

Amendment to HB 1095

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to the administration of occupational boards by the office of professional
4 licensure and certification.

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

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8 1 Board of Acupuncture Licensing; Definitions. Amend RSA 328-G:2, X to read as follows:

9 X. "Acupuncture detoxification specialist," known as an ADS, means an individual certified
10 by the ~~[board]~~ **office of professional licensure and certification** to practice acupuncture
11 detoxification in this state.

12 2 Acupuncture; Licensure Required; Renewal; Reissuance; Continuing Education. Amend RSA
13 328-G:9, I through II(c) to read as follows:

14 I. No person shall practice acupuncture within this state without first obtaining a license
15 from the ~~[board]~~ **office of professional licensure and certification** except physicians licensed
16 under RSA 329 and doctors of naturopathic medicine certified under RSA 328-E:12.

17 II. The ~~[board]~~ **office of professional licensure and certification** shall issue a license to
18 any applicant who satisfies all of the following requirements:

19 (a) Has reached the age of majority.

20 (b) Has current, active NCCAOM certification, or prior NCCAOM certification with
21 documentation of continuing education pursuant to paragraph X of this section, or equivalent
22 certification approved by the board through examination or Credentials Documentation Review.

23 (c) Has paid the required license application fee and filed the ~~[board]~~ approved licensure
24 application.

25 3 Acupuncture; Licensure Required; Renewal; Reissuance; Continuing Education. Amend RSA
26 328-G:9, IX to read as follows:

27 IX. The procedure and timeframe for license renewals shall be as described in ~~[RSA 310]~~
28 **RSA 310:8**.

29 4 Certified Acupuncture Detoxification Specialist. Amend RSA 328-G:9-a, I to read as follows:

30 I. The ~~[board]~~ **office of professional licensure and certification** shall certify as an
31 acupuncture detoxification specialist a qualified individual, not licensed ~~[by the board]~~ as an
32 acupuncturist, who has successfully completed NADA training or other training in acupuncture

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1 detoxification protocols as determined by the board and complied with the rules of the board adopted
2 pursuant to RSA 328-G:7, XIV.

3 5 Acupuncture; Scope of Practice. Amend RSA 328-G:10, V to read as follows:

4 V. Persons licensed by the [board] **office of professional licensure and certification** to
5 practice acupuncture shall be permitted to provide services through the use of "**telemedicine,**" as
6 **defined in RSA 310:7.** [~~telemedicine. "Telemedicine" means the use of audio, video, or other~~
7 ~~electronic media for the purpose of diagnosis, consultation, or treatment.~~]

8 6 Acupuncture; Misconduct. RSA 328-G:12 is repealed and reenacted to read as follows:

9 328-G:12 Misconduct. Misconduct sufficient to support disciplinary proceedings under RSA
10 310:10 shall include:

11 I. The practice of fraud or deceit in procuring or attempting to procure a license to practice
12 under this chapter.

13 II. Conviction of any crime which demonstrates unfitness to practice acupuncture.

14 III. Violation of the standards adopted under RSA 328-G:7, V.

15 IV. Demonstrable gross incompetence of the licensee.

16 V. Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the
17 licensee unfit to practice under this chapter.

18 VI. A legal finding of mental incompetence.

19 VII. Willful or repeated violation of the provisions of this chapter.

20 VIII. Suspension or revocation without subsequent reinstatement of a license, similar to one
21 issued under this chapter, in another jurisdiction.

22 7 Repeals; Acupuncture. The following are repealed:

23 I. RSA 328-G:3, IV, relative to liability of the board of acupuncture licensing.

24 II. RSA 328-G:11, II-IV, relative to the powers and duties of the board of acupuncture
25 licensing.

26 8 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, IV to read as
27 follows:

28 IV. "Certified recovery support worker," or CRSW, means an individual certified by the
29 [board] **office of professional licensure and certification** to provide recovery support to persons
30 with substance use disorders, who meets the qualifications in this chapter.

31 9 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, XIII-XV to read
32 as follows:

33 XIII. "Licensed alcohol and drug counselor," or LADC, means an individual licensed by the
34 [board] **office of professional licensure and certification** to practice substance use counseling
35 who meets the qualifications set forth in this chapter.

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1 XIV. "Licensed clinical supervisor," or LCS, means an individual licensed by the ~~[board]~~
2 ***office of professional licensure and certification*** to practice and supervise substance use
3 counseling, who meets the qualifications set forth in this chapter.

4 XV. "Master licensed alcohol and drug counselor," or MLADC, means an individual licensed
5 by the ~~[board]~~ ***office of professional licensure and certification*** to practice substance use,
6 mental health, and co-occurring disorder counseling who meets the qualifications set forth in this
7 chapter.

8 10 Alcohol and Other Drug Use Professionals; Advisory Committees. Amend RSA 330-C:6, II to
9 read as follows:

10 II. The advisory committees may be assigned the following duties:

11 (a) Application advisory committee, if established, shall ~~[review applications for~~
12 ~~licensure, reinstatement, and certification and]~~ make recommendations to the board concerning
13 ~~[such]~~ applications ***for licensure, reinstatement, and certification;***

14 (b) Testing and examination advisory committee, if established, shall ~~[carry out the~~
15 ~~testing requirements of this chapter and]~~ review and evaluate the appropriate standards to be used
16 for selecting examinations;

17 (c) Continuing education and collaboration advisory committee, if established, shall
18 advise the board on continuing education requirements ~~[and procedures to be adopted]~~ for
19 ~~[documenting]~~ peer collaboration hours.

20 11 Alcohol and Other Drug Use Professionals; Rulemaking Authority. RSA 330-C:9 is repealed
21 and reenacted to read as follows:

22 330-C:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A,
23 relative to the following:

24 I. Eligibility requirements for the issuance of all initial and renewal licenses issued by the
25 board, including without limitation:

26 (a) The eligibility requirements for the issuance of such licenses to applicants holding a
27 current license issued by the board of nursing or the board of medicine; and

28 (b) The eligibility requirements for the issuance of a MLADC license under RSA 330-
29 C:16.

30 II. Eligibility requirements for the reinstatement of licenses after lapse and after
31 disciplinary action.

32 III. Eligibility requirements, training requirements, and other criteria for the issuance of
33 certification, renewal of certification, and reinstatement of certification for certified recovery support
34 workers and certified recovery support worker supervisors.

35 IV. The criteria for approval of education programs for the continuing education
36 requirements of this chapter and providers of such programs, and the criteria for approval of
37 providers engaged in clinical supervision.

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1 V. The criteria for approval of individuals engaged in clinical supervision.

2 VI. The requirements for clinical supervision and the documentation of clinical supervision
3 hours.

4 VII. Ethical standards for the practice of substance use counseling and co-occurring disorder
5 counseling and clinical supervision that are generally in keeping with standards established by
6 NAADAC: The Association for Addiction Professionals, or its successor organization.

7 VIII. Continuing education requirements for license renewal and continuing education
8 requirements for renewal of certification.

9 IX. The determination of disciplinary sanctions authorized by this chapter, including the
10 assessment of administrative fines.

11 X. The criteria for required examinations.

12 XI. The requirements for peer collaboration and the documentation of peer collaboration
13 hours, and the requirements for participation as a peer collaborator.

14 XII. Standards for the waiver of a felony conviction under RSA 330-C:27, III(f), and for
15 determinations of whether an applicant has made sufficient restitution or been rehabilitated under
16 RSA 330-C:15, I(e).

17 XIII. If rules on the topic are determined by the board to be necessary, determinations of
18 equivalent academic fields for initial MLADC licensure or initial LADC licensure.

19 12 Licensed Alcohol and Other Drug Use Professionals; Completion of Survey; Rulemaking.
20 Amend RSA 330-C:9-a to read as follows:

21 330-C:9-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA
22 541-A, requiring, as part of the *criteria for* license renewal [~~process~~], completion by licensees of a
23 survey or opt-out form provided by the office of rural health, department of health and human
24 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
25 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
26 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
27 survey.

28 13 Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C:14-a to read as
29 follows:

30 330-C:14-a Telemedicine. Persons licensed [~~by the board~~] *under this chapter* shall be
31 permitted to provide services through the use of [~~telemedicine~~] "*telemedicine, as defined in RSA*
32 *310:7.* [~~"Telemedicine" means the use of audio, video, or other electronic media for the purpose of~~
33 ~~diagnosis, consultation, or treatment.~~]

34 14 Alcohol and Other Drug Use Professionals; Licensure and Certification; Applicants. Amend
35 RSA 330-C:15, I(e) through II to read as follows:

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1 (e) Have committed none of the following, unless the [board] *office of professional*
2 *licensure and certification* finds, *using criteria established by the board*, that the applicant
3 has made sufficient restitution or been rehabilitated:

4 (1) Fraud or deceit in procuring or attempting to procure a license, certification, or
5 other authorization to practice substance use counseling or treatment in this or another state or
6 territory of the United States;

7 (2) Sexual relations with, solicitation of sexual relations with, or sexual abuse of, a
8 client or past client;

9 (3) Failure to remain free from the use of a controlled substance or alcohol to the
10 extent that use impairs the ability to conduct with safety to the public the practices authorized by
11 this chapter;

12 (4) Conviction of a felony not waived by the board;

13 (5) An act or omission causing another state or territory of the United States to
14 revoke or suspend a license, certification, or other authorization to practice substance use counseling
15 or treatment or to discipline the person authorized to practice by placing him or her on probation;

16 (6) Failure to maintain confidentiality as described in RSA 330-C:26; and

17 (7) False or misleading advertising;

18 (f) Have no mental disability that affects professional ability or judgment to the extent
19 that it impairs the ability to conduct with safety to the public the practices authorized by this
20 chapter, unless the board finds that measures have been taken to control the effects of the disability;

21 (g) Meet education requirements for new applicants and continuing education
22 requirements for renewals and reinstatements, as established by the board; and

23 (h) Meet other criteria as established by the board.

24 II. The [board] *office of professional licensure and certification* shall make no final
25 decision concerning the qualifications of a new or reinstatement applicant until it has received the
26 results of all required examinations, criminal history record checks, and all third-party certifications
27 required to be submitted with the application, and the time periods specified by RSA 541-A:29 shall
28 be calculated from the date the last of the required documents is received by the [board] *office*.

29 15 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-III
30 to read as follows:

31 (b) Have graduated with a master's degree of less than 60 hours in a discipline described
32 in subparagraph (a) and has completed the necessary additional hours of master's level course work
33 as determined by the board pursuant to RSA 330-C:9, [I(d)] *I(b)*.

34 II. Pass testing procedures of a nationally recognized credentialing entity specified by the
35 board. Such procedures shall be based on the core functions and practice dimensions of substance
36 use and co-occurring disorders counseling.

1 ***II-a. Either hold a current license issued by the board of mental health practice or***
2 ***the office of professional licensure and certification, as applicable, or pass the***
3 ***examination approved by the board to demonstrate competence to provide co-occurring***
4 ***disorder counseling within the context of substance use counseling.***

5 III. Complete 3,000 hours of clinically supervised post-master's degree work experience in
6 the treatment of substance use and co-occurring disorders. Up to 1,500 hours of clinically supervised
7 work experience accumulated by the applicant during his or her practice as an LADC may be
8 counted toward the required 3,000 hours. A current license issued ~~[by the board of mental health~~
9 ~~practice under]~~ ***pursuant to*** RSA 330-A may be substituted for up to 1,500 hours of the required
10 3,000 hours of clinically supervised work experience. ~~[Where substitution of the full 1,500 hours is~~
11 ~~denied by the board, the applicant shall be provided the rationale for the board's denial. The board~~
12 ~~shall not deny the substitution of hours solely based on the applicant's clinical supervisor holding a~~
13 ~~license issued by the board of mental health practice.]~~

14 16 Alcohol and Other Drug Use Professionals; Certified Recovery Support Worker; Initial
15 Certification. Amend RSA 330-C:19, I to read as follows:

16 I. Submit a completed application and fees established by the ~~[board]~~ ***office of professional***
17 ***licensure and certification;***

18 17 Alcohol and Other Drug Use Professionals; Criminal Record Checks. Amend RSA 330-C:20
19 to read as follows:

20 330-C:20 Criminal Record Checks.

21 I. Every applicant for initial licensure or certification or reinstatement shall submit to the
22 ~~[board]~~ ***office of professional licensure and certification*** a criminal history record release form,
23 as provided by the New Hampshire division of state police, which authorizes the release of his or her
24 criminal history record, if any, to the ~~[board]~~ ***office***.

25 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
26 qualified law enforcement agency or an authorized employee of the department of safety. If the first
27 set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be
28 necessary in order to complete the criminal history records check. If, after 2 attempts, a set of
29 fingerprints is invalid due to insufficient pattern, the ~~[board]~~ ***office*** may, in lieu of the criminal
30 history record check, accept police clearances from every city, town, or county where the person has
31 lived during the past 5 years.

32 III. The ~~[board]~~ ***office*** shall submit the criminal history record release form and fingerprint
33 form to the division of state police which shall conduct a criminal history record check through its
34 records and through the Federal Bureau of Investigation. Upon completion of the record check, the
35 division of state police shall release copies of the criminal history record to the ~~[board]~~ ***office***.

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1 IV. The ~~board~~ **office** shall review the criminal history record information prior to making a
2 decision and shall maintain the confidentiality of all criminal history records received pursuant to
3 this section.

4 V. The applicant shall bear the cost of a criminal history record check.

5 18 Alcohol and Other Drug Use Professionals; Continuing Education. Amend RSA 330-C:24, I
6 to read as follows:

7 I. As a prerequisite to renewal of licensure or certification, a licensee or certificate holder
8 shall present satisfactory evidence ~~[to the board]~~ of having met the continuing education
9 requirements of this chapter.

10 19 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

11 I. RSA 330-C:3, XVI, relative to liability of the board of licensing for alcohol and other drug
12 use professionals.

13 II. RSA 330-C:5, I, VII and X, relative to the powers and duties of the board of licensing for
14 alcohol and other drug use professionals.

15 III. RSA 330-C:6, III, relative to advisory committees of the board of licensing for alcohol and
16 other drug use professionals.

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

18 V. RSA 330-C:16, V, relative to issuance of a MLADC license.

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

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

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

22 20 Athletic Trainers; Eligibility for Initial Licensure. Amend RSA 326-G:4, I to read as follows:

23 I. Demonstrate sufficient evidence of good professional character and reliability to satisfy
24 the **office of professional licensure and certification, using criteria established by the** board,
25 that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to
26 this chapter, RSA 328-F, and the board's rules.

27 21 Barbering, Cosmetology, and Esthetics; Definitions. Amend the introductory paragraph of
28 RSA 313-A:1, II-a to read as follows:

29 II-a. "Master barber" means any person licensed by the ~~board~~ **office of professional**
30 **licensure and certification** as a master barber to practice the following:

31 22 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, XI-a to read as
32 follows:

33 XI-a. "Operator" means a person age 18 or older who has received training through a
34 program approved by the ~~board~~ **office of professional licensure and certification** in the safe
35 operation of tanning devices, operates the tanning device, controls the length of the exposure to UV
36 light, and instructs the consumer in the proper use of the device. ~~[A person age 16 or older who,~~

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1 ~~prior to January 1, 2005, has been certified by a program that was subsequently approved by the~~
2 ~~board shall be an operator under this paragraph.]~~

3 23 Barbering, Cosmetology, and Esthetics; Maintenance of Records. Amend RSA 313-A:4 to
4 read as follows:

5 313-A:4 Maintenance of Records. The board shall maintain a record containing the names and
6 addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this chapter
7 in accordance with the retention policy established by the office of professional licensure and
8 certification. The ~~[board]~~ **office of professional licensure and certification** shall issue all
9 notices, license, and registration certificates. The record shall include the date of issuance, renewal,
10 suspension, or revocation of all licenses. This record shall be open to public inspection at all
11 reasonable times.

12 24 Barbering, Cosmetology, and Esthetics; Duties. RSA 313-A:7 is repealed and reenacted to
13 read as follows:

14 313-A:7 Duties.

15 I. The board shall:

16 (a) Prescribe the duties of its officers;

17 (b) Keep a record of its proceedings in accordance with the retention policy established
18 by the office of professional licensure and certification; and

19 (c) Report to the office of professional licensure and certification all violations of this
20 chapter coming within its knowledge.

21 II. The board may establish criteria pursuant to RSA 541-A to license a school to operate
22 either:

23 (a) Dedicated programs within secondary schools, the purpose of which is to teach
24 cosmetology, manicuring, barbering, or esthetics; or

25 (b) Postsecondary programs conducted for the purpose of teaching cosmetology,
26 manicuring, barbering, or esthetics, including postsecondary programs leading to a certificate in
27 manicuring, barbering, cosmetology, or esthetics.

28 25 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. RSA 313-A:8 is repealed and
29 reenacted to read as follows:

30 313-A:8 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative
31 to:

32 I. The qualifications of applicants for licensure, including the qualifications for satisfactory
33 evidence of:

34 (a) A high school education or its equivalent; and

35 (b) Good professional character;

36 II. Criteria for examination of applicants;

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1 III. Criteria for the renewal of licensure under this chapter, including the requirements for
2 continuing education;

3 IV. Ethical and professional standards required to be met by each holder of a license to
4 practice under this chapter and how sanctions by the board shall be implemented for violations of
5 these standards or for any violation of this chapter;

6 V. Conditions for practice under temporary licenses issued by the board;

7 VI. The regulation of tanning facilities including:

8 (a) Sanitation and hygiene standards to be met and maintained by tanning facilities.

9 (b) Standards for approving the training curricula and programs used for training
10 tanning device operators.

11 (c) Registering tanning facilities.

12 (d) Standards for the inspection of tanning devices.

13 (e) Standards for the consumer consent form required under RSA 313-A:30, IV.

14 VII. Criteria for licensing and approval of schools and their curriculum;

15 VIII. Criteria for licensing and approval of instructors;

16 IX. Criteria for licensing and approval of mobile barbershops;

17 X. The occasional performance of services at locations other than the principal place of
18 business by persons licensed under this chapter;

19 XI. The criteria for office of professional licensure and certification consideration of an
20 applicant's "good professional character";

21 XII. The criteria for granting exemptions under RSA 313-A:10, II; 313-A:11, II; and 313-
22 A:12, II; and

23 XIII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22,
24 III(e) and (f).

25 26 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10 to
26 read as follows:

27 313-A:10 Qualifications; Barbers.

28 I. In order to be issued a barber's license by the [board] ***office of professional licensure***
29 ***and certification***, a person shall:

30 (a) Be of good professional character;

31 (b) Have completed high school or its equivalent;

32 (c) Have received training of:

33 (1) A minimum of 800 hours of training in a school of barbering approved by the
34 [board] ***office of professional licensure and certification in accordance with criteria***
35 ***established by the board pursuant to RSA 541-A***; or

36 (2) A minimum of 1,600 hours distributed over a period of at least 12 months under
37 a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

- 1 (d) Pass an examination [~~conducted by the board~~]; and
2 (e) Pay a fee established by the [~~board~~] **office of professional licensure and**
3 **certification.**

4 II. An applicant not meeting the conditions of RSA 313-A:10, I(b) through (c) may petition
5 the [~~board~~] **office of professional licensure and certification** for exemption. The [~~board~~] **office,**
6 [~~acting under~~] **following criteria established in** rules adopted under RSA 313-A:8, [~~XVI~~] **XII**, may
7 grant the exemption.

8 III. In order to be issued a master barber's license by the [~~board~~] **office of professional**
9 **licensure and certification**, a person shall:

- 10 (a) Be of good professional character;
11 (b) Have completed high school or its equivalent;
12 (c) Have received training of:
13 (1) A minimum of 1,500 hours of training in a school of master barbering approved
14 by the [~~board~~] **office**; or
15 (2) A minimum of 3,000 hours distributed over a period of at least 18 months under
16 a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

17 (d) Pass an examination [~~conducted by the board~~]; and

18 (e) Pay a fee established by the [~~board~~] **office.**

19 27 Barbering, Cosmetology, and Esthetics; Qualifications; Cosmetologists. Amend RSA 313-
20 A:11 to read as follows:

21 313-A:11 Qualifications; Cosmetologists.

22 I. In order to be issued a cosmetologist's license by the [~~board~~] **office of professional**
23 **licensure and certification**, a person shall:

- 24 (a) Be of good professional character;
25 (b) Have completed high school or its equivalent;
26 (c) Have received training of:
27 (1) A minimum of 1,500 hours of training in a school of cosmetology approved by the
28 [~~board~~] **office of professional licensure and certification**; or
29 (2) A minimum of 3,000 hours distributed over a period of at least 18 months under
30 a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least
31 2 years;

32 (d) Pass an examination [~~conducted by the board~~]; and

33 (e) Pay a fee established by the [~~board~~] **office of professional licensure and**
34 **certification.**

35 II. An applicant not meeting the conditions of RSA 313-A:11, I(b) through (c) may petition
36 the [~~board~~] **office of professional licensure and certification** for exemption. The [~~board~~] **office,**

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1 ~~[acting under]~~ **following criteria established in** rules adopted under RSA 313-A:8, ~~[XVI]~~ **XII**, may
2 grant the exemption.

3 28 Barbering, Cosmetology, and Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to
4 read as follows:

5 313-A:12 Qualifications; Manicurists. A person, to be issued a manicurist's license by the
6 ~~[board]~~ **office of professional licensure and certification**, shall, in addition to satisfying the
7 requirements of RSA 313-A:11, I(a), (b), and (e):

8 I. Have completed a course of at least 300 hours of professional training in manicuring, in a
9 school approved by the ~~[board]~~ **office** and passed an examination ~~[conducted by the board]~~; or

10 II. Have satisfied the requirement set out in RSA 313-A:11, I(d) and, as an apprentice in a
11 salon, received ~~[in the opinion of the board]~~ the equivalent, **pursuant to criteria established by**
12 **the board**, of the course required under paragraph I.

13 29 Barbering, Cosmetology, and Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13
14 to read as follows:

15 313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the ~~[board]~~ **office of**
16 **professional licensure and certification**, an applicant shall, in addition to satisfying the
17 requirements of RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of
18 training in a school approved by the ~~[board]~~ **office** and have passed an examination ~~[conducted by~~
19 ~~the board]~~. An apprenticeship approved by the ~~[board]~~ **office** may ~~[substitute]~~ **be substituted** for
20 the required training. Estheticians who have practiced professionally in this state for a period of at
21 least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a),
22 (b), and (e) and the training requirements of this section shall not be required to take the
23 examination provided for in this section to be eligible for licensure under this chapter. Credit
24 towards the hours requirement for esthetician training may be given to a licensed cosmetologist or
25 barber for equivalent training in the cosmetology or barber program in a school approved by the
26 ~~[board]~~ **office** upon certification of the training by the school. Credit towards the hours requirement
27 for esthetician training may be given to a licensed massage therapist for massage therapy training
28 deemed equivalent by the ~~[board]~~ **office using criteria established by the board**. Cosmetologists
29 licensed ~~[by the board]~~ **under this chapter** may obtain the training hours in subjects required by
30 the board in increments at separate schools but must present certifications to the ~~[board]~~ **office** for
31 all required hours and curriculum subjects.

32 30 Barbering, Cosmetology, And Esthetics; Examinations. Amend RSA 313-A:15 to read as
33 follows:

34 313-A:15 Examinations. The ~~[board]~~ **office of professional licensure and certification** shall
35 hold examinations in barbering, cosmetology, manicuring, and esthetics at least once every 6 months
36 in such towns throughout the state as it may deem convenient for applicants and at such additional
37 times as it may from time to time determine. The scope and content of the examinations shall be

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1 established by the board. The ~~[board]~~ **office** shall notify all applicants at least 10 days in advance as
2 to the place, date, and time of examinations.

3 31 Barbering, Cosmetology, and Esthetics; Applications. Amend RSA 313-A:16 to read as
4 follows:

5 313-A:16 Applications. Applicants shall make written application to the ~~[board]~~ **office of**
6 **professional licensure and certification** on a form prescribed and supplied by the office ~~[of~~
7 ~~professional licensure and certification]~~ which shall contain satisfactory evidence of the
8 qualifications required of the applicant; and the applicant shall also pay the examination fee
9 **established by the office.**

10 32 Barbering, Cosmetology, and Esthetics; Temporary Permit. Amend RSA 313-A:18 to read as
11 follows:

12 313-A:18 Temporary Permit.

13 I. Any person eligible to take an examination for a license under this chapter may apply to
14 the ~~[board]~~ **office of professional licensure and certification** for a permit to professionally
15 operate temporarily pending the holding of such examination. The application shall be accompanied
16 by the payment of a fee established by the ~~[board]~~ **office** which shall be credited as the required
17 examination fee.

18 II. A temporary permit shall authorize its holder to engage temporarily in the practice of the
19 profession for which such permit was issued under the guidance of a licensed practitioner in a
20 registered salon or barbershop. If, upon notice from the ~~[board]~~ **office**, the applicant fails without
21 just cause to take the examination, the permit shall terminate. If the applicant fails to pass the
22 examination, the ~~[board]~~ **office** in its discretion may grant a second temporary permit, under like
23 conditions, which permit in all circumstances shall expire 60 days from its issuance, unless just
24 cause for failure to take the examination shall be shown to the satisfaction of the board.

25 33 Barbering, Cosmetology, and Esthetics; Expiration and Renewal of Licenses and Certificates.
26 RSA 313-A:20 is repealed and reenacted to read as follows:

27 313-A:20 Expiration and Renewal of Licenses. All licenses established under this chapter shall
28 expire in accordance with RSA 310:8.

29 34 Barbering, Cosmetology, and Esthetics; Apprentice Registration and Certificates. Amend
30 RSA 313-A:24, I-IV to read as follows:

31 I. No person shall enter an apprenticeship or enroll in a school under this chapter unless
32 such person has registered with the ~~[board]~~ **office of professional licensure and certification** as
33 an apprentice and been issued an apprentice certificate. ~~[The board shall have sole authority to~~
34 ~~regulate apprentices and apprenticeship under this chapter.]~~ The ~~[board]~~ **office** shall issue an
35 apprentice certificate to any student receiving instruction within a licensed school and/or shop to
36 learn barbering, cosmetology, esthetics, or manicuring.

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1 II. A person applying for an apprentice certificate under this section shall be granted such
2 certificate upon:

3 (a) Submitting proof sufficient to the board to show that such person is at least 16 years
4 of age;

5 (b) Paying a fee established by the office of professional licensure and certification; and

6 (c) Being deemed by the ~~board~~ **office** to be of good professional character.

7 III. No salon or barbershop shall at any one time have more than one apprentice per
8 licensed professional, except as follows:

9 (a) Each licensed barber may have up to 2 apprentices for barbering.

10 (b) Each licensed master barber may have up to 2 apprentices for barbering, or one
11 apprentice master barber and one apprentice barber.

12 IV. Upon completing the number of hours specified in the board's apprentice rules, an
13 apprentice shall be eligible to apply to the ~~board~~ **office** for certification.

14 35 Barbering, Cosmetology, and Esthetics; Compliance with Law. Amend RSA 313-A:27, II to
15 read as follows:

16 II. The board shall enforce this chapter against a person who adulterates or misbrands a
17 tanning device. The ~~board~~ **office of professional licensure and certification** may investigate a
18 person accused of adulterating or misbranding a tanning device.

19 36 Barbering, Cosmetology, and Esthetics; Registration of Tanning Facility. Amend RSA 313-
20 A:28, II to read as follows:

21 II. Any person, corporation, partnership, association, or other entity operating or intending
22 to open or operate a tanning facility within this state shall file a registration statement annually
23 with the ~~board~~ **office of professional licensure and certification** in accordance with rules
24 adopted under RSA 541-A. Such registration statement shall be required for each facility location,
25 shall be duly signed ~~and verified~~, and shall be posted in a prominent location at the tanning
26 facility. Such registration statement shall include, but not be limited to, the name and the business
27 address of the applicant; if an individual, the name under which the business will be conducted; if a
28 partnership, the name and business address of each member thereof; the name under which the
29 business is to be conducted; if a corporation, the name of the corporation and the name and business
30 address of each of the officers of the corporation; and the place, including the complete mailing
31 address and physical address, where the business is to be conducted. Registration statements shall
32 also list the number and type of tanning devices at each tanning facility location.

