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: 2026-243

Rule Number: Opt 100 various, Opt 201

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 541-A:16, I(a)-(d)
3. **Federal Authority:** N/A
4. **Action(s):** Repeal, Readopt w/Amendment
5. **Short Title:** Organization, Definitions, Public Information, and Rules of Practice and Procedure
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:**

   Opt 101 describes the purpose and scope of the Board of Registration in Optometry (Board). The Board proposes to readopt Opt 101.01 to update the Board's responsibilities to align with the current statute.

   Amendments to Opt 101.01(a) are proposed to state that the Board is responsible for writing rules on how applicants shall be examined and what constitutes a passing grade in accordance with RSA 327:31, II. The Office of Professional Licensure and Certification (OPLC) facilitates the examination.

   Amendments to Opt 101.01(b) are proposed to state that the Board is responsible for adopting rules regarding the qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA 327:6-a. RSA 327:22 on hearings and investigations was repealed by the Laws of 2023, 212:30(III), effective October 3, 2023. The executive director of the OPLC was granted authority over the investigation of all complaints, pursuant to RSA 310:4, II(d), effective July 15, 2023.

The Board retains authority to determine ethical and professional standards pursuant to RSA 327:31, IV. Editorial changes are proposed to Opt 101.01(c) to provide clarity.

The Board retains the authority to determine requirements for continuing education in addition to those requirements set by RSA 327:33 and RSA 327:33-a; pursuant to RSA 327:31, V. Editorial changes are proposed to Opt 101.01(d) to provide clarity.

The Board retains the authority to determine the criteria for license renewal and reinstatement, pursuant to RSA 327:31, III. Editorial changes are proposed to Opt 101.01(e) to provide clarity.

Opt 102 defines various terms. The Board proposes to readopt with amendment various definitions in Opt 102.01 to implement the Laws of 2026, Chapter 300:2, effective September 8, 2026, which removed the authority of the board to modify the list of approved pharmaceuticals for use by optometrists, except to update the formulary for pharmaceutical agents.

The Board proposes to readopt with amendment Opt 103 on agency organization to provide clarity on Board composition in Opt 103.01 and update the citation to direct correspondence to the address in Plc 103.03. A similar amendment is proposed in Opt 104.02 to direct readers to Plc 104 rules on requests for information and access to records. RSA 310:4, II(e) grants the responsibility maintenance of the official record to the OPLC.

The Board proposes changes to Opt 105.01 on meetings to replace “president” with “chair” to provide consistency with board process. RSA 310:5, VII, VIII, and IX contemplate that each licensing board will have a chair. Amendments to Opt 105.02 are proposed to clarify what constitutes a quorum.

Amendments to Opt 106 rules on committees are proposed to implement RSA 310:2, IV, effective September 8, 2026, which allows boards to establish subcommittees with the approval of the executive director.

OPLC was granted rulemaking authority in RSA 310:6, II, to adopt organizational and procedural rules necessary to administer the boards, including complaints and investigations, and the conduct of adjudicative and non-adjudicative proceedings. RSA 310:6, II was amended by the Laws of 2026, Chapter 300:13, effective September 8, 2026, to include rules on board subcommittees. RSA 310:12-a, effective August 18, 2026, allows current or past licensees subject to disciplinary action by a board or the OPLC to petition for records to be classified as confidential and considered expunged for reporting purposes, excluding actions involving criminal acts, fraud, deceit, patient safety, public

safety, or acts impacting professional integrity. The OPLC filed proposed rules to adopt Plc 213 on expungement, and Plc 214 on subcommittees.

Amendments to Opt 201.01 rules of practice and procedure are proposed to incorporate the Plc 200 rules for procedures on, the receipt and investigation of misconduct complaints, the process for petitioning for an expungement, subcommittees, and the waiver of administrative rules.

The Board proposes to repeal Opt 201.02 rules on waiver of administrative rules, as that is now covered in Opt 201.01.

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

If yes, please explain:

Opt 101 implements RSA 327:31, II, III, IV, effective July 1, 2024, Laws of 2024, Chapter 327:124.

Opt 101 implements RSA 310:4, II(d), effective July 15, 2023, and the repeal of RSA 327:22 on hearings and investigations, repealed by the Laws of 2023, 212:30,III, effective October 3, 2023.

Opt 102 implements RSA 327:1, III, effective September 8, 2026, Laws of 2026, Chapter 300:2.

Opt 106 implements RSA 310:2, IV, effective September 8, 2026, Laws 2026, Chapter 300:1.

Opt 201 implements RSA 310:6, II, effective September 8, 2026, Laws 2026, Chapter 300:13.

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.

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 101.01	RSA 327:31
Opt 102.01	RSA 541-A:16, I(a); RSA 327:1, III
Opt 103.01	RSA 541-A:16, I(a)
Opt 103.02	RSA 541-A:16, I(a)

Opt 104.02	RSA 541-A:16, I(a)
Opt 105.01	RSA 541-A:16, I(a)
Opt 105.02	RSA 541-A:16, I(a)
Opt 106.01	RSA 310:6, II; RSA 310:2, IV
Opt 201.01	RSA 310:6, II; RSA 541-A:16, I(b)
Opt 201.02 (repeal)	RSA 541-A:16, I(b)

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: 9:25 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 #: 26:252, dated: Monday, November 2, 2026

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

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to Opt 201.02, which is repealed.

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):**

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.