A:34, relative to unlawful practice.

XXI. RSA 331-A:35, relative to prosecution.

162 Septic System Evaluators; Rulemaking Authority; Repeals. RSA 310-A:207, I(b), (e), and (f), and III, relative to rules on septic evaluator licenses, are repealed.

163 Septic System Evaluators; Issuance of Licenses. Amend RSA 310-A:213 to read as follows:

310-A:213 Issuance of Licenses. The [~~board~~] ***office*** shall issue a license upon payment of the license fee established by the office of professional licensure and certification, to any applicant who, [~~in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the license holder and have a serial number. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a certified septic system evaluator while the license remains valid. It shall be a class B misdemeanor for the license holder to perform septic system evaluations after the license of the evaluator has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

164 Septic System Evaluators; Repeals. The following provisions of RSA 310-A are repealed:

I. RSA 310-A:208, relative to fees.

II. RSA 310-A:214, relative to reciprocity.

III. RSA 310-A:215, relative to expiration and renewals.

IV. RSA 310-A:216, relative to disciplinary action.

V. RSA 310-A:217, relative to hearings.

VI. RSA 310-A:218, relative to reissuance of licenses.

VII. RSA 310-A:220, relative to restraint of violations.

VIII. RSA 310-A:221, relative to exemptions.

165 Speech-language Pathology; Provisional License. RSA 326-F:4 is repealed and reenacted to read as follows

326-F:4 Provisional License.

I. The purpose of a provisional license is to permit an individual to practice speech-language pathology while completing the postgraduate professional experience required for initial licensure. The office of professional licensure and certification shall issue a provisional license to an applicant who has met the eligibility requirements for initial licensure except for completion of the required postgraduate professional experience and has completed the application procedure for initial licensure except for submitting documentation of completion of the postgraduate professional experience.

II. The office is authorized to issue conditional provisional licenses in accordance with rules adopted by the board pursuant to RSA 541-A.

166 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5 , VI- VIII to read as follows:

VI. The [~~application and qualification~~] ***eligibility requirements*** for initial certification, certification renewal, and certification reinstatement of speech-language assistants.

VII. [~~The investigation and discipline of certified speech-language assistants.~~

~~VIII.~~] The sale and fitting of hearing aids.

167 Speech-language Pathology. Out of State Sales Regulated. Amend RSA 326-F:16 to read as follows:

326-F:16 Out-of-State Sales Regulated.

I. No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the [~~board~~] ***office of professional licensure and certification***.

II. The [~~board~~] ***office*** shall issue a permit to such out-of-state business if the business discloses and provides proof:

(a) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(b) Of the operating locations and the names and titles of all principal corporate officers;

(c) That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and

(d) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

[~~III. The board shall assess fees as established by rules adopted by the board, pursuant to RSA 541-A, for out-of-state hearing aid sales companies.~~]

168 Speech-language Pathology; Repeals. The following provisions of RSA 326-F are repealed:

I. RSA 326-F:6-a, relative to renewal.

II. RSA 326-F:7, relative to reinstatement.

III. RSA 326-F:7-a, relative to reinstatement.

169 Veterinary Practice Act; Powers of the Board. RSA 332-B:7 is repealed and reenacted to read as follows:

332-B:7 Powers of the Board. The board shall have the power to:

I. Determine the qualifications and fitness of applicants for a license to practice veterinary medicine in this state.

II. Discipline licensed veterinarians consistent with the provisions of this chapter and the rules and regulations adopted thereunder.

170 Veterinary Practice Act; Examinations. RSA 332-B:10 is repealed and reenacted to read as follows:

332-B:10 Examinations. The office shall issue an initial license to practice veterinary medicine to any applicant who:

I. Is 18 years of age or more;

II. Has graduated from an AVMA accredited school of veterinary medicine or other veterinary school accepted to the board; or, who holds an ECFVG certificate or a PAVE certificate;

III. Demonstrates good professional character according to rules adopted by the board pursuant to RSA 541-A;

IV. Satisfactorily passed an examination adopted by the board pursuant to rule; and

V. Has paid the required fee.

171 Veterinary Practice Act; Animal Physical Therapy Certification. Amend RSA 332-B:20, I to read as follows:

I. Any physical therapist practicing physical therapy on any animal shall meet the requirements of this section and any additional requirements set by the board of veterinarians pursuant to RSA 332-B:7-a, XIV [~~and shall be certified by the board of veterinary medicine~~].

172 Veterinary Practice Act; Repeals. The following provisions of RSA 332-B are repealed:

I. RSA 332-B:3-a, relative to temporary member.

II. RSA 332-B:5, relative to meetings and duties.

III. RSA 332-B:6, relative to revenues.

IV. RSA 332-B:7-a, VIII, relative to procedures for the conduct of investigations.

V. RSA 332-B:7-a, IX, relative to procedures for the conduct of hearings.

VI. RSA 332-B:12, relative to temporary permit.

VII. RSA 332-B:13, relative to license renewal and lapse.

VIII. RSA 332-B:14, relative to disciplinary action.

IX. RSA 332-B:15, relative to investigations.

X. RSA 332-B:15-a, relative to emergency suspension.

XI. RSA 332-B:16, relative to hearings.

XII. RSA 332-B:16-a, relative to immunity from civil action.

XIII. RSA 332-B:17, relative to reinstatement applications.

XIV. RSA 332-B:19, relative to enforcement.

173 Chiropractic; Reference Deleted. Amend RSA 316-A:27 to read as follows:

316-A:27 Privileged Communications. The confidential relations and communications between any person licensed under provisions of this chapter and such licensed person's patient are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such doctor of chiropractic shall be required to disclose such privileged communications. Confidential relations and communications between a patient and any person working under the supervision of a doctor of chiropractic that are customary and necessary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with such supervising doctor of chiropractic. This section shall not apply to disciplinary hearings or actions conducted under RSA 316-A:22, relative to the board of chiropractic examiners, RSA 326-B, relative to the board of nursing, RSA [~~151-A:11~~] ***151-A***, relative to the board of examiners of nursing home administrators, or any other statutorily created medical occupational licensing board conducting disciplinary proceedings. This section shall not apply to hearings conducted pursuant to RSA 135-C:27-54.

174 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:16-b, III to read as follows:

III. The mechanical licensing board with the approval of the executive director of the office of professional licensing and certification shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

175 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:28, II to read as follows:

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed $500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. Fees

collected shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***.

176 Reference Changed; Accountancy. Amend RSA 309-B:4, III to read as follows:

III. The office of professional licensure and certification shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the office of professional licensure and certification from fees authorized under this chapter shall be received and accounted for by the office of professional licensure and certification, shall be deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~] ***310:5***. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

177 Reference Changed; Architects. Amend RSA 310-A:32, II to read as follows:

II. In adopting any rule under this section, the board ***shall*** consult with the office of professional licensure and certification established under RSA [~~310-A:1 through RSA 310-A:1-e~~] ***310***.

178 Reference Changed; Body Art. Amend RSA 314-A:2, II to read as follows:

II. There shall be a fee for an initial license and a renewal license. The procedure and timeframe for license renewals shall be as described in RSA [~~310-A:1-h~~] ***310***.

179 Reference Changed; Chiropractic. Amend RSA 316-A:14-a to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under RSA [~~310-A:1-h~~] ***310***.

180 Reference Changed; Dentists Professional Health. Amend RSA 317-A:16-a, VII to read as follows:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

181 Reference Changed; Pharmacists. Amend RSA 318:1, XV-a to read as follows:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA [~~310-A:1-g, I-b~~] ***310***, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health

care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

182 Reference Changed; Nurse Practice Act. Amend RSA 326-B:36-a, VI-a, (c) to read as follows:

(c) Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

183 Reference Changed; Acupuncture. Amend RSA 328-G:9, IX to read as follows:

IX. The procedure and timeframe for license renewals shall be as described in RSA [~~310-A:1-h~~] ***310***.

184 Reference Changed; Reflexologists. Amend RSA 328-H:2, IV-a to rad as follows:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification established under RSA [~~310-A:1 through RSA 310-A:1-e~~] ***310***.

185 Reference Changed; Physicians. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA [~~310-A:1-g, I-b~~] ***310***, provided the physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's

first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

186 Reference Changed; Physicians. Amend RSA 329:1-d, I to read as follows:

I. "Telemedicine" means the use of audio, video, or other electronic media and technologies by a physician in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA [~~310-A:1-g~~] ***310***.

187 Reference Changed; Physicians Health. Amend RSA 329:13-b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] ***310***.

188 Reference Changed; Administrative Procedures. Amend 541-A:29-a, I to read as follows:

I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor, except as provided in RSA [~~310-A:1-d, V~~] ***310***.

189 Reference Changed; Planning Boards. Amend RSA 676:4-b, V to read as follows:

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the [~~joint board established under RSA 310-A:1~~] ***office of professional licensure and certification under RSA 310*** for possible [~~peer review or~~] disciplinary action.

190 Repeals; Administrative Attachment; Obsolete References. The following are repealed:

I. RSA 5:13-a, relative to the administrative attachment of the real estate commission.

II. RSA 205-A:29-a, relative to the administrative attachment of the board of manufactured housing.

III. RSA 205-D:3-a, relative to the administrative attachment of the Manufactured housing installation board.

IV. RSA 309-B:4, VIII, relative to the administrative attachment of the board of accountancy.

V. RSA 319-C:4, III, relative to the administrative attachment of the electricians board.

VI. RSA 328-C:13, relative to the administrative attachment of the board of family mediators.

VII. RSA 331-A:5, X, relative to the administrative attachment of the real estate commission.

VIII. RSA 332-B:3, IV, relative to the administrative attachment of the board of veterinary medicine.

IX. RSA 490-C:7, relative to the administrative attachment of the GAL board.

191 Effective Date. This act shall take effect July 1, 2023.

LBA
23-0606
Revised 1/31/23

HB 655-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to the office of professional licensure and certification.

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	Indeterminable	Indeterminable	Indeterminable
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill redefines the roles and responsibilities of the Office of Professional Licensure and Certification (OPLC) for the boards and commissions. OPLC issues licenses, sets fees, provides legal and investigatory services, and presents administrative rules as advised by the boards and commissions. The bill consolidates administrative authority for OPLC in a new chapter and repeals redundant provisions of law. This bill establishes two new unclassified attorney positions. The bill also modifies the existing OPLC Fund further defining it to be a separate dedicated, nonlapsing fund. It also establishes any funds in excess of $5,000,000 shall lapse to the General Fund at the close of each biennium. Currently, any funds remaining in the OPLC fund at the end of the biennium lapse into the General Fund.

The OPLC states the majority of the language in the bill is currently in law under RSA 310-A: and should have a minimal impact. The OPLC states the cost of the newly established unclassified attorney positions is an indeterminable cost as it is up to the Department of Administrative Services and Department of Personnel to determine what labor grade the positions would be. However, the OPLC assumes the positions would be comparable to other agencies and would be between a labor grade FF and a labor grade GG which is between $137,644 ($68,822 x two positions) at the lowest and $221,364 ($110,682 x two positions) at the highest labor GG and the highest step per a year. The OPLC states the impact from changing the OPLC fund from lapsing at the end of the biennium to non-lapsing, to the extent the funds do not exceed $5,000,000, will not necessarily have a fiscal impact but will rather shift where the funds end up at the end of the biennium. This bill will reduce the amount lapsed to the General Fund at the end of the biennium, but it will increase the amount of funds in the OPLC

fund at the end of the biennium. OPLC indicates by not lapsing funds their office will be able to lower licensing and certification fees.

Lastly, OPLC states RSA 310-A:1 may need to be repealed as this bill is intended to remove and replace that language and they may contradict each other. Additionally, RSA 310:3, V, states the salaries of the executive director and other unclassified individuals shall be as specified in RSA 94:1-a, but the list of unclassified employees does not include the new unclassified attorney positions created under RSA 310:3, IV.

Since FY 2019, the OPLC has lapsed $3.3 million to $4.1 million back to the General Fund at the end of each fiscal year. Chapter 91, Laws of 2021, changed the laws to have the funds lapse at the end of the biennium starting with the FY 2022-2023 biennium. Based on the historical trends, the OPLC would be expected to lapse between $6.5 million to $8 million back to the General Fund at the end of this biennium. This bill would allow the OPLC to retain the funds up to $5,000,000, thus decreasing the amount to the General Fund.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

CONSENT CALENDAR

March 8, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 655-FN,

AN ACT relative to the office of professional licensure and certification. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Jaci Grote

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Executive Departments and Administration**
Bill Number:	**HB 655-FN**
Title:	**relative to the office of professional licensure and certification.**
Date:	**March 8, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0807h**

STATEMENT OF INTENT

As introduced, this bill addressed the codification of Office of Professional Licensure and Certification (OPLC), merged some boards and repealed certain licenses. Realizing that this bill was also placed in HB 2, the committee was concerned that language appearing in two bills might result in conflicting statute if amended differently. As amended, this bill codifies the organizational structure and responsibility of OPLC. It establishes a non-lapsing fund appropriated to the agency for budget purposes, gives OPLC rulemaking authority to set fees and establish rules for administration of complaints and disciplinary actions. Nothing in this bill addresses the repeals of any licensing, modifies any advisory boards or addresses mergers of boards. It is the intent of the committee to ask that this portion of the bill be removed from HB 2.

Vote 20-0.

Rep. Jaci Grote
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 655-FN, relative to the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. As introduced, this bill addressed the codification of Office of Professional Licensure and Certification (OPLC), merged some boards and repealed certain licenses. Realizing that this bill was also placed in HB 2, the committee was concerned that language appearing in two bills might result in conflicting statute if amended differently. As amended, this bill codifies the organizational structure and responsibility of OPLC. It establishes a non-lapsing fund appropriated to the agency for budget purposes, gives OPLC rulemaking authority to set fees and establish rules for administration of complaints and disciplinary actions. Nothing in this bill addresses the repeals of any licensing, modifies any advisory boards or addresses mergers of boards. It is the intent of the committee to ask that this portion of the bill be removed from HB 2. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB655 Date: 2.8.23

Committee: ED&A

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

Name	Address	Phone	Representing	Pro	Con
Paula Minnehan	125 Airport Rd Concord	603 415 4259	NH Hospital Association	X	
Michael Phillips	39 Simon St. Ste 5 Nashua, NH 03060	6032332562	LaMora Psychological Associates		X
Dr Deborah Warner	PO 973 Littleton 03561	603-444-1512	Bright Day Self Psych		
Rebecca Sky	117 Pleasant St. Concord NH 03301	603-848-4204	NH State Commission on Aging	X	
Celia Oliver	NHPA	603-491-8230	NH Psychological Assoc	X	
Dr. Bob Cadsreth	2 Rosecliff Dr. Nashua 03062		Bd of Psych		X
Kelly Luedtke	31 College Dr. Concord, NH 03301	603-271-6484	LADC Board		X
Dianne Castricci	130 Pembroke Rd Concord, NH	6037247520	NH Alcohol + Drug Abuse Counselors Assoc		X
Nick Pfeifer	130 Pembroke Rd. Concord NH	603-765-1757	NH Alcohol & Drug Abuse Counselors Assoc.		X
Steven Rancourt	11 Stratton Rd Pelham NH	603-635-3269	ECBR		X
Elizabeth Repp		603-703-7871		questions	
Shane Gallet	7 Eagle Sq.		Board of Accountancy		

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 655-FN

BILL TITLE: **relative to the office of professional licensure and certification.**

DATE: **February 8, 2023**

LOB ROOM: **306-308** **Time Public Hearing Called to Order:** **10:00 a.m.**

Time Adjourned: **11:50 a.m.**

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

Bill Sponsors:

Rep. C. McGuire	**Rep. Goley**	**Rep. Merchant**
Rep. Ulery	**Sen. Carson**	**Sen. Lang**

TESTIMONY

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

*Rep Carol McGuire - Introduced the bill
- Merrimack 29
- Explained the bill as introduced. Explained responsibilities and disciplinary actions of the board. Explained sanctions and trainings.

Rep Will Infantine
- Hillsbourogh 16
- He opposes some of this bill and supports some of it. Would like to separate fields because they are structured differently. Opposed page 20 and the repeals. Opposes taking away the board's authority.

Elizabeth Eaton
- On behalf of the Board of Psychologists
- Opposes the bill and asks to Retain the bill to further study it. Discussed issues with several repeals. Will submit a written list of issues with the bill.

*Douglas Ostershoudt
- OPLC
- In support of HB655. Explained being self-funded. Funds coming from licensees. Commented on statements made by Elizabeth Eaton (Board of Psychologist). Explained nature of Settlement Agreements. Explained distinction between allegations and complaints. Explain confidentiality of records. Believes this bill would allow fees for licensees to be lowered. Explained where the board would lose authority under this bill and where it would retain authority. Talked about a new online application for licensees. Not every board has the same complaint process. Explained that all complaints are initially handled by the boards. Concerns about the current inconsistency of how complaints are handled.

Lynn Stanley
- NASW NH Social Workers
- In support of HB655. Only concerned about who will be appointed to handle investigations.

Celia Oliver
- NH Psychological Association

- Supports HB 655. Concerned in the area of confidentiality. Concerned over allegations over complaints. Concerned over who investigates who. The investigator must share credentials with the subject.

Michael Phillips

- LaMora Psychological Associates
- Supports some of the bill but feels it needs a lot of work. Concerned that some of the bill would create delays in important information getting to the practitioner in needed time. Doesn't feel the board in each field should run the same way. Feels that a licensee should not be charged for the cost of an investigation.

Elizabeth Ropp

- Acupuncturist
- Here to take questions. No questions.

Kelly Luedtke

- Board for Alcohol
- Does not believe the OPLC is ready to handle the changes in HB 655. Feels the board should collaborate with OPLC in investigation. Feels the board should establish its own advisory committee.

Kimberly Kirkland

- NHAT-Lawyer
- Taught two courses about what this bill is trying to accomplish. Supports HB655. New Hampshire has the lowest disciplinary record. Says, "There is a problem." Believes this bill will allow anonymous disciplinary actions and eliminate colleague covering up for another colleague. Believes it will improve conduct. Does not feel that the bill would increase issues with confidentiality.

Steven Rancourt

- ECBA
- Has some concerns. Gave example of allegation versus complaint. If a complaint gets reversed does the document go away or does it get revised? Would like clarity in some areas of HB655. Feels the Electrical Board has the expertise to do their own investigations.

Deborah Warner

- Bright Day Psychology
- Strongly urges committee to retain the bill for further study. Talked about the study committee for this bill not using board members. Explained confidentiality with records in third party cases. Explained how complaints are currently handled. Talked about the importance of practitioners knowing if a patient has psychological issues or is being treated for such. Feels this bill is taking away protections that are already in place.

Shane Goulet

- Board of Accounting / Attorney for OPLC
- No questions.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB655 on 2

Support: 3 Oppose: 3 Neutral: 0 Total to Testify: 0

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Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No
Carson, Sen. Sharon	Londonderry, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Sky, Rebecca	Concord, NH rebecca.l.sky@nhcoa.nh.gov	State Agency Staff	NH State Commission on Aging	Support	No	No
Nadeau, Brenda	Milford, NH Brendanadeau@comcast.net	A Member of the Public	Myself	Oppose	No	No
PELLETIER, DAVID	HOOKSETT, NH pelletierd@ualu131.org	A Member of the Public	Plumbers and Pipefitters Local Union 131	Oppose	No	No
Luedtke, Kelly	Raymond, NH kluedtke5@gmail.com	A Member of the Public	Myself	Oppose	No	No

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 655-FN

BILL TITLE: relative to the office of professional licensure and certification.