33 37 Repeal. The following are repealed:

34 I. RSA 313-A:14, relative to nonresidents.

35 II. RSA 313-A:29, relative to registration fees.

36 III. RSA 313-A:34, relative to unregistered tanning facilities.

37 38 Body Art; License Required; Fees. Amend RSA 314-A:2, III to read as follows:

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1 III. Licenses shall be issued to any person who:

2 (a) Makes application on a form prescribed by the executive director;

3 (b) Makes payment of fees required [~~under RSA 314-A:6, III~~];

4 (c) Has been practicing body piercing, branding, or tattooing in an establishment, under
5 the supervision of a person practicing body piercing, branding, or tattooing in compliance with the
6 applicable statutes and rules of the state for not less than 3 years[~~Out of state applicants shall~~
7 ~~provide proof of at least 3 years' experience as a licensed practitioner in another state~~]; and

8 (d) Has completed a course approved by the executive director in methods and
9 techniques for the proper sterilization of instruments and materials used in body piercing, branding,
10 or tattooing.

11 39 Body Art; Exemptions. Amend RSA 313-A:4, I to read as follows:

12 I. Any person licensed by the New Hampshire board of medicine *or the office of*
13 *professional licensure and certification, as applicable, for anyone acting within the scope*
14 *of practice in accordance with RSA 328-D, RSA 329, or RSA 329-C.*

15 40 Body Art; Renewal of License; Continuing Education Requirement. Amend RSA 314-A:5 to
16 read as follows:

17 314-A:5 Renewal of License; Continuing Education Requirement. Renewal of licenses shall
18 be contingent upon the licensee's completion of 3 hours of continuing education related to the
19 practice of body piercing, branding, or tattooing during the [~~preceding year~~] *current term of*
20 *licensure, in accordance with RSA 310:8.*

21 41 Body Art; License Revocation or Suspension. Amend the introductory paragraph of RSA 314-
22 A:9 to read as follows:

23 314-A:9 License Revocation or Suspension. After [~~notice and hearing~~] *a finding of*
24 *misconduct* the executive director may [~~revoke or suspend~~] *sanction, in accordance with RSA*
25 *310:12*, any [~~license issued~~] *licensee* under this chapter if the licensee:

26 42 Repeal. RSA 314-A:10, relative to administrative fines, is repealed.

27 43 Chiropractic; Rulemaking Authority and Practices. Amend RSA 316-A:3, IV-V to read as
28 follows:

29 IV. [~~Procedures~~] *Criteria* for oral examinations and interviews, if appropriate. Such rules
30 shall include a listing of permissible areas of inquiry and a statement of the means by which the
31 inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission
32 in accordance with the retention policy established by the office of professional licensure and
33 certification.

34 V. [~~Procedures~~] *Criteria* for practical examinations, if appropriate. Such rules shall provide
35 that at least 2 experienced practitioners shall observe and pass on any practical examination.

36 44 Chiropractic; Fees; Qualifications. Amend RSA 316-A:11, I to read as follows:

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1 I. Each applicant shall pay to the [~~secretary-treasurer~~] **office of professional licensure**
2 **and certification** a fee, established by the [~~board~~] **office**, for which the applicant shall be entitled
3 to an examination and to a reexamination, if necessary, within one year.

4 45 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

5 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
6 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
7 receive a license from the [~~board~~] **office of professional licensure and certification** as a
8 chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this
9 chapter shall pay a fee for an initial license and a license renewal. The initial license and license
10 renewals shall be valid for the terms established under [~~RSA 310~~] **RSA 310:8**.

11 46 Chiropractic; Effect. Amend RSA 316-A:15 to read as follows:

12 316-A:15 Effect. Any chiropractor who has received and holds a certificate or license issued by
13 the board **or office of professional licensure and certification** may practice chiropractic as
14 defined in RSA 316-A:1 but shall not prescribe for, or administer to, any person any medicine or
15 drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or
16 any branch of medicine or osteopathy.

17 47 Chiropractic; National Examination. Amend RSA 316-A:17 to read as follows:

18 316-A:17 National Examination; Examination Requirements. The board shall require that
19 applicants pass parts 1, 2, and 3 and the written clinical competency examinations of the national
20 examination given by the National Board of Chiropractic Examiners if an applicant was licensed
21 after January 1, 1990, and parts 1, 2, 3, and 4 and the written clinical competency examinations of
22 the national examination given by the National Board of Chiropractic Examiners if the applicant
23 was licensed or applied for a license after January 1, 1996. Applicants having passed the national
24 examinations shall be exempt from taking a written examination and, provided the applicant meets
25 all other qualifications and requirements of this chapter, shall be registered and granted a license by
26 the [~~state board~~] **office of professional licensure and certification** upon payment of the required
27 fee and presentation of satisfactory proof that the applicant has passed the parts of such national
28 examination.

29 48 Chiropractic; Renewal. Amend RSA 316-A:20 to read as follows:

30 316-A:20 Renewal.

31 I. The procedure and timeframe for license renewals shall be as described in [~~RSA 310-A:1-~~
32 ~~h~~] **RSA 310:8**.

33 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
34 completed at least 20 hours of continuing education approved by or conducted by the International
35 Chiropractors Association, or the American Chiropractic Association, or the **office of professional**
36 **licensure and responsibility on behalf of the** New Hampshire board of chiropractic examiners, or
37 any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the

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1 event of failure to comply with the provisions of this section, the applicant shall appear before the
2 board to show cause why the license should not be suspended.

3 49 Chiropractic; Inactive List. Amend RSA 316-A:21 to read as follows:

4 316-A:21 Inactive List. A chiropractor licensed under this chapter and who is a resident of this
5 state, who does not intend to engage in practice as a chiropractor, upon written [~~request to the~~
6 ~~board~~] **notification to the office of professional licensure and certification**, may be listed on
7 an inactive list and shall not be required to renew such license biennially or pay any renewal fee as
8 long as such chiropractor remains inactive. Any chiropractor whose name has been included in the
9 inactive list as provided in this section shall be restored to active status by the [~~board~~] **office** upon
10 the filing of a written request with the [~~board~~] **office**, accompanied by the required renewal fee, and
11 after satisfactorily passing a competency test [~~to be administered~~] **for which criteria have been**
12 **established in rule** by the board.

13 50 Repeal. The following are repealed:

14 I. RSA 316-A:5, relative to fees.

15 II. RSA 316-A:8, relative to income.

16 III. RSA 316-A:18, relative to applicants from other states.

17 IV. RSA 316-A:23-a, relative to investigations, subpoenas, and oaths.

18 51 Board of Dental Examiners; Duties. RSA 317-A:4, I is repealed and reenacted to read as
19 follows:

20 I. The board of dental examiners shall establish criteria for the examination, registration,
21 and licensure of applicants to be qualified as provided in this chapter to practice dentistry and
22 dental hygiene.

23 52 Dentistry and Dental Hygiene; License Required. Amend RSA 317-A:7 to read as follows:

24 317-A:7 License Required. No person shall begin the practice of dentistry, or dental hygiene,
25 without first obtaining a license for such purpose from the [~~board~~] **office of professional licensure**
26 **and certification**.

27 53 Dentistry and Dental Hygiene; Telemedicine. Amend RSA 317-A:7-b to read as follows:

28 317-A:7-b Telemedicine. Persons licensed by the board shall be permitted to provide services
29 through the use of "telemedicine", **as defined in RSA 310:7**. [~~"Telemedicine" means the use of~~
30 ~~audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

31 54 Dentistry and Dental Hygiene; Applications. Amend RSA 317-A:8 to read as follows:

32 317-A:8 Applications.

33 I. Applications for licensure shall be made to the [~~board~~] **office of professional licensure**
34 **and certification** in writing or online and shall be accompanied by a fee established in rules
35 adopted under RSA 541-A by the [~~board~~] **office** and by satisfactory proof that the applicant is a
36 graduate of a school that is recognized by the Commission on Dental Accreditation (CODA). The
37 applicant shall be of good professional character and 18 years of age or older.

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1 II. Any person applying for any license or privilege under this chapter, including any person
2 seeking to convert from inactive to active status, shall provide the [board] **office** with information
3 relating to dental competence and professional conduct, to permit the **office, based on criteria**
4 **established by the board**, to make a fully informed decision that the applicant possesses sufficient
5 competence and character to be issued a license under this chapter.

6 III. A temporary license may be issued, at the discretion of the **office, in consultation**
7 **with the board**, to a person for research projects and programs of professional education having
8 clinical dental components.

9 IV. A temporary license may be issued, at the discretion of the [board] **office**, to dentists and
10 dental hygienists for the provision of voluntary dental or dental hygiene services. To qualify for
11 licensure under this paragraph, the applicant shall be an active, inactive, or former licensee in New
12 Hampshire or in another state or Canadian province as determined by the board.

13 V. No application shall be granted unless the [board] **office** finds that the applicant
14 possesses the necessary educational, character, and other professional qualifications to practice
15 dentistry or dental hygiene[, and that no circumstances exist which would be grounds for
16 disciplinary action against a licensed dentist or hygienist pursuant to RSA 317 A:17, II].

17 55 Dentistry and Dental Hygiene; Criminal History Record Checks. Amend RSA 317-A:8-a to
18 read as follows:

19 317-A:8-a Criminal History Record Checks.

20 I. Every applicant for initial permanent licensure or reinstatement shall submit to the
21 [board of dental examiners] **office of professional licensure and certification** a criminal history
22 record information authorization form, as provided by the New Hampshire division of state police,
23 which authorizes the release of his or her criminal history record information, if any, to the [board]
24 **office**.

25 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
26 qualified law enforcement agency or an authorized employee of the department of safety. In the
27 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
28 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
29 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] **office** may, in lieu of
30 the criminal history records check, accept police clearances from every city, town, or county where
31 the person has lived during the past 5 years.

32 III. The [board] **office** shall submit the criminal history records release form and fingerprint
33 form to the division of state police which shall conduct a criminal history records check through its
34 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
35 division of state police shall release copies of the criminal history records to the [board] **office**.

1 IV. The ~~board~~ **office** shall review the criminal record information prior to making a
2 licensing decision and shall maintain the confidentiality of all criminal history records received
3 pursuant to this section.

4 V. The applicant shall bear the cost of a criminal history record check.

5 56 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:9 to read as follows:

6 317-A:9 Examinations. Applicants for a license to practice dentistry or dental hygiene shall ~~be~~
7 ~~examined~~ **pass an examination as determined** by the board or have successfully passed a
8 national or regional test ~~accepted~~ **meeting criteria established** by the board. Examinations may
9 be oral, clinical, written, or any combination at the discretion of the board and shall be of such
10 character as to test the qualifications of the applicant to practice dentistry or dental hygiene. No
11 license shall be granted to any applicant who shall not pass such examination.

12 57 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, III and IV to
13 read as follows:

14 III. The qualifications of applicants in addition to those requirements set by statute~~;~~
15 ~~including experience requirements for application for license by endorsement~~];

16 IV. How an applicant shall be examined, including:

- 17 (a) ~~Time and place of examination;~~
18 ~~(b)~~ The subjects to be tested;
19 ~~(c)~~ **(b)** Passing grade; and
20 ~~(d)~~ **(c)** Disposition of examination papers;

21 58 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, XII and XII-a
22 to read as follows:

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

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

- 26 (a) Required credentials.
27 (b) Application.
28 (c) On-site evaluations of personnel, facility, equipment, and records as they pertain to
29 the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any
30 combination thereof.
31 (d) The **criteria for the** issuance of permits for use of general anesthesia, deep sedation,
32 and moderate sedation, or of permits for use of moderate sedation.

33 (e) The **criteria for the** issuance of permits to dental facilities for use of general
34 anesthesia, deep sedation, and moderate sedation at the dental facilities where the services are
35 performed.

36 (f) The establishment of the qualifications and requirements of dental facilities where
37 general anesthesia, deep sedation, and moderate sedation are performed.

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

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

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

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

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

21 (i) A physical evaluation and medical history shall be taken before the administration of
22 moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the
23 minimum requirements for physical evaluation and medical history;

24 59 Dentistry and Dental Hygiene; Completion of a Survey; Rulemaking. Amend RSA 317-A:12-a
25 to read as follows:

26 317-A:12-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA
27 541-A, requiring, as part of the *criteria for* license renewal [~~process~~], completion by licensees of a
28 survey or opt-out form provided by the office of rural health, department of health and human
29 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
30 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
31 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
32 survey.

33 60 Dentistry and Dental Hygiene; License Renewal. RSA 317-A:13 is repealed and reenacted to
34 read as follows:

35 317-A:13 License Renewal.

36 I. License renewals and notifications shall be issued in accordance with RSA 310:8.

1 II. All persons licensed to practice dentistry or dental hygiene in this state shall notify the
2 office of professional licensure and certification in writing within 30 days of any change of business
3 or residential address which may occur during the period between biennial registrations. Failure to
4 do so may result in the board issuing a non-disciplinary letter of concern to the licensee.

5 61 Dentistry and Dental Hygiene; Inactive List. Amend RSA 317-A:16 to read as follows:

6 317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not
7 actively engage in such practice in New Hampshire within 2 years of his or her previous biennial
8 registration shall have the licensee's name transferred to an inactive list and shall be required to
9 register biennially and pay the inactive registration fee as long as the licensee remains inactive.
10 Any dentist or dental hygienist holding an inactive license shall be restored to active status by the
11 ~~board~~ **office of professional licensure and certification** upon the filing of a written request
12 with the ~~board~~ **office** and the furnishing of evidence of continuing professional character and
13 continuing education and upon payment of the full registration fee established in rules adopted by
14 the ~~board~~ **office**. A licensee on inactive status who has been practicing in another state shall
15 provide a letter of good standing from that state. A person's right to maintain a license with active
16 status shall not be affected by any absence from active practice in New Hampshire while serving on
17 active duty in the armed forces of the United States.

18 62 Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

19 II.(a) Any dentist or dental facility who wishes to administer general anesthesia, deep
20 sedation, or moderate sedation shall apply to the ~~board~~ **office of professional licensure and**
21 **certification** for the appropriate permit and pay an application fee.

