STATE OF NEW HAMPSHIRE

OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES

STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Rulemaking Notice Form

Notice Number: 2026-241

Rule Number: Opt 400

1. **Agency:** Board of Registration in Optometry

   Agency Address: Office of Professional Licensure and Certification
   7 Eagle Square
   Concord, NH 03301
2. **RSA Authority:** RSA 327:31, III, and V
3. **Federal Authority:** N/A
4. **Action(s):** Adoption, Repeal, Readopt w/Amendment
5. **Short Title:** License Renewal and Continuing Education
6. **(a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:**

   The Board of Registration in Optometry (Board) proposes to readopt with amendment Chapter Opt 400, License Renewal and Continuing Education, which governs the continuing status of licenses for the Board under RSA 327.

   The proposed rules update and reorganize the renewal procedures in Opt 401 and Opt 403 to align with the Office of Professional Licensure and Certification's (OPLC) standardized license renewal process in Plc 308 and fees in Plc 1000, replacing renewal forms with use of the "Universal Application for License Renewal" and a profession specific addendum.

   The Board proposes to adopt continuing education (CE) related terms in Opt 402.01 to define formal CE, independent study, synchronous, and asynchronous. The proposed rules provide requirements for applicants to complete a minimum number of CE hours in the various categories and formats. The statutory continuing education hour requirements prescribed in RSA 327:33 and RSA 327:33-a remain unchanged.

The Board proposes to adopt Opt 402.03 to require drug enforcement administration (DEA) related training and cardiopulmonary resuscitation (CPR) certification.

Opt 401.05, Opt 401.07, and Opt 402.05 are redundant and marked for repealed.

The Board proposes to adopt Opt 404 rules on disciplinary matters and the professionals' health program. The fee for the Professionals' Health Program is required by Plc 1001.08.

Some sections are scheduled to expire September 16, 2027, but are subject to extension pursuant to RSA 541-A:14-a, I.

X **Does this rule implement a state statute for the first time?**

If yes, please explain:

Opt 402.02 implements RSA 327:31, III, effective July 1, 2024, Laws of 2024, Chapter 237:124

Opt 402.03 implements RSA 318-B:41, IV, effective August 29, 2023, Laws of 2023, Chapter 140:5-7

Opt 404.01 and Opt 404.02 implement RSA 310:12, I-a, effective July 15, 2023, Laws of 2023, Chapter 112:1

Opt 404.03 and Opt 404.04 implement RSA 310:5, III, effective July 1, 2023, Laws of 2023, Chapter 112:1

6. **(b) Brief description of the groups affected:**

The groups affected by this rule are licensed optometrists and out-of-state contact lens dispensers regulated by the Board of Optometry. These individuals and entities are impacted through updated renewal, reinstatement, and continuing education requirements, and standardized administrative procedures under the Office of Professional Licensure and Certification (OPLC).

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

Rule	**Specific State Statute the Rule Implements**
Opt 401.01	RSA 310:8; RSA 327:13
Opt 401.02	RSA 310:8; RSA 327:13
Opt 401.03	RSA 327:13; RSA 327:31, III; RSA 327:33; RSA 327:33-a

Opt 401.04	RSA 327:13-a; RSA 327:31, III; RSA 310:8
Opt 401.05 (repealed)	RSA 327:31, IV
Opt 401.05 (formerly Opt 401.06)	RSA 327:25-a, IV; RSA 327:31, III; RSA 310:8
Opt 401.07 (repealed)	RSA 327:13; RSA 327:25-a, IV(c); RSA 327:31, IV
Opt 402.01	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.02 (formerly Opt 402.01)	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.03	RSA 318-B:41, VI
Opt 402.04 (formerly 402.02)	RSA 327:31, V; RSA 327:33; RSA 327:33-a
Opt 402.05 (formerly Opt 402.03)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.05 (repealed)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.06 (formerly Opt 402.04 (a)-(b))	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.07 (formerly Opt 402.04(c)-(d))	RSA 327:31, V; RSA 327:33; RSA 327:33-a.; RSA 310:8
Opt 402.08 (formerly Opt 402.06)	RSA 327:31, V; RSA 327:33; RSA 327:33-a.
Opt 402.09 (formerly Opt 402.07)	RSA 310:6, II; RSA 327:33; RSA 327:33-a
Opt 403.01	RSA 310:6, II; RSA 310:8, V
Opt 404.01	RSA 327:20, II; RSA 310:12, I
Opt 404.02	RSA 310:12, I-a
Opt 404.03	RSA 310:5, III

7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Chantell Wheeler	**Title:** Rules Administrator
Address: Office of Professional Licensure and Certification, 7 Eagle Square, Concord, NH 03301	**Phone Number:** (603) 271-8311
	FAX Number:
	Email: OPLC-Rules@oplc.nh.gov

8. **Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:**

   Tuesday, December 22, 2026

   _ **Fax**

   X **Email** OPLC-Rules@oplc.nh.gov

   _ **Other**

9. **Public hearing scheduled for:**

   Date: Tuesday, December 15, 2026

   Time: 9:15 AM

   Place: Office of Professional Licensure and Certification
   7 Eagle Square
   Concord, NH 03301

   Electronic Access, if applicable: N/A

10. **Fiscal Impact Statement (Prepared by Legislative Budget Assistant):**

    FIS #: 26:177, dated: Wednesday, September 9, 2026

    1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

    There is no difference in cost when comparing the proposed rules to the existing rules. Not applicable to the various rules being repealed or the various new rules.

    2. Cite the Federal mandate. Identify the impact on state funds:

    No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The fee provision referenced in Opt 401.03 is applicable to Plc 1002.37(relative to application processing and licensing fees for the profession regulated by the Board of Registration in Optometry) and the fee provision referenced in Opt 402.07 is applicable to Plc 1001.21(relative to approval of continuing education courses, instructors, and providers: fees, duration).

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. **Statement Relative to Part I, Article 28-a of the N.H. Constitution:**

The proposed rules do not mandate or assign any new costs to political subdivisions of the state. Therefore, the proposal does not violate Part I, Article 28-a of the New Hampshire Constitution, which prohibits the state from requiring political subdivisions to incur unfunded mandates.