DATE: February 10, 2023

Subcommittee Members: Reps. Grote, Fitzpatrick and T. Dolan

Comments and Recommendations: Lots of concerns regarding disciplinary actions. Subcommittee will be working on an amendment. Another meeting planned in early March.

Respectfully submitted,

Rep. Jaci Grote
Subcommittee Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 655-FN

BILL TITLE: relative to the office of professional licensure and certification.

DATE: February 28, 2023

Subcommittee Members: Reps. Grote, T. Dolan and Fitzpatrick

Comments and Recommendations:

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Fitzpatrick	Seconded by Rep. T. Dolan	AM Vote: 3-0
Amendment # 2023-0807h		
Moved by Rep. Fitzpatrick	Seconded by Rep. T. Dolan	Vote: 3-0

Respectfully submitted,

Rep. Jaci Grote
Subcommittee Clerk

Deborah Warner, Ph.D.
LICENSED CLINICAL PSYCHOLOGIST
Littleton, New Hampshire (603) 444-1512 Warner@330608.com

HB 655 FN Restructuring OPLC and Board's statutes
Testimony for 2023 02 08

Streamlining the support structures of the OPLC certainly is needed. OPLC is designed to support the boards and facilitate the legal process of enforcing the regulation of the professions. Let us be sure to do the best across all boards and not only look for efficiency. There are **rights, due process, and protections in current statutes that ought not to be cast away for the sake of simplicity.** It will be important in this process of efficiency to support the purpose of the boards who must apply expert understanding to regulate the professions.

Specifically in Psychology, the bill proposes many repeals and overrides that need to be closely examined. I hope that the committee might retain the bill for study so that it could provide the best models for regulation of the boards, and not be rushed for efficiency sake. Some top examples of how the bill will affect the regulation of psychology are here:

Section 1 of the bill has many issues that need combing through to see their impact.
New RSA 310:9 is missing the authority of the board to initiate and define the investigations into complaints:

- **Missing:** Authority of the board to issue the Order of Investigation, to define the scope of investigation, the charges under consideration, and the scope of witnesses and other entities to conclude in the investigation
- **Missing:** Authority of the board to be informed of the character and progress of investigations.

Section 147, VIII: The repeal of **RSA 329-B:22, VI** loses the individual's protection of **privacy medical records.**
A decade ago, this matter was brought to the House and Senate because the state's attorneys were taking medical records **without the patient's knowledge or consent** when they pursued third party investigations (such as an unhappy ex-spouse complaint) or expanded investigations beyond the original case (when the investigation looks for patterns of incompetence across patients). After two years of work with the state's attorneys and legislators, the carefully crafted provisions of RSA 329-B:22 VI now **protect your medical records** from ending up in the state's Attorney offices and archives. Bipartisan legislation passed unanimously in the House and Senate to bring this measure of protection to the public. It was hoped by the sponsors of the original bill that this important privacy protection would be promulgated across all the health boards to bring this right to all citizens. But **your right to privacy of your medical records is slated for repeal** in this bill.

Section 147, IX: The repeal of **RSA 329-B:22, IX** provides a **summary of findings** from an investigation to be shared with the licensee before facing settlement which gives the licensee a review of the facts that have been assembled against them, similar to discovery in standard legal proceedings.
This step in the Board of Psychology's due process allows an individual who practices the occupation of psychology to see an overview of evidence assembled against them by the state, to see if it seems realistic to them to engage in settlement, or if they ought to take a matter to full hearing to fight for the truth. This **due process protection** for our occupation is standard in court proceedings, but is slated for repeal. RSA 329-B:22 IX provides a fair due process and will **vanish** with the repeal section in HB 655 FN.

Section 147, VIII: The repeal of **RSA 329-B:22, VIII** which has the **immediate notification of an allegation,** sending the copy to the licensee. Psychologists deal with sensitive patients and their concerns need to be known to the practitioner. If a patient is deeply concerned about treatment conditions, and if the psychologist is not made aware of this, it could bring about dangerous conditions for both the patient (escalation unknown to the doctor) and the practitioner (unaware of patient discontent). This is important for professions that deal with sensitive issues and the well-being of patients. Rapid, **consistent notification will be repealed** if this section passes.

Section 147, VIII: The repeal of **RSA 329-B:22, X** distinguishes the **status of an allegation versus a complaint,** which is a very **important professional safeguard** of the Board of Psychologists' statutes and process. Allegations can be ANY thing someone wishes to report, which could include small instances that do not violate codes, or concerns beyond of the board's jurisdiction. Under our current law, the first communication to the department is called an "allegation," which is completely confidential in all respects, and is exempt from professional reporting by the licensee practicing their occupation of Psychology. Only after the board has determined that the allegation is serious and bears formal investigation, the board issues an Order elevating it to the status of "Complaint" and then it is formally investigated. However, if this is repealed, the presence of a small allegation on a psychologist without our statute's protection from reporting could ruin their occupation as they could be eliminated from insurance panels, hospital privileges, practice insurance, membership in professional groups and so on. This important professional protection in the LAW now should not be cast off for the sake of administrative simplification.

License rules and issuance:

Section 147, I: The repeal of **RSA 329-B:10, II** removes license rulemaking from the Board of Psychologists.

The Board of Psychologists should continue to write rules for licensing, with the assistance of OPLC. The board should be defining the characteristics of the licenses, evaluation of credentials and training, and the methods of measuring professional capacity.

Section 146, I: Edits to of **RSA 329-B:15-a** places authority to issue licenses in OPLC, not the board.

The board should be the entity issuing the licenses, with the capacity to define classes and conditions for licenses that can be administratively granted and to evaluate the qualitative factors, especially for those receiving their initial licenses. Retaining the authority to the board to use its professional understanding to filter good providers is essential to the purpose of the board - to protect the public.

Section 147, IV: The repeal of **RSA 329-B:16** removes and instant license for telemedicine.

One of the overarching reasons for addressing the licensing boards is to reduce barriers to care and occupations. **Tele-Pass repeal will remove an instant license** for out of state specialists to provide care for NH people. It will increase barriers to providers joining the NH workforce.

Tele-Pass provides immediate entry for an out of state psychologist to provide care for NH residents and also travelers to our fair state, including students, snow birds, and visitors. With Tele-Pass, a patient in NH can locate a specialty Psychologist anywhere in the country and, for a small fee, that practitioner can see the patient immediately for ongoing treatment.

It is not adequately replaced by the OPLC general temp license that expires after 120 days which terminates at a full license award. Tele-Pass is a specialty license that requires out of staters to take a Jurisprudence

exam within 4 months, and the biannual continuing education in telemedicine to continue their telemedicine practice in NH and assures rapid access to the quality of care that people in NH deserve.

Section 147, VI: The repeal of **RSA 329-B:20** removes temporary and emergency licenses.
The Board of Psychologists has a **specific forensic psychology provision** within its temporary licenses that is very important to the courts. It was developed in response to many pleadings from attorneys and the criminal justice system for **flexible licenses for out of state experts to assess and testify on cases.** The temporary licenses of OPLC in general are inadequate for forensic work in that they expire too soon for forensic work and require a full license application as their endpoint if extended. The provisions in Section 1 of the bill allow for certain exceptions in medicine; there needs to be an exception for Psychology as well. Forensic portions need to be excerpted and retained from RSA 329-B:20 pertaining to forensic practice. Our courts and parole boards need to access a wide pool of expert Forensic Psychologists that can assist our system to process the law and protect the public with adequate assessment and testimony of dangerousness pertinent to the criminal justice system.

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION
Board of Natural Scientists
7 Eagle Square, Concord, NH 03301-2412
Phone: 603-271-2152

LINDSEY B. COURTNEY
Executive Director

March 8, 2022

Re: HB655

Dear Chairperson McGuire and Honorable Committee Members,

The Board of Natural Scientists exists to protect the environment and our natural wetlands and soils while also helping the people of New Hampshire develop and utilize their land in a sustainable way. We protect the natural resources of NH and the public very differently than that of other licensed professionals incorporated in HB655. Our Board oversees certification of Wetland Scientists, Soil Scientists, and Apprentices. Professionals in our field classify, delineate, and map land to support development decisions by individuals and local authorities (Planning Boards, Conservation Commissions, NH DES).

The Board of Natural Scientists takes no position on HB655 expect for the following technical aspects:

HB655 proposes to streamline licensing by shifting the process of licensing to the Executive Director of the Office of Professional Licensure and Certification. The Board is concerned that license applications will not be properly evaluated under these circumstances.

As a Board of we review each application for wetlands scientists, soil scientists or apprentices in terms of years of experience, educational requirements, credits in the type of education, and review of maps. Review of individual qualifications include examination of submitted work product(s) to determine whether the work meets the cited national and local standards. Reviews require both academic and professional work experience to understand and apply the cited standards.

A licensing clerk at the OPLC with no knowledge of the working science and set standards of the profession will be unable to conduct an adequate review, even preliminary review, of the required work product (maps and reports) associated with the applications.

As part of certification for a soil scientist or wetlands scientist, any applicant must pass a written and field practical exam. The field examinations have always been proctored (voluntarily) by certified members of the Board twice annually. If this was to be taken over by the OPLC, there would be an added cost of as much as $4,000 annually for the OPLC to hire a certified professional to proctor the field exams.

Thank you for considering our concerns regarding HB655. For any follow-up questions, please contact Damon E. Burt, Board Chair, at Damon.Burt@unh.edu.

Sincerely,

Damon E. Burt

Damon E. Burt for the Board of Natural Scientists

March 7, 2023

Charles R. Powell
New Hampshire Board of
Accountancy
7 Eagle Square
Concord, NH 03301

New Hampshire State Legislature
Committee: Executive Departments and Administration
Subcommittee Work Session and Executive Session 3/8/2023

Re: House Bill 655-FN

Dear Members of the Subcommittee:

This letter is intended to memorialize the concerns of the New Hampshire Board of Accountancy (the "Board") with regard to House Bill 655-FN ("HB 655").

The Board believes that HB 655 erodes the Board's role by transferring part of its legacy authority under NH RSA 309-B:1 *et seq.* to the Office of Public Licensure and Certification ("OPLC"). Although the Board recognizes that efficiency can be improved through economies of scale, the Board believes that too much of the Board's authority is being transferred to OPLC. By way of further explanation, HB 655 provides for the repeal of certain provisions of N.H. RSA 309-B including:

A. 309-B:4(VI)(b), relative to rules of investigation and providing the Board authority for its own rule making pertaining to investigations;

B. 309-B:11, relative to investigations and the Board's authority to conduct investigations;

C. 309-B:12, relative to the Board's enforcement procedures and hearings and the Board's authority over hearings; and

D. 309-B:13, relative to the Board's authority over reinstatement of licensees.

Moreover, under proposed HB 655, the following functions would then be transferred to OPLC through the executive director:

A. Rulemaking with only the "advice and recommendations" of the Board as provided in HB 655, section 1 (including proposed N.H. RSA 310(4)(II)(f), RSA 310:6, 3RSA 10:10(II), and RSA 310:11(I));

B. Investigation of all complaints as provided in HB 655, section 1 (including proposed N.H. RSA 310(4)(II)(d) and 310:9(V));

C. Issuance of licenses and certifications pursuant to rules "adopted by each individual board" as provided in HB 655, section 1 (including proposed N.H. RSA 310(8)). It is also noteworthy that this provisions appears to conflict with proposed RSA 310:4 in which the executive director adopts rules for the various boards.

The Board opposes such an extensive transfer of the Board's legacy authority. To the extent that caveats could be built into the legislation pursuant to which, by majority vote of the Board, the Board could supersede decisions on rulemaking, authority for investigations, and issuances of licenses, certifications or reinstatement decisions, the Board believes a compromise is possible and appropriate. However, in its present form, the Board writes to express its opposition to HB 655 as detailed above.

Very truly yours,

/s/ Charles R. Powell

Member, Board of Accountancy
Chair, Legislative Committee

My name is Dr. David Conway. I am a retired, Board-certified OB GYN and have been associated with the Board of Medicine since 2010, first as a member and then Chair of the MRSC for 6 years and then as a Board member and then President of the Board of Medicine for 6 years. I am appearing today to offer testimony as a member of the public against HB 655 as it applies to the Board of Medicine.

The MRSC has been a valuable tool for the Board by preventing even the appearance of loss of due process while investigating consumer and other complaints against licensees as well as lawsuits involving licensees. The Board, on the other hand, adjudicates those investigations. During my tenure, the MRSC reviewed up to 500 cases per year. I am currently the Physician Investigator for the Board of Medicine. This experience has given me considerable insight into the function of the Board and the MRSC, the mission of the which is to protect the citizens of New Hampshire.

"The Board of Medicine was created by the Legislature in 1897 to ensure that all physicians had the training and skills necessary to practice safe and effective medicine for the people of the State. The Board grants licenses to qualified applicants. It is responsible for monitoring its licensees to ensure that they maintain a level of current medical knowledge and skill and that they practice safely and ethically."

I have witnessed firsthand both the Board and MRSC performing as high functioning teams...until the last few years. Beginning prior to the pandemic and continuing through the spring of 2022, there were several factors that precluded effective intake and distribution of cases to the MRSC, including unfilled administrative and staff positions, transition in October 2019 to a new Physician Investigator who was an Infectious Disease Specialist and who was consumed by the pandemic. As of my assumption of the Physician Investigator role in May 2022, many of these positions have been filled. Early in the pandemic, Governor Sununu allowed the Board and MRSC to meet virtually by ZOOM. After a year, both were again required to meet in person. By this time, there were several vacancies on the MRSC as well as several MRSC members who were not able to meet in person because of health issues, which, due to a lack of quorum, prevented the MRSC from meeting for up to 6 months at a time. Several applications of interested parties for MRSC membership, both physician and physician assistant, have been stalled in the Governor's office for months and the current MRSC has just over half the available slots filled. The resulting backlog of cases and complaints that has resulted from all these factors has seriously impacted the function of both the MRSC and the Board. Rather than eliminating the MRSC, as proposed in at least one version of HB 655, addressing the factors that have led to this situation would allow the MRSC to perform its function in supporting the Board of Medicine.

HB 655 as originally proposed would effectively eliminate the MRSC (page 33, lines 31-34), doing away with a proven, effective investigative committee and would hamper the Board of Medicine in its mission to protect NH citizens and and seriously threaten due process for licensees who are being investigated.

Best regards,

David Conway, MD, FACOG

March 8, 2023

To: Executive Departments and Administration Subcommittee

From: Emily Baker MD, President of the New Hampshire Board of Medicine

Re: HB 655 Relative to the Office of Professional Licensure and Certification

The Board of Medicine has authorized me to communicate with the Committee. The Board of Medicine supports the governor's initiatives to make licensing and administration more cost effective and efficient, and we plan to continue to work with OPLC to that end.

We have already moved to processes that allow for licenses to be approved in between board meetings and to have fewer applications that need review. Many applications are also approved automatically through the Compact. A concern we raise is that that the Board needs to review some license files prior to approving licensure. These include individuals with serious issues such as history of actions against their license in prior states, criminal actions, and malpractice claims/settlements/verdicts within 10 years. It is critical to be certain about approving a license as we may not have the opportunity to evaluate these licensees before harm comes to a citizen.

Secondly, we would like to lend extremely strong support to continuing with a process for peer/public member participation in investigations and recommendations for action by the Board. The Board respects the value of having a group of professionals evaluate a complaint then discuss and debate a recommendation. The power of a group is very effective in our work, peer review committees in other settings and boards in all industries. There is great value in including public members. The current process is accomplished with the Medical Review Subcommittee although other processes could be considered. There could be a formal partnership with the OPLC office to continue to cleanly separate investigation from adjudication.

Our entire purpose is to protect the citizens of New Hampshire, and we are dedicated to providing whatever help we can to the legislators as they create statute and direct formulation of rules that optimize this outcome.

February 3, 2023

Letter from the Board of Psychologists to the legislature concerning HB 655 as introduced. *Regarding sections of the bill that change Board of Psychologists RSA 329-B statute and also the inadequate replacement of such in OPLC's own RSA 310.*

The Board of Psychologists understands that an efficient consolidation of administration will be a positive direction for the department. Yet the Board is very concerned that the statutory changes proposed in the new OPLC bill will greatly diminish the effectiveness of the board, the protection of the public, and fairness to the occupations of the psychologists it regulates. The Board sees many problems with this bill and **strongly urges the Committee to retain the bill in committee to study** the bill so that the many details that are harmful can be known and resolved before sending it to any further action in the house.

Below are just some of the major areas of our grave concerns about the bill. We hope that the details of these and our other issues could be discussed in detail along with the other professions as your committee hopefully would keep and study the bill. While the board wishes to cooperate with consolidating administrative supports, it is seriously concerned about the actions in sections 144, 145, 146, and 147 as well as omissions of content that need to be rectified in section 1 as a result.

A few examples of the major problems of the bill HB 655 FN:

Section 147, VIII: The repeal of **RSA 329-B:22, VI** loses the individual's protection of **privacy medical records**. A decade ago, this matter was brought to the House and Senate because the state's attorneys were taking medical records without the patient's knowledge or consent when they pursued third party investigations (such as an unhappy ex-spouse complaint) or expanded investigations beyond the original case (when the investigation looks for patterns of incompetence across patients). After two years of work with the state's attorneys and legislators, the carefully crafted provisions of RSA 329-B:22 VI now protect your medical records from ending up in the state's Attorney offices and archives. Bipartisan legislation passed unanimously in the House and Senate to bring this measure of protection to the public. It was hoped by the sponsors of the original bill that this important privacy protection would be promulgated across all the health boards to bring this right to all citizens. But it is slated for repeal in this bill.

Section 147, IX: The repeal of **RSA 329-B:22, IX** that provides a **summary of findings** from an investigation to be shared with the licensee before facing settlement which gives the licensee a review of the facts that have been assembled against them. This step in our board's fair process allows an individual who practices an occupation to know if the evidence against them seems real to them or if they ought to take a matter

to full hearing to fight for the truth. This due process protection for an occupation is slated for repeal. RSA 329-B:22 IX provides a fair due process and ought instead to be applied to all the boards.

Section 147, VIII: The repeal of **RSA 329-B:22, VIII** has the **immediate notification of an allegation,** sending the copy to the licensee. Psychologists deal with sensitive patients and their concerns need to be known to the practitioner. If a patient is deeply concerned about treatment conditions, and if the psychologist is not made aware of this, it could bring about dangerous conditions for both the patient (escalation unknown to the doctor) and to the practitioner. This is important for those health professions that deal with sensitive issues and the emotional well-being of patients.

Section 147, VIII: The repeal of **RSA 329-B:22, X** will lose the distinction between the **status of an allegation versus a complaint**, which is a very important safeguard of our Board's statutes and process. Allegations can be ANY sort of item someone wishes to report, which could include matters that do not violate professional standards or issues outside of the board's jurisdiction. Under current law, the allegation, which is the first communication to the department, is completely confidential in all respects, being exempt from reporting by the licensee practicing their occupation of psychology. Only after the board has determined that the allegation could violate practice laws, it is elevated to be a "Complaint" and then it is formally investigated. In considering this distinction in our laws, it is important to recognize that in practice, the presence of even a small allegation on a psychologist without protection from reporting could ruin their occupation as they would be eliminated from insurance panels, hospital privileges, practice insurance, membership in professional groups and more. Retaining this distinction **should be promulgated across the health professions** instead of being repealed.