22 (b) The ~~board~~ **office** shall require the documentation of competence according to the
23 rules adopted under RSA 317-A:12, XII-a(f) and RSA 317-A:12, XII-a(h) before issuing such a permit.

24 (c) The rules of the board shall require an appropriate number of hours of continuing
25 education as a condition for issuing or reissuing such a permit.

26 63 Dentistry and Dental Hygiene; Licensure. Amend RSA 317-A:21, II to read as follows:

27 II. Applications for licensure as a dental hygienist shall be made to the ~~board in writing~~
28 **office of professional licensure and certification** and shall be accompanied by a fee established
29 by the office ~~[of professional licensure and certification]~~ and by satisfactory proof that the applicant
30 is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year
31 program in an institution of higher education, the program of which is accredited by a national
32 accrediting agency recognized by the United States Department of Education and the Commission on
33 Dental Accreditation.

34 64 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:21-a to read as follows:

35 317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined ~~by the~~
36 ~~board~~ **in accordance with RSA 310:4**. The examinations may be oral, clinical, written or a
37 combination **thereof**, at the discretion of the board, and shall be of such character as to test the

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1 qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any
2 applicant who shall not pass such examination satisfactorily. The ~~[board]~~ **office of professional**
3 **licensure and certification** shall have the authority to grant a license in dental hygiene to
4 applicants who have successfully passed the requirements of any national or regional testing agency
5 acceptable to the board.

6 65 Practice of Dental Hygiene. Amend RSA 317-A:21-c, IV to read as follows:

7 IV. The practice of dental hygiene conducted under the authority of a health care charitable
8 trust as provided in RSA 317-A:20, III(c) shall be performed by dentists or by dental hygienists
9 licensed ~~[by the board]~~ **under this chapter** and who practice under the supervision of a dentist
10 licensed ~~[by the board]~~ **under this chapter**. The health care charitable trust shall notify the
11 ~~[board]~~ **office of professional licensure and certification** in writing of the name and location of
12 the dental clinic and the name of the supervising dentist, and shall notify the ~~[board]~~ **office** within
13 10 days of any change of the supervising dentist.

14 66 Certified Public Health Dental Hygienist. Amend the introductory paragraph of RSA 317-
15 A:21-e, I to read as follows:

16 I. A dental hygienist licensed under this chapter may obtain a certification to practice as a
17 certified public health dental hygienist by submitting an application to the ~~[board in writing]~~ **office**
18 **of professional licensure and certification** and completing additional educational and training
19 requirements as required by the board. A certified public health dental hygienist practicing under
20 this section may:

21 67 Dentistry and Dental Hygiene; Expanded Function Dental Auxiliary. Amend RSA 317-A:21-
22 g, I to read as follows:

23 I. A dental hygienist licensed under this chapter or a dental assistant may obtain a permit
24 from the ~~[board]~~ **office of professional licensure and certification** to practice as an expanded
25 function dental auxiliary by submitting an application to the ~~[board in writing]~~ **office** and
26 completing additional educational and training requirements as required in rules adopted by the
27 board.

28 68 Dentistry and Dental Hygiene; Repeal. The following are repealed:

29 I. RSA 317-A:7-a, relative to license by endorsement.

30 II. RSA 317-A:15, relative to penalties for failure to register.

31 III. RSA 317-A:17-a, relative to immunity from civil action.

32 IV. RSA 317-A:24, relative to applications from other states.

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

34 VI. RSA 317-A:34, relative to petitions for injunction filed by the board.

35 69 Dietitians; License Required. Amend RSA 326-H:5, I to read as follows:

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1 I. No person shall practice or represent himself or herself as a dietitian in this state without
2 first applying for and receiving a license from the [board] **office of professional licensure and**
3 **certification** to practice as a licensed dietitian.

4 70 Dietitians; Rulemaking. RSA 326-H:10 is repealed and reenacted to read as follows:

5 326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

6 I. The eligibility requirements for licensure or temporary licensure to practice as a licensed
7 dietitian in this state.

8 II. Criteria for the renewal, suspension, revocation, and reinstatement of licenses.

9 III. Educational qualifications for licensure.

10 IV. Continuing education requirements.

11 71 Dietitians; Requirements for Licensure. Amend RSA 326-H:12, I to read as follows:

12 I. Hold a baccalaureate or higher degree from a college or university approved by **the office**
13 **of professional licensure and certification based on criteria established by** the board with a
14 major course of study in human nutrition, nutrition education, food and nutrition, dietetics, public
15 health nutrition, or food systems management;

16 72 Dietitians; Issuance, Expiration, and Renewal of License. RSA 326-H:14 is repealed and
17 reenacted to read as follows:

18 326-H:14 Issuance, Expiration, and Renewal of License.

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

25 II. All licenses issued by the board shall be renewed in accordance with RSA 310:8.

26 III. Any person licensed under this chapter who seeks to renew his or her license shall
27 provide to the office satisfactory documentation of the required continuing professional education.

28 73 Dietitians; Continuing Professional Education. Amend RSA 326-H:15 to read as follows:

29 326-H:15 Continuing Professional Education. It shall be deemed sufficient for the renewal of a
30 license issued under this chapter for an applicant for renewal to have completed 20 hours of
31 continuing professional education related to the relevant practice in the previous 24 months.
32 Continuing education programs shall be approved by the **office of professional licensure and**
33 **certification based on criteria established by the** board.

34 74 Dietitians; Suspension and Revocation of License. RSA 326-H:16 is repealed and reenacted
35 to read as follows:

36 326-H:16 Suspension and Revocation of License. Misconduct sufficient to support disciplinary
37 proceedings under this chapter includes:

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1 I. Obtaining a license by fraudulent or deceitful means.

2 II. Conviction of a class A felony or a finding of malpractice or gross misconduct in practice
3 as a dietitian.

4 III. Engaging in actions inconsistent with the health of the person or persons under the care
5 of the licensee through negligence, neglect, willful action, or other causes.

6 IV. Other violations of this chapter, and the rules and code of ethics adopted by the board.

7 75 Licensed Dietitians; Repeal. The following are repealed:

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

9 II. RSA 326-H:13, relative to reciprocity.

10 III. RSA 326-H:18, relative to reinstatement.

11 76 Board of Electrologists; Powers and Duties of the Executive Director. Amend RSA 314:2 to
12 read as follows:

13 314:2 Powers and Duties of the Executive Director. The powers and duties of the executive
14 director shall include:

15 I. Licensure of individuals to practice electrology [~~in accordance with RSA 314:3~~].

16 II. Renewal of licenses [~~in accordance with RSA 314:5~~].

17 III. denial, suspension, or revocation of licenses [~~in accordance with RSA 314:6~~].

18 IV. The conduct of hearings [~~relative to administrative fines and the denial, suspension or~~
19 ~~revocation of licenses~~].

20 V. Conducting investigations [~~in accordance with RSA 314:9~~].

21 VI. Adopting rules [~~in accordance with RSA 314:8~~].

22 VII. Assessing administrative fines [~~in accordance with RSA 314:13~~] **and other sanctions,**
23 **as appropriate.**

24 77 Electrologists; Licensure. Amend RSA 314:3 to read as follows:

25 314:3 Licensure.

26 I. It shall be unlawful for any person to practice electrology in this state without first
27 obtaining a license, unless such person is exempt under RSA 314:1, III.

28 II. [~~Except as provided in RSA 314:7,~~] Licenses issued by the executive director shall be
29 valid [~~for a 2-year period~~] **in accordance with RSA 310:8.**

30 III. Licenses shall be issued to any person:

31 (a) Upon application on a form prescribed by the executive director;

32 (b) Upon payment of **required** fees [~~required under RSA 314:10~~];

33 (c) Who is a high school graduate and has had training of at least 1,100 hours in a school
34 of electrology approved by the executive director;

35 (d) Who satisfies any other condition for licensure, including passing a competency
36 examination, pursuant to rules adopted under RSA 314:8, III; and

37 (e) Who demonstrates good professional character.

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1 ~~[IV. The executive director may grant a license to an individual who has been registered or~~
2 ~~licensed as an electrologist under the laws of another state which, in the opinion of the executive~~
3 ~~director, maintains standards substantially equivalent to those of this state. Such licensure shall~~
4 ~~not preclude completion of an application and payment of appropriate fees.~~

5 ~~V. In the case of loss, mutilation or destruction of a license, the executive director shall issue~~
6 ~~a duplicate license upon proof of facts and payment of a fee in accordance with RSA 314:10, I.]~~

7 78 Electrologists; Renewal of License; Reinstatement; Continuing Education Requirement.
8 Amend RSA 314:5 to read as follows:

9 314:5 Renewal of License; Reinstatement; Continuing Education Requirement. ~~[Licenses issued~~
10 ~~under this chapter shall be subject to renewal every 2 years and shall lapse unless renewed or~~
11 ~~reinstated in accordance with rules adopted by the executive director under RSA 314:8, IV, and upon~~
12 ~~payment of any fees required under RSA 314:10.]~~ Applicants for renewal shall [also] be required to
13 complete 10 hours of continuing education related to the practice of electrology during the prior 2
14 years; provided that 5 hours of such continuing education shall be in didactic, live courses.

15 79 Electrologists; Denial, Suspension, or Revocation of License. Amend RSA 314:6 to read as
16 follows:

17 314:6 Denial, Suspension, or Revocation of License. The executive director may ~~[deny, suspend~~
18 ~~or revoke a license]~~ **sanction, in accordance with RSA 310:12, a licensee** if it is determined after
19 hearing that such ~~[applicant or]~~ licensee:

20 I. Has made a materially false statement or concealed a material fact in connection with
21 application for licensure.

22 II. Has had a license issued under this chapter revoked or suspended previously.

23 III. Has been found guilty of fraud or fraudulent practices, or has used dishonest or
24 misleading advertising.

25 IV. Has practiced electrology in an office or offices other than as stated on the license, or has
26 not maintained the office or offices according to rules adopted under RSA 314:8, ~~[VIII]~~ VI.

27 V. Has violated ethical or professional standards for the practice of electrology, as provided
28 for in rules adopted under RSA 314:8, ~~[VII]~~ V.

29 VI. Has failed to comply with any other provision of this chapter or any rules adopted by the
30 executive director.

31 80 Electrology; Rulemaking. Amend RSA 314:8 to read as follows:

32 314:8 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

33 I. The license application form and content, and the license application procedures.

34 II. The qualifications of applicants for licensure under RSA 314:3.

35 III. The content and conduct of written and practical competency examinations.

36 IV. The application form, content and procedure for a renewal or reinstatement of a license
37 to practice electrology~~[- in accordance with RSA 314:5].~~

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1 V. ~~[Reciprocity.~~

2 ~~VI. A schedule of fees, in accordance with RSA 314:10.~~

3 ~~VII.] Ethical and professional standards required to be met by licensees.~~

4 ~~[VIII.] VI. Offices, including structures, equipment, and sanitation including required~~
5 ~~testing.~~

6 ~~[IX. The conduct of investigations, in accordance with RSA 314:9.~~

7 ~~X.] VII. A schedule of administrative fines pursuant to RSA 314:13 for the violation of the~~
8 ~~provisions of this chapter or rules adopted pursuant to this chapter.~~

9 ~~[XI. Procedures for notice and hearing prior to denial, suspension or revocation of a license,~~
10 ~~and the imposition of administrative fines.~~

11 ~~XII. Procedures for the handling of complaints.~~

12 ~~XIII. Procedures for the approval or denial of an application.~~

13 ~~XIV. Procedures for suspension or revocation of a license.~~

14 ~~XV. Procedures for appeal of decisions of the executive director made pursuant to the~~
15 ~~provisions of this subdivision and rules adopted pursuant to this subdivision.~~

16 ~~XVI.] VIII. Approval of schools of electrology, to include curriculum, equipment, and~~
17 ~~instructor qualifications.~~

18 ~~[XVII.] IX. The appointment, qualifications, responsibilities, and requirements of the~~
19 ~~electrology advisory committee.~~

20 ~~[XVIII.] X. Office inspections for licensees.~~

21 ~~[XIX.] XI. Waivers of applicable rules.~~

22 ~~[XX.] XII. Training requirements for the use of intense pulsed light hair removal.~~

23 81 Electrologists; Administrative Fines. Amend RSA 314:13 to read as follows:

24 314:13 Administrative Fines.

25 I. The executive director, after notice and hearing, ~~[pursuant to RSA 314:7 and rules~~
26 ~~adopted under RSA 314:8, X, may impose an administrative fine not to exceed \$2,000 for each~~
27 ~~offense upon] **may sanction, in accordance with RSA 310:12**, any person who violates any~~
28 ~~provision of this chapter or rules adopted pursuant to this chapter.~~

29 II. Any administrative fine imposed under this section shall not preclude the imposition of
30 further penalties or administrative actions under this chapter.

31 III. The executive director shall adopt rules in accordance with RSA 314:8, ~~[X] VII~~, relative
32 to administrative fines which shall be scaled to reflect the scope and severity of the violation.

