HB 507-FN - AS INTRODUCED

2023 SESSION

23-0669
02/10

HOUSE BILL ***507-FN***

AN ACT relative to unauthorized practice in occupational and professional licensing and certification.

SPONSORS: Rep. Santonastaso, Ches. 18

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies that penalties for the unlicensed practice of a profession regulated under the office of professional licensure and certification do not apply so long as the person practicing does not hold themselves out as being licensed or certified and discloses the fact that he or she is not licensed or certified.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0669
02/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to unauthorized practice in occupational and professional licensing and certification.

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

1 Office of Professional Licensure and Certification; Penalties. Amend the introductory paragraph of RSA 310-A:1-m, VIII to read as follows:

VIII. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, shall advertise oneself as engaging in a profession licensed or certified by the office of professional licensure and certification[~~, shall engage in activity requiring professional licensure, or in any way hold oneself out as qualified to do so,~~] or call 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. ***Nothing in this section shall prevent an unlicensed person engaged in providing services of any profession regulated by the office of professional licensure and certification under this chapter as long as the person does not advertise or hold themselves out as being licensed. Any person who practices an occupation or profession regulated under this section without obtaining a license or certification shall prominently disclose the fact that he or she is not licensed or certified before providing services or before asking a client to sign a contract for services.*** After hearing and upon making an affirmative finding of unlawful practice, the board, council, or commission may take action in any one of the following ways:

2 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0669
1/6/23

HB 507-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to unauthorized practice in occupational and professional licensing 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 states that unlicensed persons engaging in providing services of any profession regulated by the Office of Professional Licensure and Certification shall not be penalized for being unlicensed or uncertified as long as the person practicing does not hold themselves out as being licensed or certified and discloses the fact that he or she is not licensed or certified.

The Office of Professional Licensure and Certification (OPLC) notes the language essentially states it is illegal to practice without a license, however, nothing within the language will prevent an individual from doing so. Assuming the language works as intended, OPLC states it would essentially make all licensure by OPLC optional, as long as certain conditions were met. The OPLC indicates they do believe certain professions, such as doctors and nurses, would still likely seek licensure as conditions of employment, although there may be other service providers who would not for various reasons. Because OPLC is unable to determine how many penalties would not be assessed that would have been previously assessed on unlicensed or uncertified persons or how many people would not become licensed or certified due to the change in law, the fiscal impact is indeterminable.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification