

Amendment to HB 373

1 Amend the bill by replacing sections 2 and 3 with the following:

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3 2 Administrative Procedures Act; Remedies for Procedural Failures; Court Proceedings.
4 Amend RSA 541-A:23, IV to read as follows:

5 IV. An action to contest the validity of a rule for noncompliance with any of the provisions
6 of this chapter other than those listed in paragraph I shall be commenced within one year after the
7 effective date of the rule. Such actions shall be brought in the Merrimack county superior court.
8 ***The plaintiff shall give notice of the action to the office of legislative services, division of***
9 ***administrative rules, at the time of filing. Upon receiving a judgment on the merits, the***
10 ***respondent agency or department shall also file a copy of that judgment with the office of***
11 ***legislative services, division of administrative rules.***

12 3 Administrative Procedures Act; Declaratory Judgment; Court Proceedings. Amend RSA 541-
13 A:24 to read as follows:

14 541-A:24 Declaratory Judgment on Validity or Applicability of Rules. The validity or
15 applicability of a rule may be determined in an action for declaratory judgment in the Merrimack
16 county superior court if it is alleged that the rule, or its threatened application, interferes with or
17 impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The
18 agency shall be made a party to the action. ***The plaintiff shall give notice of the action to the***
19 ***office of legislative services, division of administrative rules, at the time of filing.*** A
20 declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass
21 upon the validity or applicability of the rule in question. ***Upon receiving a declaratory***
22 ***judgment, the respondent agency or department shall also file a copy of that judgment***
23 ***with the office of legislative services, division of administrative rules.***

24
25 Amend the bill by inserting after section 4 the following and renumbering the original section 5 to
26 read as 6:

27
28 5 Existing Rules and Forms Effective. The existing rules and forms of the board of allied
29 health professionals shall continue in effect and be valid for the respective governing boards until
30 repealed or amended in accordance with applicable law.

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AMENDED ANALYSIS

This bill provides that application forms for allied health professionals be adopted as a rule by the board of directors of allied health professionals rather than by each governing board. The bill also requires plaintiffs in Merrimack county superior court contesting the validity of a rule to provide notice to the office of legislative services, division of administrative rules, and for the respondent agency to file a copy of a final judgment with such office.