33 ~~[IV. The sums obtained from the levying of administrative fines under this chapter shall be~~
34 ~~forwarded to the state treasurer to be deposited into the general fund.]~~

35 82 Electrologists; Repeal. The following are repealed:

36 I. RSA 314:7, relative to administrative hearings and judicial review.

37 II. RSA 314:9, relative to investigations.

1 III. RSA 314:10, relative to fees.

2 IV. RSA 314:14, relative to injunctions.

3 83 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, III to read as follows:

4 III. ~~[How an applicant shall be examined, including the time and place of the]~~ **Criteria for**
5 **applicant** examination;

6 84 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, VI to read as follows:

7 VI. Ethical and professional standards required to be met by each holder of the license to
8 practice under this chapter and how ~~[disciplinary actions]~~ **sanctions** by the board shall be
9 implemented for violation of these standards;

10 85 Embalmers; Qualifications. Amend RSA 325:13, V-VII to read as follows:

11 V. Have completed a full course of instruction in an embalming school ~~[maintaining at that~~
12 ~~time a standard satisfactory to]~~ **meeting, at the time of instruction, standards established by**
13 the board;

14 VI. Pass such examinations ~~[as the board may deem proper]~~ **meeting criteria established**
15 **by the board** to ascertain his **or her** efficiency and qualifications to engage in embalming; and

16 VII. Obtain the appropriate license from the ~~[board]~~ **office of professional licensure and**
17 **certification.**

18 86 Funeral Directors; Qualifications. Amend RSA 325:14 to read as follows:

19 325:14 Funeral Directors; Qualifications. No person shall engage or hold himself **or herself** out
20 as engaged in funeral directing, unless ~~[he]~~ **the person:**

21 I. Is the holder of an embalmer's license;

22 II. Has passed such examinations ~~[as the board may deem proper]~~ **meeting criteria**
23 **established by the board** to ascertain ~~[his]~~ efficiency and qualifications to engage in funeral
24 directing; and

25 III. Obtains the appropriate license from the ~~[board]~~ **office of professional licensure and**
26 **certification.**

27 87 Funeral Directors and Embalmers; Inspection. Amend RSA 325:17 to read as follows:

28 325:17 Inspection. The ~~[board]~~ **office of professional licensure and certification** may
29 inspect all places where funeral directing is conducted or where embalming is practiced. No such
30 place shall be inspected more frequently than twice yearly, unless the board shall find that just
31 cause or evidence of repeated complaints exists.

32 88 Funeral Directors and Embalmers; Examinations. Amend RSA 325:18 to read as follows:

33 325:18 Examinations. Examinations of applicants for licensure shall be held at least annually.
34 Any person who desires to engage in funeral directing or embalming shall submit ~~[in writing to the~~
35 ~~board on forms provided by it]~~ an application for licensure accompanied by a fee established by the
36 ~~[board]~~ **office of professional licensure and certification.** The board shall require the applicant
37 to submit to such examinations as ~~[it may deem proper]~~ **established in rule.**

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1 89 Funeral Directors and Embalmers; Licensure. Amend RSA 325:20 to read as follows:

2 325:20 Licensure. The ~~[board]~~ **office of professional licensure and certification** shall issue
3 to each applicant successfully passing the examination, where an examination is required, and who
4 otherwise satisfies the ~~[board of her or his qualifications]~~ **necessary requirements**, a license,
5 entitling her or him to practice or engage in the business in this state as a funeral director,
6 embalmer, or both, as the case may be.

7 90 Funeral Directors and Embalmers; Renewal of Licenses. Amend RSA 325:25 to read as
8 follows:

9 325:25 Renewal of Licenses.

10 I. Every person licensed to practice under this chapter, except as provided in RSA 325:29,
11 shall apply to the ~~[board]~~ **office of professional licensure and certification** every 2 years for
12 license renewal. The ~~[board]~~ **office** shall require each licensee to show proof of meeting the
13 continuing education requirement of RSA 325:28-a. Payment shall be made to the ~~[board secretary]~~
14 **office** of the renewal fee established in RSA 325:12-a.

15 II. All licenses shall automatically ~~[lapse]~~ **expire** unless a timely and complete renewal
16 application has been filed.

17 91 Funeral Directors and Embalmers; Continuing Education Requirement. Amend RSA 325:28-
18 a to read as follows:

19 325:28-a Continuing Education Requirement. As a condition of license renewal, ~~[the board shall~~
20 ~~require]~~ each licensee ~~[to]~~ **shall** attain a minimum number of continuing education credits every 2
21 years as specified in the rules adopted by the board.

22 92 Funeral Directors and Embalmers; Apprentice Licenses. Amend RSA 325:29 to read as
23 follows:

24 325:29 Apprentice Licenses. No person shall assist in the embalming of dead human bodies for
25 burial or cremation in any manner unless ~~[he]~~ **the person** holds a license as an apprentice.

26 93 Funeral Directors and Embalmers; Issuance; Term; Renewal. RSA 325:30 is repealed and
27 reenacted to read as follows:

28 325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period established by
29 RSA 310:8. The fees for an apprentice license shall be established by the office of professional
30 licensure and certification.

31 94 Funeral Directors and Embalmers; Repeals. The following are repealed:

32 I. RSA 325:12-a, relative to fees.

33 II. RSA 325:19, relative to alternatives to the board's examination.

34 III. RSA 325:22, relative to nonresidents.

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

36 V. RSA 325:23, relative to expiration.

37 VI. RSA 325:24, relative to notices of expiration.

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

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

3 IX. RSA 325:36, relative to reinstatement applications.

4 95 Cremation of Human Remains; Crematory; License Required. Amend RSA 325-A:2 to read
5 as follows:

6 325-A:2 Crematory; License Required. A crematory shall not be established, operated, or
7 maintained in this state except by a crematory authority licensed by the **office of professional**
8 **licensure and certification in accordance with rules promulgated by the** board under this
9 chapter. The ~~board~~ **office** shall issue a license to a crematory authority that satisfies the
10 requirements for licensure under the chapter. Human remains shall not be cremated in this state
11 except at a crematory operated by a crematory authority licensed under this chapter.

12 96 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 to
13 read as follows:

14 325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license
15 as a crematory authority shall file a written application with the ~~board~~ **office**. The application
16 shall be accompanied by the license fee ~~required under RSA 325-A:7~~ and a certificate confirming
17 that the crematory operator has attended, prior to issuance of the license, a training course provided
18 by the Cremation Association of North America or by the manufacturer of the cremation chamber
19 maintained and operated by the crematory authority and shall set forth the full name and address of
20 the applicant, the address and location of the crematory, the name of the crematory operator, the
21 name and address of the owner of the crematory, and additional information as required by the
22 board, including affirmative evidence of the applicant's ability to comply with rules adopted under
23 this chapter. The application shall include the applicant's social security number if the applicant is
24 an individual. The social security number shall not be public record and shall only be used for
25 administrative purposes.

26 97 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 as
27 follows:

28 325-A:6 Change in Location, Ownership, or Name.

29 I. A crematory authority desiring to relocate a crematory shall file a written application
30 ~~with the board~~ at least 30 days prior to the designated date of such relocation. The application
31 shall be accompanied by ~~a fee as determined by the board in rules adopted under RSA 541-A~~ **the**
32 **required fee**.

33 II. A crematory authority desiring to change ownership of a crematory shall file a written
34 application ~~with the board~~ at least 30 days prior to the designated date of such change. The
35 application shall be accompanied by ~~a fee as determined by the board in rules adopted under RSA~~
36 ~~541-A~~ **the required fee**.

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

4 98 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments.
5 Amend 325-A:8 to read as follows:

6 325-A:8 Inspection; Board; Duties; Authority for Appointments.

7 I. The [~~board~~] ***office of professional licensure and certification*** shall at least once every
8 3 years inspect or provide for the inspection of any crematory operated by a crematory authority
9 licensed under this chapter in [~~such manner and at such times as provided in rules adopted by the~~
10 ~~board~~] ***accordance with standards established by the board in rules adopted pursuant to***
11 ***RSA 541-A.***

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

16 III. If the board determines, after such review, that the evidence supports a finding of
17 noncompliance by a crematory authority with any applicable provisions of this chapter or rules
18 adopted under this chapter, the board may send a letter to the crematory authority requesting a
19 statement of compliance. The letter shall include a description of each alleged violation, a request
20 that the crematory authority submit a statement of compliance within 10 working days, and a notice
21 that the board may take further action if the statement of compliance is not submitted. The
22 statement of compliance shall indicate any actions by the crematory authority which have been or
23 will be taken and the period of time estimated to be necessary to correct each alleged violation. If the
24 crematory authority fails to submit such statement of compliance or fails to make a good faith effort
25 to correct the alleged violations, the board may take further action as provided in this chapter ***and***
26 ***RSA 310.***

27 [~~IV.(a) The board may appoint technical advisors or other investigators to assist with any~~
28 ~~investigation or adjudication, and may, with the approval of the attorney general, appoint legal~~
29 ~~counsel for such purposes.~~

30 (~~b) To the extent the board lacks budgeted funds to conduct a significant investigation or~~
31 ~~adjudication, it may, with the approval of the attorney general, petition governor and council to~~
32 ~~receive funds not otherwise appropriated in order to retain professional advisors in the proceeding.~~

33 (~~e) If the governor and council approve the use of funds not otherwise appropriated, the~~
34 ~~governor is authorized to issue a warrant for the approved amount out of any moneys in the treasury~~
35 ~~not otherwise appropriated. The board shall then promptly increase its licensing fees to the extent~~
36 ~~necessary to repay the amount advanced to the general fund during the next fiscal year by means of~~
37 ~~a fee surcharge.]~~

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1 99 Cremation of Human Remains; Repeals. The following are repealed:

- 2 I. RSA 325-A:5, relative to license expiration.
- 3 II. RSA 325-A:7, relative to fees.
- 4 III. RSA 325-A:11, relative to denial of a license.
- 5 IV. RSA 325-A:14, relative to license reinstatement.
- 6 V. RSA 325-A:16, relative to injunctions.
- 7 VI. RSA 325-A:28, II, relative to fees.
- 8 VII. RSA 325-A:28, VI, relative to inspection procedures.

9 100 Repeals; Massage Therapists and Massage Establishments. The following are repealed:

- 10 I. RSA 328-B:4, VII(h), relative to procedures for temporary permits.
- 11 II. RSA 328-B:4, VII(k)-(l), relative to administrative fines.
- 12 III. RSA 328-B:5-a, relative to temporary licenses for massage therapists.
- 13 IV. RSA 328-B:6, relative to license issuance.
- 14 V. RSA 328-B:7, relative to license renewal.
- 15 VI. RSA 328-B:11-a, relative to administrative fines.
- 16 VII. RSA 328-B:15, relative to injunctive relief.

17 101 Repeals; Medical Imaging and Radiation Therapy. The following are repealed:

- 18 I. RSA 328-J:15, II, relative to license renewal
- 19 II. RSA 328-J:18, relative to hearings
- 20 III. RSA 328-J:19, II-III, relative to penalties
- 21 IV. RSA 328-J:21, relative to injunctive relief.
- 22 V. RSA 328-J:23, relative to investigative costs.

23 102 Board of Registration of Medical Technicians; Definitions. Amend RSA 328-I:1 VI as
24 follows:

25 VI. "Medical technician" means a health care worker who is not licensed or registered [~~by a~~
26 ~~New Hampshire regulatory board~~] **by the office of professional licensure and certification** and
27 who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease.
28 "Medical technician" shall not include a nurse licensed in another state who is working in New
29 Hampshire under the nurse licensure compact established in RSA 326-B:46. For the purposes of this
30 chapter, medical technicians shall be limited to health care workers with access to controlled
31 substances and with access to or contact with patients in a health care facility or in a medical
32 establishment.

33 103 Board of Registration of Medical Technicians; Powers. RSA 328-I:3 is repealed and
34 reenacted to read as follows:

35 328-I:3 Powers and Duties of the Board. The board shall:

- 36 I. Suspend or revoke certificates of registration upon the grounds listed in RSA 328-I:9.
- 37 II. Adopt rules pursuant to RSA 328-I:4.

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1 104 Board of Registration of Medical Technicians; Registration of Medical Technicians Required.
2 Amend RSA 328-I:5, III, as follows:

3 III. The board, after hearing and upon making an affirmative finding [~~under paragraph II,~~
4 that the person is engaged in [~~unlawful~~] **unlicensed** practice, may take action **in accordance with**
5 **RSA 310:12** [~~in any one or more of the following ways:~~

6 (a) ~~A cease and desist order in accordance with paragraph IV.~~

7 (b) ~~The imposition of an administrative fine not to exceed \$50,000.~~

8 (c) ~~The imposition of an administrative fine for continuation of unlawful practice in the~~
9 ~~amount of \$1,000 for each day the activity continues after notice from the board that the activity~~
10 ~~shall cease.~~

11 (d) ~~The denial or conditional denial of a license application, application for renewal, or~~
12 ~~application for reinstatement].~~

13 105 Board of Registration of Medical Technicians; Initial Registration; Application; Fees.
14 Amend RSA 328-I:6, as follows:

15 328-I:6 Initial Registration; Application, Fees.

16 I. The [~~board~~] **office** may register any person who submits a completed application and pays
17 the established fee.

18 II. Completed applications shall include:

19 (a) Payment of the non-refundable registration fee;

20 (b) Reports of any pending criminal charges, criminal convictions, plea agreements in
21 lieu of convictions, or complaints made to or dispositions made by licensing, certification, or
22 registration boards.

23 (c) A complete set of fingerprints and a criminal history record release form pursuant to
24 RSA 328-I:7.

25 (d) The applicant's work history over the last 10 years.

26 III. All applications shall include at a minimum, the applicant's name, social security
27 number, place and date of birth, place of employment in New Hampshire and the home address and
28 shall be duly signed [~~and verified. Applications shall be available for public inspection].~~

29 IV. Upon approval of the application by the board, the applicant shall be registered as a
30 medical technician for 2 years **in accordance with RSA 310:8**. [~~Such registration shall take effect~~
31 ~~within 90 days after the filing of such completed application.]~~

32 V. Any medical technician who changes his or her name, place, or status of employment in
33 New Hampshire, or residence shall notify the [~~board~~] **office**, in writing within 30 days. For failure
34 to report such a change within 30 days of such event, the board may suspend the medical
35 technician's registration.

36 VI. Once an application has been approved by the board, a temporary registration may be
37 issued, pending receipt of the criminal records check and fingerprint information.

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1 106 Board of Registration of Medical Technicians; Criminal History Records Checks. Amend
2 RSA 328-I:7 as follows:

3 328-I:7 Criminal History Record Checks.

4 I. Every applicant for initial registration or reinstatement shall submit to the [board] **office**
5 a criminal history record release form, as provided by the New Hampshire division of state police,
6 which authorizes the release of his or her criminal history record, if any, to the [board] **office**.

7 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
8 qualified law enforcement agency or an authorized employee of the department of safety. In the
9 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
10 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
11 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
12 criminal history records check, accept police clearances from every city, town, or county where the
13 person has lived during the past 5 years.

14 III. The [board] **office** shall submit the criminal history records release form and fingerprint
15 form to the division of state police which shall conduct a criminal history records check through its
16 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
17 division of state police shall release copies of the criminal history records to the [board] **office**.