The Board of Psychologists hopes to be helpful in the process of making the department streamlined, but also effective in protection of the public and fairness to the individuals practicing their occupations. Please retain the bill in committee so that we and others can facilitate the reconciliation of these issues for better health boards, safer practice, and fairness to the occupations.

Signed, for the Board of Psychologists

Tonya F Warren Psy. D.
Chair

HB 644 HB 655

TO ALL COUNCIL MEMBERS AND PUBLIC CITIZENS

Good afternoon to everyone attending today's meeting and thank you for your time today. We are here to express our concerns but first of all, we would like to apologize that we were not in attendance at the last meeting as all of the State Board-appointed members are licensed professionals working within the trades and were unable to attend with the short notice of the councils scheduling. We, the State Board of Barbering, Cosmetology, and Esthetics are here in letter, in person, and in spirit to make sure that our voices are collectively heard and witnessed. WE DO NOT AGREE with the proposed agenda and changing of the language as it does not pertain to the protection of the consumers and how it negatively impacts the safety of the public. Not only are we unequivocally opposed to the proposed changes and removal of current language, but we also feel grossly misrepresented. We had spoken to a representative named Jessica Poitras from Washington DC several months earlier and she had discussed the possibility of beauty niches incorporated into our state without any kind of licensing agreement necessary, therefore with no accountability to be had and no protection to be warranted or offered for the prospective clients and overall general safety of the public. We expressed a unanimous concern and opposition to her proposal and we were later informed that our letters had not been read or heard and that once again, we the Board were not considered or contacted from any council members in regard to questions or concerns that this may impose. Once again we the board are in opposition to HB 644. There are so many numerous safety concerns when it comes to the overall protection of the residents and visitors to our State. We have offered many times and attended countless hearings, meetings, and legislative sessions to show our concerns and utmost respect to our trades as fellow proud licensees. We strive to make connections with our constituents, fellow citizens, and the public to make sure the dynamic risks and safety concerns are understood. Again we the State Board of Barbering, Cosmetology, and esthetics are OPPOSED TO HB 644 with a concern for HB 655 as well. Thank you for your time and consideration today.

New Hampshire Board of Barbering Cosmetology & Esthetics

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

DIVISION OF LICENSING AND BOARD ADMINISTRATION

7 Eagle Square, Concord, New Hampshire 03301

Telephone 603-271-2152

Lindsey B. Courtney
Executive Director

February 7, 2023

Hon. Carol McGuire
Chair, Executive Departments and Administration Committee
Legislative Office Building
Concord, NH 03301

RE: Testimony Regarding House Bill 655

Dear Representative McGuire:

I am writing regarding House Bill 655 on behalf of the Office of Professional Licensure and Certification (OPLC).

House Bill 655 is the result of the significant work by the bipartisan Committee to Study and Make Recommendations Relative to the Office of Professional Licensure and Certification and the Licensure of Professions Under Boards, Councils, and Commissions within the Office, which was established by Senate Bill 330 last year. The Committee found that the responsibilities and roles of the OPLC and the boards within OPLC must be clarified to better serve New Hampshire's citizens. The Legislative Budget Assistant, in a recent Performance Audit of the Board of Dental Examiners, made similar findings. OPLC completely agrees with these findings.

This bill would clearly define the roles and responsibilities of the OPLC versus the boards and achieve the recommendations made by the Committee by: 1) clarifying that OPLC shall issue licenses in accordance with criteria established by the boards; 2) providing that OPLC shall investigate and provide investigative and legal services to the boards; 3) repealing conflicting board authority to set fees; and 4) recodifying OPLC's authority within a new practice act, RSA chapter 310. OPLC appreciates the clarity that House Bill 655 would bring. OPLC is prepared to implement House Bill 655, should it become law.

Thank you for the opportunity to provide comments.

Sincerely,

Lindsey B. Courtney
Executive Director

New Hampshire
Commission on Aging

February 8, 2023

NH House Executive Departments and Administrative Senate Health & Human Services Committee
Legislative Office Building, Room 101
Concord, NH 03301

Re: Support for HB 655 – FN - An act relative to the Office of Professional Licensure and Certification

Good morning, Chair McGuire and Members of the Committee,

The Commission on Aging was established during the 2019 legislative session in recognition that New Hampshire, demographically speaking, is becoming older. Thoughtful shaping of public policy and investing across generations will ready our state for this change and foster a future where regardless of our needs, the resources for living well will be there as we grow older.

The New Hampshire State Commission on Aging supports the changes to state statute outlined in HB 655-FN as the changes will serve to strengthen our care workforce. The 2022 Commission on Aging Annual report outlined three policy priorities for this year:

1. STRENGTHEN OUR LONG-TERM SERVICES & SUPPORTS SYSTEM OF CARE
2. GROW THE DIRECT CARE WORKFORCE
3. ADVANCE AGE FRIENDLY POLICIES, SYSTEMS AND ENVIRONMENTS

It should not be a surprise that workforce concerns rose to the top of the Commission on Aging concerns. One area of concern is the long-term care workforce. Data from NH Department of Employment Security indicates an overall decrease of 10% in the long-term care workforce and 17% specifically within the skilled nursing workforce from 2015 to 2021. More recent data speaks to only more dire circumstances.

Our experiences since the onset of COVID-19 have exposed both the strengths and weaknesses of the status quo. Prior to the pandemic the growing number of older adults, increased longevity, untenable low wages for caregivers, and shrinking number of people in the "working age" cohort made this issue a brewing storm. The pandemic increased workplace stress and caused burnout. This left an inadequate workforce resulting in a large increase in unmet needs and adverse health outcomes among older adults. The Office of Licensing and Certification also experienced challenges resulting from COVID to keep the pipeline of workers moving.

The New Hampshire State Commission on Aging supports all efforts to enhance New Hampshire's licensing and certification processes and to strengthen the NH Office of Professional Licensure and Certification towards facilitating the growth of New Hampshire's care workforce.

Thank you for time and consideration.

Rebecca Sky
Executive Director
New Hampshire State Commission on Aging

Opposition of HB 655

330-C:5

Opposition to the following under 330-C:5

II: We oppose not having the authority to establish advisory committees in the areas identified in 330-C:6.

Reasoning: The Board needs the ability to have advisory boards, specifically our Peer Review Committee, made up of 3-5 persons licensed or certified by the board. This committee is solely responsible for reviewing new applications for licensure and certification, new CEU request and making recommendations on whether the candidate for licensure or certification has a completed application. Having this committee allows a lot of the administrative burden taken off the board, so that other work can take place in a timely fashion. Board meetings are already, on average, 8-10 hours a day, without applications. Peer Review members are already licensed and certified by the board so they know the statutes, rules, and application procedures very well.

IV: Conduct investigations, hearing and proceedings concerning alleged violations of this chapter or of rules adopted under this chapter.

Reasoning: Currently, OPLC is suggesting that we repeal or remove the ability for the Board to conduct investigations. We are strongly opposed to this for the following reasons. Currently, complaints to Enforcement from the board have a poor track record of being followed through with, completed, and some have even been "lost". Currently, OPLC Enforcement has the following cases outstanding:

Cases originally filed in 2020 – 3 open

Cases originally filed in 2021- 6 open

Cases originally filed in 2022 – 5 open

Also, on 12/2021 a complaint was "lost" because it "landed on the wrong desk" at OPLC. Then the complaint was "tossed around" for approximately 1 ½ months. Original complaint was submitted on 10/24/21 and was never seen by the Board until 12/14/21.

The Board at this time must maintain the ability to conduct our own investigations.

V: Subpoena witnesses, records, and documents, as needed, and administer oaths to those testifying at hearings.

Reasoning: The Board needs to maintain the ability to conduct their hearings. We desire to continue to have the option as to whether or not we want to vote on electing a hearing officer. As experts in our profession, we may need documents that legal council isn't aware of, and we want to maintain our ability to ask for those documents by law.

X. Establish and collect fees required in this chapter

Reasoning: We want to keep the ability to establish our fee structure. We are happy to work collaboratively with the OPLC in establishing fair fees, but this power shouldn't not be excluded from the Board since we have more of a pulse on the salaries and workforce than OPLC.

330- C: 6

Opposition to the repeal of 330-C:6

Reasoning: As described in the opposition to 330-C:5, II. we need advisory committees.

330- C:7

Why would we not have a true record of the board's official acts?

330-C:8

Opposition to the repeal of 330-C:8

Reasoning: The Board wants to maintain the ability by statute to set fees and charges for initial licenses, certifications, renewals for licenses and certifications, applications, late renewal, and reinstatement. The reasons for maintaining this ability are described in 330-C:5, X.

330-C:9

to the repeal of 330-C:9, IX

Reasoning: The board

330-C:14-a

Opposition to the repeal of 330-C:14-a

Reasoning: Why are we taking away the right of persons licensed by the Board to practice services through the use of telemedicine if they are properly licensed to do so? Isn't this a disservice to treatment of clients that can't access services as easily as others?

330-C:21

Opposition to the repeal of 330-C:21

Reasoning: workforce barrier?

330-C:22

Opposition to the repeal of 330-C:22, II, III, IV, V

Reasoning: The grace period is an extension if licensees need additional time to finish CEU's, or obtain certifications. The board doesn't want to repeal that section.

Board wishes to be able to retain the ability to not renew a license or certification if revoked on disciplinary grounds.

The board wishes to maintain the right to place a military person's certification or license on inactive status while they are active duty.

330-C:23

Opposition to the repeal of 330-C:23

Reasoning: The Board wish to maintain reinstatement abilities.

330-C: 27

Opposition to the repeal of 330-C:27

Reasoning: The board wishes to maintain its ability to undertake investigations and disciplinary proceedings for the reasons highlighted in 330-C:5.

330-C:28

Opposition to the repeal of 330-C:28

Reasoning: Why is the OPLC trying to take away the power of the board? The OPLC hasn't yet showed that they are in a position to handle the amount of power that they are trying to overtake from the LADC board.

330-C:29

Opposition to the repeal of 330-C:29

Reasoning: Again, the Board needs to maintain power of duty in hearings. While we often work with OPLC legal council, we need to be the final power of the adjudicative hearings. We are the experts of the content.

330-C:30

Opposition to the repeal of 330-C:30

Reasoning: This is around rehearing appeals. Again, something we need to have control over.

330-C:31

Opposition to the repeal of 330-C:31

Reasoning: Why would OPLC be repealing a law that states that it is unlawful for a person to practice as a licensee or certificate holder without a license? Or that it's unlawful to misrepresent oneself? This doesn't make any sense.

330-C:33

Opposition to the repeal of 330-C:33

Reasoning: Exemptions…why repeal this? Why hasn't anyone from the OPLC connected with us around the intention of repealing this?

The recommendation would be for this bill to be retained in committee to study further. Specifically, the OPLC is trying to take authority away from the LADC board and the OPLC has yet to prove that they are able to handle this duty in a timely, organized manner. Enforcement officers have admitted to putting our cases/complaints on hold because they were "bogged" down with other board cases that took priority over the LADC board. This isn't the Board's problem. If you take away our authority, then we

won’t even be able to serve as a backup for OPLC. Wrong licenses were given to people, which is a serious breech of scope of competency and an ethical issue. When we told OPLC that we would work to resolve their negligence, we were told that the ED or legal council would make a phone call, and we were instructed to stay out of it. There have been numerous staff and legal council turnover, which is another grave concern for the efficiency of the OPLC. Taking away our authority means that we can’t even assist in issues.

The Board maintains that we want to work collaboratively with the OPLC, but taking away our authority in state statute is not a mutual relationship to work collaboratively in. Further, the OPLC never discussed any of these repeals with the LADC board so this was a blindside. The board doesn’t believe that blindsiding us is effective management. We wish to maintain our authority as outlined in the state statutes.

Brenda Nadeau

We wonder why we have a teacher shortage?? Putting teachers in a position for the sake of politics is ridiculous.
Banning books, distorting our history why. As an adult I feel cheated as to what US history I wasn't privy to growing up. The US was not lily white in its growing years and still tries to paint a picture of perfection instead of teaching by our mistakes. Racism being one of the biggest . .

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 655-FN

BILL TITLE: relative to the office of professional licensure and certification.

DATE: March 8, 2023

LOB ROOM: 306-308

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Grote	Seconded by Rep. C. McGuire	AM Vote: 20-0

Amendment # 2023-0807h

Moved by Rep. Grote	Seconded by Rep. C. McGuire	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 #: 0807H 655 Motion: AMENDMENT OTP AM #: _____ Exec Session Date: 3-8-23

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.~~ SOUCY	✓		
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
~~Smith, Juliet L~~ TREALEVAN	✓		
TOTAL VOTE: THE CHAIR			

20-0

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 #: 655 Motion: OTPA AM #: _____ Exec Session Date: 3-8-23

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. SOUCY	✓		
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
~~Smith, Juliet L~~ TREALEVAN	✓		
TOTAL VOTE: THE CHAIR	20		

GROTE MCGUIRE

20-0