18 IV. The [board] **office** shall review the criminal record information prior to making a
19 registration decision and shall maintain the confidentiality of all criminal history records received
20 pursuant to this section.

21 V. The applicant shall bear the cost of a criminal history record check.

22 107 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
23 as follows:

24 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
25 subject to renewal every 2 years *in accordance with RSA 310:8* and shall expire unless renewed in
26 the manner prescribed by the board. Certificates of registration for medical technician shall be
27 renewed upon the payment of the renewal fee.

28 108 Board of Registration of Medical Technicians; Refusal to Issue or Renew Certificate; Return
29 of Certificate. Amend introductory paragraph RSA 328-I:9, I as follows:

30 I. The [board] **office** may deny the application for registration or refuse to issue a renewal
31 thereof if it is determined after hearing that such applicant or registrant:

32 109 Board of Registration of Medical Technicians; Disciplinary Action; Remedial Proceedings.
33 Amend RSA 328-I:10, III as follows:

34 III. Every facility administrator, or designee, for any licensed hospital, health clinic,
35 ambulatory surgical center, or other health care facility within the state shall report to the [board]
36 **office** any disciplinary or action related to disruptive conduct, professional incompetence or violation
37 of an organizational rule or procedure involving controlled substances, or any adverse action which

1 results in the termination of an employment relationship, within 30 days after such action is taken,
2 including situations in which allegations of misconduct are settled by voluntary resignation without
3 adverse action, against a person registered by the board. Disciplinary or adverse action shall include
4 the requirement that a registrant undergo counseling or be subject to any policy with regard to
5 disruptive behavior.

6 110 Repeals; Board of Registration of Medical Technicians. The following are repealed:

7 I. RSA 328-I:4, V, relative to procedures for the approval or denial of an application.

8 II. RSA 328-I:4, VI, relative to procedures for sharing information.

9 III. RSA 328-I:5, IV, relative to cease and desist.

10 IV. RSA 328-I:5, V, relative to injunction.

11 V. RSA 328-I:9, II, relative to return of certificate.

12 VI. RSA 328-I:10, I, relative to investigations.

13 VII. RSA 328-I:10, X, relative to immunity.

14 111 Physician Assistants; License Required. Amend RSA 328-D:2, I to read as follows:

15 I. No person shall practice as a physician assistant in the state of New Hampshire unless he
16 or she is licensed ~~[by the board of medicine]~~ in accordance with this chapter.

17 112 Physician Assistants; Criminal History Records Check. Amend RSA 328-D:3-a as follows:

18 328-D:3-a Criminal History Record Checks.

19 I. Every applicant for initial permanent licensure or reinstatement shall submit to the
20 ~~[board]~~ **office** a criminal history record release form, as provided by the New Hampshire division of
21 state police, which authorizes the release of his or her criminal history record, if any, to the ~~[board]~~
22 **office**.

23 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
24 qualified law enforcement agency or an authorized employee of the department of safety. In the
25 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
26 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
27 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
28 criminal history records check, accept police clearances from every city, town, or county where the
29 person has lived during the past 5 years.

30 III. The ~~[board]~~ **office** shall submit the criminal history records release form and fingerprint
31 form to the division of state police which shall conduct a criminal history records check through its
32 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
33 division of state police shall release copies of the criminal history records to the ~~[board]~~ **office**.

34 IV. The ~~[board]~~ **office** shall review the criminal record information prior to making a
35 licensing decision and shall maintain the confidentiality of all criminal history records received
36 pursuant to this section.

37 V. The applicant shall bear the cost of a criminal history record check.

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1 113 Physicians Assistants; Renewal of License. Amend RSA 328-D:5 as follows:

2 328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall
3 apply to the ~~[board]~~ **office** for biennial renewal of license on forms provided by the office of
4 professional licensure and certification and shall pay a renewal fee as established by the office of
5 professional licensure and certification. ~~[Applications for renewal shall be filed no later than~~
6 ~~December 31 of every other year.]~~ A license issued under this chapter shall **expire unless renewed**
7 **in accordance with RSA 310:8** ~~[not expire until the board has taken final action upon the~~
8 ~~application for renewal].~~

9 114 Repeal; Physician Assistants. RSA 328-D:5-a, relative to physicians assistants failure to
10 renew, is repealed.

11 115 Midwifery; Rulemaking. Amend RSA 326-D:5, I as follows:

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

13 (a) Qualifications for the practice of midwifery.

14 (b) The teaching of midwifery.

15 (c) The scope of practice and procedures in the practice of midwifery, including policies
16 for professional direction and supervision.

17 (d) Eligibility requirements for the certification of midwives ~~[and the issuance of~~
18 ~~certificates of midwifery, including procedures for provisional certification and recertification after~~
19 ~~certification has lapsed].~~

20 (e) Renewal eligibility requirements, including requirements for continuing education
21 and peer review.

22 (f) Diagnostic and laboratory tests midwives may administer and perform and the
23 proper administration of RSA 326-D:12.

24 ~~[(g) Standards for reciprocity.]~~

25 ~~(h)~~ **(g)** Establishing all administrative fines authorized under RSA 310:12 326-D:8,
26 III(a)(4).

27 ~~(i)~~ **(h)** Reporting requirements relative to client information and notification of
28 transfers.

29 116 Midwifery; Certification. Amend RSA 326-D:6 and RSA 326-D:7 to read as follows:

30 326-D:6 Certification.

31 I. No person shall practice midwifery in this state without first obtaining certification from
32 the ~~[council]~~ **office of professional licensure and certification**. The council shall certify for the
33 practice of midwifery any person applying for such certification who meets the qualifications adopted
34 under RSA 326-D:5, I(a) and who submits a \$110 certification fee.

35 ~~[H. Certification issued under this chapter shall be subject to renewal every 2 years and~~
36 ~~shall expire unless renewed in accordance with rules adopted by the council and upon payment of a~~
37 ~~\$110 renewal fee.]~~

1 ~~[H]~~ **II.** The title "certified midwife" shall be used only by persons certified under this
2 chapter. No person shall continue to represent himself or herself as a certified midwife after
3 certification has been suspended under this chapter. Any person whose certification under this
4 chapter has been suspended or revoked by the council for disciplinary action under RSA 326-D:8,
5 shall not engage in the practice of midwifery unless and until the suspension or revocation of
6 certification has been lifted.

7 ~~[V]~~ **III.** Any person who shall practice or attempt to practice as a certified midwife in this
8 state without certification shall be guilty of a class A misdemeanor if a natural person or guilty of a
9 felony if any other person. Any person violating any other provision of this chapter shall be guilty of
10 a violation.

11 326-D:7 Qualifications. In order to be certified as a midwife by the ~~[council]~~ **office of**
12 **professional licensure and certification**, a person shall:

13 I. Have completed high school or its equivalent.

14 II. Complete one college-level course in human anatomy and physiology, or pass a college-
15 level equivalency program or credit by exam.

16 III. Express an intent to engage in the active practice of midwifery in the state.

17 IV. Submit an affidavit disclosing any criminal convictions. If the ~~[council]~~ **office** determines
18 that such conviction has a direct bearing on the applicant's ability to serve as a midwife, such
19 conviction may serve as a basis for denial of certification.

20 V. Meet practical experience requirements prescribed by the ~~[council]~~ **office**, including
21 specific numbers of prenatal visits, post-partum follow-up exams, attendance at live births as an
22 observer and primary birth attendant under supervision, performance of newborn examinations,
23 performance of laceration repairs, performance of postpartum visits, and observation of in-hospital
24 births.

25 VI. Present evidence of technical skills as prescribed by the ~~[council]~~ **office**.

26 VII. Present evidence of a passing grade on a certification examination approved by the
27 ~~[council]~~ **office**.

28 VIII. Pass ~~[both]~~ a written ~~[and an oral]~~ examination ~~[administered]~~ **approved** by the
29 ~~[council]~~ **office**. Such examinations shall include, but shall not be limited to, questions relative to
30 New Hampshire laws and rules governing midwives.

31 117 Midwifery; Certificate Renewal; Continuing Education. Amend RSA 326-D:11 as follows:

32 326-D:11 Certificate Renewal; Continuing Education. Every person certified under this chapter
33 shall apply to the ~~[council]~~ **office** for certificate renewal every 2 years **in accordance with RSA**
34 **310:8**. Renewals of certificates shall be contingent upon ~~[presentation of satisfactory evidence to the~~
35 ~~council of]~~ having met the continuing education requirements established by the council pursuant to
36 RSA 326-D:5, I(e) and shall be accompanied by the renewal fee established by the office of
37 professional licensure and certification. ~~[All certificates shall automatically lapse 2 years after the~~

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1 ~~date of issuance unless a timely and complete renewal application has been filed with the council. In~~
2 ~~no event shall a certificate, for which a timely and complete application for renewal has been~~
3 ~~submitted, expire before the council has taken final action upon the application.]~~

4 118 Telemedicine. Amend RSA 326-D:12-a to read as follows:

5 326-D:12-a Telemedicine. A midwife certified under this chapter shall be permitted to provide
6 services through the use of [~~telemedicine~~] **"telemedicine," as defined in RSA 310:7.**
7 [~~"Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis,~~
8 ~~consultation, or treatment.~~]

9 119 Midwifery; Repeals. The following are repealed:

10 I. RSA 326-D:3, II, relative to compensation.

11 II. RSA 326-D:4, relative to powers and duties of the council.

12 III. RSA 326-D:13, relative to reciprocity.

13 120 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as
14 follows:

15 I. No persons shall practice or represent themselves as practicing naturopathic medicine in
16 this state without first applying for and receiving a license from the [~~board~~] **office of professional**
17 **licensure and certification** to practice naturopathic medicine.

18 121 Naturopathic Health Care Practice; Powers and Duties of the Board. Amend RSA 328-E:8, I
19 to read as follows:

20 I. The board shall[:

21 (a) ~~Insure~~] **ensure** that doctors of naturopathic medicine serving the public meet
22 minimum standards of proficiency and competency to protect the health, safety, and welfare of the
23 public.

24 (b) ~~Administer and enforce all provisions of this chapter, which pertain to licensees and~~
25 ~~applicants, and all rules adopted by the board under the authority granted in this chapter.~~

26 (c) ~~Maintain a record of its acts and proceedings, including the issuance, refusal,~~
27 ~~renewal, suspension or revocation of licenses in accordance with the retention schedule established~~
28 ~~by the office of professional licensure and certification.~~

29 (d) ~~Keep all applications for licensure in accordance with the retention policy established~~
30 ~~by the office of professional licensure and certification.~~

31 (e) ~~Maintain a record of the results of all examinations it gives in accordance with the~~
32 ~~office of professional licensure and certification.~~

33 (f) ~~Keep all examination records including written examination records and tape~~
34 ~~recordings of the questions and answers in oral examinations in accordance with the retention policy~~
35 ~~established by the office of professional licensure and certification.~~

36 (g) ~~Keep the records of the board open to public inspection at all reasonable times.~~

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1 ~~(h) Adopt and use a seal, the imprint of which, together with the signatures of the~~
2 ~~chairman or vice chairman and the secretary treasurer of the board, shall evidence its official acts.~~

3 ~~(i) Annually compile and publish a directory.]~~

4 122 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 as
5 follows:

6 328-E:9 Qualification for Licensure.

7 ~~[I.]~~ To be eligible for a license to practice naturopathic medicine, the applicant shall:

8 ~~[(a)]~~ **I.** Be a graduate of a naturopathic medical college which is accredited by the
9 Council on Naturopathic Medical Education or another such accrediting agency recognized by the
10 federal government; and pass a competency based examination prescribed by the board covering the
11 appropriate naturopathic subjects; or,

12 ~~[(b)]~~ **II.** Be a graduate of a naturopathic medical college which has been approved by the
13 board as having appropriate education standards for naturopathic medical programs which granted
14 degrees prior to 1981.

15 ~~[(c)]~~ **III.** Possess a good moral and professional reputation.

16 ~~[(d)]~~ **IV.** Be physically and mentally fit to practice naturopathic medicine.

17 ~~[(e)]~~ **V.** Have had no license, certification, or registration to practice naturopathic
18 medicine refused, revoked, or suspended by any other state or country for reasons which relate to the
19 applicant's ability to skillfully and safely practice naturopathic medicine.

20 ~~[(f)]~~ **VI.** Take and pass a New Hampshire jurisprudence examination to ensure that
21 licensed naturopathic doctors understand the laws, rules, and scope of practice.

22 ~~[(g)]~~ **VII.** File an application and pay the ~~[\$300 license]~~ **requisite** fee.

23 ~~[II. To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:~~

24 ~~(a) Qualify under paragraph I, except that no written examination shall be required.~~

25 ~~(b) Be licensed, certified, or registered by another state or the District of Columbia to~~
26 ~~practice naturopathic medicine which requires a written examination which is substantially~~
27 ~~equivalent to the written examination required by the board of this state.]~~

28 123 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(a) to read as
29 follows

30 (a) Be subject to all eligibility requirements to practice naturopathic medicine pursuant
31 to RSA 328-E:9, except that they shall be exempt from RSA 328-E:9, I~~[(a)]~~.

32 124 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-
33 E:9-a as follows:

34 328-E:9-a Criminal History Record Checks.

35 I. Every applicant for initial licensure shall submit to the ~~[board]~~ **office of the professional**
36 **licensure and certification** a criminal history record information authorization form, as provided

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1 by the New Hampshire division of state police, department of safety, which authorizes the release of
2 his or her criminal history record information, if any, to the [board] *office*.

3 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
4 qualified law enforcement agency or an authorized employee of the department of safety. In the
5 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
6 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
7 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] *office* may, in lieu of
8 the criminal history records check, accept police clearances from every city, town, or county where
9 the person has lived during the past 5 years.

10 III. The [board] *office* shall submit the criminal history records release form and fingerprint
11 form to the division of state police which shall conduct a criminal history records check through its
12 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
13 division of state police shall release copies of the criminal history records to the [board] *office*. The
14 [board] *office* shall maintain the confidentiality of all criminal history records information received
15 pursuant to this section.

16 IV. The applicant shall bear the cost of a criminal history records check.

17 125 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend
18 RSA 328-E:13, I as follows:

19 I. The license to practice naturopathic medicine shall be renewed biennially *in accordance*
20 *with RSA 310:8*. [~~A fee in the amount of \$300 shall accompany the application for renewal.~~]

21 126 Repeal; Naturopathic Health Care. RSA 328-E:17, relative to severability, is repealed.

22 127 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and
23 reenacted to read as follows:

24 326-B:4 Powers and Duties of the Board. The board may:

25 I. Establish reasonable and uniform standards for nursing practice consistent with the
26 criteria identified by the National Council of State Boards of Nursing.

27 II. Establish eligibility criteria for licensure and renewal of licensure, including examination
28 requirements and continuing education requirements. The board shall select an appropriate
29 nationally approved licensing examination.

30 III. Determine and enforce appropriate disciplinary action against all individuals found in
31 violation of this chapter or the rules adopted under this chapter.

32 IV. Deny or withdraw approval of nursing educational programs that do not meet the
33 minimum requirements of this chapter.

34 V. In accordance with state due process laws, limit the multistate licensure privilege of any
35 registered nurse or licensed practical nurse to practice in New Hampshire and may take any other
36 actions under applicable state laws necessary to protect the health and safety of New Hampshire
37 citizens. If the board does take such action, it shall promptly notify the administrator of the

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1 coordinated licensure information system. The administrator of the coordinated licensure
2 information system shall promptly notify the home state of any such action taken by the state of
3 New Hampshire.

4 VI. Establish a liaison committee, a practice and education committee, and such additional
5 subcommittees as may be appropriate to assist the board in the performance of its duties.

6 128 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

7 326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A,
8 relative to the following:

9 I. Eligibility requirements for the issuance of all initial, temporary, and renewal licenses,
10 specialty licenses, and certificates issued by the ~~[board]~~ **office of professional licensure and**
11 **certification**, including the issuance of such licenses to applicants holding a currently valid license
12 or other authorization to practice in another jurisdiction.

13 II. Eligibility requirements for the reinstatement of licenses after ~~[lapse]~~ **expiration** and
14 after disciplinary action.

15 III. Recognition of national certifying bodies issuing specialty certifications required for
16 licensure as an APRN which shall also be recognized by the National Council of State Boards of
17 Nursing.

18 IV. The standards to be met by, and the process for approval of, education programs
19 designed to prepare applicants to qualify for licensure or certification in any of the disciplines
20 regulated by the board under RSA 326-B:32, including the time period within which noncompliance
21 must be corrected before such approval is withdrawn.

22 V. The standards to be met by ~~[, and the process for approval of,]~~ education programs
23 designed to prepare LPNs in intravenous therapy and by programs designed to prepare LNAs to
24 perform tasks not addressed in the basic curriculum required for licensure.

25 VI. The determination of disciplinary sanctions authorized by this chapter **and in**
26 **accordance with RSA 310:12**, including the determination of administrative fines.

27 VII. The administration of examinations authorized by this chapter, and the manner in
28 which information regarding the contents of any licensing examinations may be disclosed, solicited,
29 or compiled.

30 VIII. Ethical standards for the practice of nursing and nursing-related activities.

31 IX. Continuing competence requirements.

32 X. Designations that may be used by persons regulated by the ~~[board]~~ **office** and retired
33 persons regulated by the ~~[board]~~ **office**.

34 XI. The implementation and coordination of the nurse licensure compact adopted in RSA
35 326-B:46. The ~~[board]~~ **office** shall use model rules developed for the nurse licensure compact by the
36 National Council of State Boards of Nursing as the basis for adopting rules which shall be modified
37 as necessary to comply with state statutes.

1 XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

2 XIII. A process for registering practitioners who have been granted a special registration to
3 prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

4 XIV. The implementation of strategies and procedures necessary to increase the acceptance
5 of military training and experience towards licensure for military veterans seeking to be licensed as
6 a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C.
7 section 101(2).

8 ***XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section***
9 ***483.156, including scope of duties for nursing assistants and placement of qualified***
10 ***individuals on the nursing assistant registry.***

11 129 Nurse Practice Act; Criminal History Records Checks. Amend RSA 326-B:15 as follows:
12 326-B:15 Criminal History Record Checks.

13 I. Every applicant for initial licensure shall submit to the [board] ***office of professional***
14 ***licensure and certification*** a criminal history record release form, as provided by the New
15 Hampshire division of state police, department of safety, which authorizes the release of his or her
16 criminal history record, if any, to the [board] ***office***.

17 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
18 qualified law enforcement agency or an authorized employee of the department of safety. In the
19 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
20 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
21 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] ***office*** may, in lieu of
22 the criminal history records check, accept police clearances from every city, town, or county where
23 the person has lived during the past 5 years.

24 III. The [board] ***office*** shall submit the criminal history records release form and fingerprint
25 form to the division of state police which shall conduct a criminal history records check through its
26 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
27 division of state police shall release copies of the criminal history records to the [board] ***office***. The
28 [board] ***office*** shall maintain the confidentiality of all criminal history records information received
29 pursuant to this section.

30 IV. The applicant shall bear the cost of a criminal history record check.

31 130 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I, to read as follows:

32 I. Submit a completed application and ***requisite*** fees [as established by the board].

33 131 Nurse Practice Act; Registered Nurse and License Practical Nurse; Initial Licensure by
34 Examination. Amend RSA 326-B:17, II to read as follows:

35 II. The [board] ***office*** may employ, contract, and cooperate with any entity in the
36 preparation and process for determining results of a valid, reliable, legally defensible, and uniform

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1 licensure examination. When such an examination is utilized, the board *and the office* shall
2 restrict access to questions and answers.

3 132 Nurse Practice Act; License Renewals. Amend RSA 326-B:22 to read as follows:

4 326-B:22 License Renewal; All Licensees.

5 I. All license renewals shall be issued biennially *in accordance with RSA 310:8*.

6 II. Any person licensed who intends to continue practicing as a nurse or nursing assistant
7 shall:

8 (a) ~~[By midnight on his or her date of birth in the renewal year submit a completed~~
9 ~~application and fees as established by the board;~~

10 ~~(b)]~~ Report any pending criminal charges, criminal convictions, or plea arrangements in
11 lieu of convictions;

12 ~~[(e)]~~ (b) Have committed no acts or omissions which are grounds for disciplinary action
13 as set forth in this chapter, or, if such acts have been committed and would be grounds for
14 disciplinary action, the board has found, after investigation, that sufficient restitution has been
15 made;

16 ~~[(d)]~~ (c) Meet continuing competence requirements as defined in rules adopted under
17 RSA 541-A;

18 ~~[(e)]~~ (d) For those licensees applying for renewal following disciplinary action, comply
19 with all board licensure requirements as well as any specific requirements set forth in the board's
20 discipline order; and

21 ~~[(f)]~~ (e) Meet other criteria as established by the board.

22 ~~[III. Failure to renew the license shall result in forfeiture of the ability to practice nursing or~~
23 ~~nursing activities in the state of New Hampshire.]~~

24 133 Nurse Practice Act; Temporary Licenses; All Licensees. Amend RSA 326-B:24, I and II to
25 read as follows:

26 I. The ~~board~~ *office* shall issue temporary licenses pursuant to this section to applicants
27 who meet entry level licensing requirements in the license category. A temporary license shall
28 expire on the date the ~~board~~ *office* approves or denies the permanent license sought by the holder
29 of the temporary license, or in 180 days, whichever is less.

30 II. The following applicants for licensure as RNs or LPNs shall be issued temporary licenses:

31 (a) Unlicensed applicants for licensure under paragraph I and applicants for licensure
32 under RSA 326-B who have met all requirements for licensure except that they have not yet taken
33 the required examination or the results of the examination are not yet available to the ~~board~~
34 *office*.

35 (b) If they can demonstrate proficiency in English, currently foreign-licensed applicants
36 for licensure under RSA 326-B who have met all requirements for licensure except that they have

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1 not yet taken the required examination, or the results of the examination are not yet available to the
2 [board] *office*.

3 (c) Applicants for licensure under RSA 326-B who have met all of the requirements of
4 that paragraph and are awaiting the [board's] *office's* decision on their application for permanent
5 licensure.

6 134 Nurse Practice Act; Modified License; Registered Nurse or Licensed Practical Nurse.
7 Amend RSA 326-B:25 to read as follows:

8 326-B:25 Modified License; Registered Nurse or Licensed Practical Nurse. The [board] *office*
9 may issue a modified license to an individual who has met licensure requirements and who is able to
10 practice without compromising public safety within a modified scope of practice or with
11 accommodations or both as specified by the board.

12 135 Nurse Practice Act; Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

13 326-B:26 Nursing Assistant Registry. The [board] *office* shall maintain a registry of nursing
14 assistants who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered
15 shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections
16 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

17 136 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing
18 Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

19 I. The [board] *office* may issue a certificate of medication administration to a current LNA
20 who:

21 137 Continuing Education. Amend introductory paragraph to RSA 326-B:31 to read as follows:

22 326-B:31 Continuing Education. Applicants for license renewal and license reinstatement [~~after~~
23 ~~lapse~~] shall complete continuing education as follows:

24 138 Nurse Practice Act; Education Programs. Amend RSA 326-B:32 to read as follows:

25 326-B:32 Education Programs.

26 I.(a) The board shall establish standards for the establishment and outcomes for nursing
27 and nursing assistant education programs intended to prepare students for licensure or for
28 certification, including clinical learning experiences.

29 (b) The [board] *office* shall approve, disapprove, or withdraw approval for nursing
30 education programs that meet or fail to meet the requirements of this chapter and the rules adopted
31 by the board. Nursing education programs under this subparagraph shall not include education for
32 nursing assistants. The board shall require that nursing education programs:

33 (1) Seek and receive approval from the department of education, division of educator
34 support and higher education prior to applying for approval from the [board] *office*.

35 (2) Receive institutional regional or national accreditation in addition to specialized
36 nursing accreditation by accrediting bodies recognized by the United States Department of
37 Education.

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1 (3) Be affiliated with an existing degree-granting institution with institutional
2 regional or national accreditation recognized by the United States Department of Education.

3 (c) The ~~[board]~~ **office** shall approve, disapprove, or withdraw approval for nursing
4 assistant education programs that meet or fail to meet the requirements of this chapter and the
5 rules adopted by the board. The board shall require that nursing assistant education programs seek
6 and receive approval from the department of education, division of educator support and higher
7 education prior to applying for approval from the ~~[board]~~ **office**.

8 (d) An educational institution or other entity conducting such an education program
9 shall comply with paragraphs II, ~~[and]~~ III, and **IV** rules adopted by the board **and the office**
10 pursuant to RSA 541-A.

11 II. The ~~[board]~~ **office** shall establish the process for determining nursing and nursing
12 assistant education program compliance.

13 III. The board~~[-~~

14 ~~(a)]~~ shall set requirements for establishment of~~[-~~

15 ~~(1)]~~ new nursing education programs, including requirements relative to affiliation,
16 accreditation, and site visits required for initial nursing education program approval and subsequent
17 evaluations~~[-]~~ **and**

18 ~~(2)]~~ new nursing assistant education programs.

19 **IV. The office shall:**

20 ~~(b)]~~ **(a)** Shall periodically review nursing and nursing assistant education programs and
21 require such programs to submit evidence of compliance with standards.

22 ~~(c)]~~ **(b)** Shall grant continuing approval if, upon review of evidence, the board
23 determines that the program meets the established standards. The board shall publish a list of
24 approved programs.

25 ~~(d)]~~ **(c)** Shall deny or withdraw approval or take such action as deemed necessary when
26 nursing or nursing assistant education programs fail to meet the standards established by the board.

27 ~~(e)]~~ **(d)** Shall reinstate approval of a nursing or nursing assistant education program
28 upon submission of satisfactory evidence that its program meets the standards established by the
29 board.

30 ~~(f)]~~ **(e)** Shall establish the process for nursing and nursing assistant programs that
31 cease operation.

32 ~~[IV]~~ **V.** Any education program conducted in another state shall be deemed to be an
33 education program approved by the ~~[board]~~ **office** if that program meets the requirements for
34 approval established by this section and the program has been approved by the regulatory authority
35 of its state.

36 139 Nurse Practice Act; Repeals. The following are repealed:

37 I. RSA 326-B:6, relative to collection and expenditure of funds.

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- 1 II. RSA 326-B:8, relative to fees and charges.
- 2 III. RSA 326-B:14, relative to scope of practice.
- 3 IV. RSA 326-B:17, I, relative to examinations.
- 4 V. RSA 326-B:18, II, relative to advanced practice registered nurse.
- 5 VI. RSA 326-B:20, relative to licensure by endorsement.
- 6 VII. RSA 326-B:21, relative to licensure by endorsement.
- 7 VIII. RSA 326-B:21-a, relative to licensed nursing assistant.
- 8 IX. RSA 326-B:23, relative to license reinstatement.
- 9 X. RSA 326-B:40, relative to injunctive relief.

10 140 Nursing Home Administrators; Functions and Duties of the Board. Amend RSA 151-A:4, I
11 to read as follows:

12 I. It shall be the function and duty of the board to:

13 (a) Develop, impose, and enforce standards which must be met by individuals in order to
14 receive a license as a nursing home administrator, which standards shall be designed to ensure that
15 nursing home administrators will be individuals who are of good character and are otherwise
16 suitable, and who, by training or experience in the field of institutional administration, are qualified
17 to serve as nursing home administrators;

18 (b) Develop and apply appropriate techniques, including examinations and
19 investigations, for determining whether an individual meets such standards;

20 (c) ~~[Issue licenses and registrations to qualified individuals and invoke disciplinary~~
21 ~~actions for violations of the provisions of licensure or practice under this chapter. The disciplinary~~
22 ~~actions may include revocation or suspension of a license or registration, imposition of a fine, or~~
23 ~~reprimand or censure of the licensee. All disciplinary proceedings by the board shall meet due~~
24 ~~process requirements for notice and hearings as provided in RSA 541-A.~~

25 (d) Establish and carry out procedures designed to insure that individuals licensed as
26 nursing home administrators will, during any period that they serve as such, comply with the
27 requirements of such standards;

28 (e) ~~[Repealed.]~~

29 (f) ~~Conduct a continuing study and investigation of nursing homes and administrators of~~
30 ~~nursing homes within the state with a view to the improvement of the standards imposed for the~~
31 ~~licensing of such administrators and of procedures and methods for the enforcement of such~~
32 ~~standards with respect to administrators of nursing homes who have been licensed as such.]~~

33 141 Nursing Home Administrators; Rulemaking. Amend RSA 151-A:4-a to read as follows:

34 151-A:4-a Rulemaking.

35 The board shall adopt rules pursuant to RSA 541-A as may be necessary for the proper
36 performance of its duties, and to take such other actions as may be necessary to enable the state:

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1 I. To meet the requirements set forth in section 1908 of the Social Security Act and other
2 federal requirements.

3 II. ~~To establish and collect fees for examination of applicants, for temporary and emergency~~
4 ~~permits, and for transcribing and transferring records and other services.~~

5 ~~III.] To establish a schedule of fines.~~

6 ~~IV.] III.~~ To establish criteria for disciplinary actions.

7 ~~V.] IV.~~ To establish standards and criteria for licensing, application and examination of
8 applicants, and criteria for granting waivers of experience pursuant to RSA 151-A:5, II.

9 ~~VI.] V.~~ To establish criteria for review and approval of educational requirements, including
10 formal educational requirements for licensure or renewal and practical training requirements.

11 ~~VII. [Repealed.]~~

12 142 Nursing Home Administrators; Qualifications for Admission to Examination. Amend RSA
13 151-A:5 to read as follows:

14 151-A:5 Qualifications for Admission to Examination. The ~~board~~ **office of professional**
15 **licensure and certification** shall admit to examination for licensure as a nursing home
16 administrator any candidate who pays a licensing fee and submits evidence of good moral character
17 and suitability prescribed by the board and evidence that the candidate is at least 21 years old and
18 has completed preliminary education satisfactory to the board; provided:

19 I. That no applicant for licensure as a nursing home administrator shall be admitted to such
20 licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing
21 home administrator unless such applicant shall submit written evidence ~~[, on forms provided for such~~
22 ~~purpose by the board,]~~ that the applicant has successfully completed a bachelor of science or bachelor
23 of arts degree from an accredited school.

24 II. That no applicant for licensure as a nursing home administrator shall be admitted to
25 such licensing examination, nor shall such applicant be entitled to or be granted a license as a
26 nursing home administrator unless the applicant submits evidence ~~[satisfactory to the board]~~ that
27 such applicant possesses such training or experience in the field of institutional administration as is
28 required by the rules of the board, or has been granted a waiver by the board based on conditions
29 established by rule.

30 143 Nursing Home Administrators; Criminal History Records Check. Amend RSA 151-A:6-a to
31 read as follows:

32 151-A:6-a Criminal History Record Checks.

33 I. Every applicant for initial or reciprocity licensure or reinstatement shall submit to the
34 ~~board~~ **office of professional licensure and certification** a criminal history record release form,
35 as provided by the New Hampshire division of state police, which authorizes the release of his or her
36 criminal history record, if any, to the ~~board~~ **office**.

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1 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
2 qualified law enforcement agency or an authorized employee of the department of safety. In the
3 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
4 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
5 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
6 criminal history records check, accept police clearances from every city, town, or county where the
7 person has lived during the past 5 years.

8 III. The ~~board~~ **office** shall submit the criminal history records release form and fingerprint
9 form to the division of state police which shall conduct a criminal history records check through its
10 records and through the Federal Bureau of Investigation. Upon completion of the records check, the
11 division of state police shall release copies of the criminal history records to the ~~board~~ **office**.

12 IV. ~~The board shall review the criminal record information prior to making a licensing~~
13 ~~decision and shall maintain the confidentiality of all criminal history records received pursuant to~~
14 ~~this section.~~

15 ~~V.]~~ The applicant shall bear the cost of a criminal history record check.

16 144 Nursing Home Administrators; Licenses. Amend RSA 151-A:7 to read as follows:

17 151-A:7 Licenses.

18 I. An applicant for a license as a nursing home administrator who has:

19 (a) ~~Successfully~~ complied with the requirements of RSA 151-A:5 and the standards
20 provided for therein; and

21 (b) Passed the examination provided for in RSA 151-A:6 shall be issued a license ~~on a~~
22 ~~form provided for that purpose by the board, certifying that such applicant has met the requirements~~
23 ~~of the laws and rules entitling the applicant to serve, act, practice and otherwise hold such applicant~~
24 ~~out as a duly licensed nursing home administrator].~~

25 II. Under emergency conditions the ~~secretary of the board in the secretary's discretion~~
26 ~~subject to the confirmation of the board~~ **office** may issue a non-renewable temporary emergency
27 permit to a person of good character and suitability to act in the capacity of an administrator under
28 the supervision of a licensed administrator pending ~~action by the board until~~ the next examination
29 or not to exceed 6 months.

30 ~~II a. If the board is satisfied that a candidate for licensure under the reciprocity provisions~~
31 ~~of RSA 151-A:9 meets all the requirements and needs only sit for the state examination, the board~~
32 ~~may, if an urgent need is demonstrated, provide the candidate with a temporary permit to work as~~
33 ~~an administrator in a nursing home within the state of New Hampshire. This temporary permit~~
34 ~~shall only be valid for a period of 6 months and shall not be renewable or reissued to the same~~
35 ~~candidate.]~~

36 III. If the board finds that programs of training and instruction conducted within the state
37 are not sufficient in number or content to enable nursing home administrators to meet requirements

1 established pursuant to this chapter, the board may request the department of health and human
2 services to institute and conduct or arrange with others to conduct one or more such programs, and
3 shall make provision for their accessibility to residents of this state. The department of health and
4 human services may approve programs conducted within and without this state as sufficient to meet
5 education and training requirements established pursuant to this chapter. For purposes of this
6 paragraph, the department of health and human services shall have the authority to receive and
7 disburse state funds allocated for this purpose and federal funds received pursuant to section
8 1908(e)(1) of the Social Security Act.

9 145 Nursing Home Administrators; Registration. Amend RSA 151-A:8, I-III to read as follows:

10 I. Every individual who holds a valid license as a nursing home administrator issued by the
11 ~~board~~ **office of professional licensure and certification** under RSA 151-A:7 shall immediately
12 upon issuance thereof be deemed registered ~~[with the board]~~ and be issued a certificate of
13 registration. Thereafter, such individual shall biennially be required to apply to the board for a new
14 certificate of registration **in accordance with RSA 310:8** ~~[and report any facts requested by the~~
15 ~~board on forms provided for such purpose]~~.

16 II. Upon making an application for a new certificate of registration such individual shall pay
17 a biennial registration renewal fee established by the office of professional licensure and
18 certification.

19 III. Upon receipt of such application for registration, the registration fee and the evidence
20 required with respect to the rules and regulations of the board, the ~~board~~ **office** shall issue a
21 certificate of registration to such nursing home administrator.

22 146 Nursing Home Administrators; Repeal. The following are repealed:

23 I. RSA 151-A:1, II, relative to the definition of secretary.

24 II. RSA 151-A:6, II, relative to examinations.

25 III. RSA 151-A:9, relative to reciprocity.

26 IV. RSA 151-A:10, relative to injunction.

27 V. RSA 151-A:12, relative to restoration of licenses.

28 147 Occupational Therapy; Repeal. RSA 326-C:5, III, relative to eligibility for licensure, is
29 repealed.

30 148 Occupational Therapy; Renewal of License. Amend RSA 326-C:6, II to read as follows:

31 II. The **office of professional licensure and certification, using criteria established**
32 **by the** board, shall approve continuing education programs approved through the American
33 Occupational Therapy Association's approved provider program.

34 149 Ophthalmic Dispensing; Application for Registration. Amend the introductory paragraph of
35 RSA 327-A:3 to read as follows:

36 327-A:3 Application for Registration. An application for a certificate of registration for
37 ophthalmic dispensing under this chapter shall be filed with the ~~department~~ **office** in such form

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1 and detail as the executive director shall require in accordance with rules adopted under RSA 541-A,
2 shall be duly signed [~~and verified, shall be available for public inspection,~~] and shall include, but not
3 be limited to:

4 150 Ophthalmic Dispensing; Application for Registration; Application and Registration Fees.
5 Amend RSA 327-A:7 to read as follows:

6 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
7 ophthalmic dispensing shall be accompanied by a non-refundable registration fee. Upon approval of
8 the application by the executive director, the applicant shall be issued a certificate of registration for
9 ophthalmic dispensing, which shall be renewed biennially [~~on or before June 30 upon payment of the~~
10 ~~renewal fee~~] **in accordance with RSA 310:8.**

11 151 Ophthalmic Dispensing; Telemedicine. Amend RSA 327-A:12-a to read as follows:

12 327-A:12-a Telemedicine. Registered ophthalmic dispensers shall be permitted to provide
13 services through the use of telemedicine, **as defined in RSA 310:7.** [~~"Telemedicine" means the use~~
14 ~~of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

15 152 Ophthalmic Dispensing; Repeal. The following are repealed:

- 16 I. RSA 327-A:10, relative to return of certificate.
17 II. RSA 327-A:11, relative to procedure for complaints.
18 III. RSA 327-A:15, relative to an injunction.
19 IV. RSA 327-A:17, relative to administrative fines.

20 153 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

21 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
22 practice optometry without a license. The [~~board~~] **office** shall not issue a license to any applicant
23 until the person has passed an examination approved by the board, and has presented satisfactory
24 evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of
25 good moral character, has completed a minimum of 2 years at a college of arts and sciences and has
26 graduated from a school or college of optometry approved by the board, maintaining a minimum of 4
27 years in optometric training. Persons who submit an application which demonstrates that they meet
28 the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-
29 A, and pay the licensing fee, shall be licensed by the [~~board~~] **office.**

30 154 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, V-VIII to read
31 as follows:

32 V. Notwithstanding any other provision of law, an optometrist who is certified to use
33 pharmaceutical agents in the practice of optometry shall be permitted to administer:

34 (a) Diphenhydramine, epinephrine, or an equivalent medication administered by
35 injection to counter anaphylaxis or anaphylactic reaction.

36 (b) Vaccines by injection to individuals 18 years of age or older. In order to administer
37 vaccines an optometrist shall:

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- 1 (1) Hold a current license to practice optometry in the state of New Hampshire.
- 2 (2) Complete and remain current with an immunization training program endorsed
3 by the CDC, a course approved by the National Board of Examiners in Optometry, or an equivalent
4 course approved by the board of optometry, that at a minimum includes hands-on injection
5 techniques, clinical evaluation of indications and contraindications of vaccines, and the recognition
6 and treatment of emergency reactions to vaccines.
- 7 (3) Have at least \$1,000,000 of professional liability insurance coverage.
- 8 (4) Hold active certification in basic cardiopulmonary resuscitation.
- 9 (5) Provide to the ~~[board of optometry]~~ **office** evidence of compliance under RSA
10 327:6-a, paragraph I through IV.
- 11 (6) Review the vaccine registry or other vaccination records before administering the
12 vaccination.
- 13 (7) Record the vaccination in the state vaccine registry in accordance with RSA 141-
14 C:20-f and when required by state or federal law and maintain a record of the vaccination as
15 required by state and federal law.
- 16 (8) When designated by the patient, provide notice to the primary care provider of
17 the administration of any vaccine.
- 18 (9) Submit reports of any adverse reactions following vaccination to the Centers for
19 Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).
- 20 VI. To the extent approval of pharmaceuticals is referenced in RSA 327:1, III, the board
21 shall have the authority to review and approve pharmaceuticals for use by optometrists certified to
22 use pharmaceutical agents in the practice of optometry.
- 23 VII. ~~[The board shall provide the pharmacy board with a current list of pharmaceutical~~
24 ~~agents approved pursuant to paragraph VI.]~~ The current optometric formulary shall be available
25 from the board and posted on the board's website.
- 26 VIII. Upon certification to treat glaucoma patients pursuant to RSA 327:6-c, the ~~[board]~~
27 **office** shall issue a license to the optometrist with a "tpa/g" certification. ~~[A current list of "tpa/g"~~
28 ~~certified optometrists with date of certification shall be available from the board and posted on the~~
29 ~~board's website.]~~
- 30 155 Optometry; Renewal of Licenses. RSA 327:13 is repealed and reenacted to read as follows:
31 327:13 Renewal of Licenses. All licenses issued under this chapter shall be renewed biennially
32 in accordance with RSA 310:8.
- 33 156 Optometry; Reinstatement. Amend RSA 327:13-a to read as follows:
34 327:13-a Reinstatement. Any person who has voluntarily surrendered a license, has allowed a
35 license to expire, or whose license has been revoked by the board, may request reinstatement of the
36 license by filing an application with the ~~[board]~~ **office**. The board ~~[pursuant to RSA 541-A]~~ shall
37 establish criteria in rules adopted ~~[by the board for]~~ **pursuant to RSA 541-A, relative to**

1 reinstatement which include reasonable professional character and [~~competence~~] **competency**
2 requirements.

3 157 Optometry; Contact Lens Prescription to be Provided to Patent. Amend RSA 327:25-a, IV to
4 read as follows:

5 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
6 of contact lenses to individuals within the state unless such business is registered with a permit
7 issued by the [~~board of pharmacy if the out-of-state business is a pharmacy, or by the board of~~
8 ~~registration in optometry if the out-of-state business is not a pharmacy~~] **office in accordance with**
9 **rules adopted by the board.**

10 (b) The [~~board of pharmacy or the board of registration in optometry~~] **office** shall issue a
11 permit to such out-of-state business if the business discloses and provides proof:

12 (1) That the business is in compliance with all applicable laws and rules in the state
13 in which the business is located;

14 (2) Of the operating locations and the names and titles of all principal corporate
15 officers;

16 (3) That the business complies with all lawful directions and requests for
17 information from the board of pharmacy and the board of registration in optometry of all states in
18 which it conducts business;

19 (4) That the business agrees in writing to comply with all New Hampshire laws and
20 rules relating to the sale or dispensing of contact lenses; and

21 (5) That the business has paid the established fee.

22 158 Optometry; Telemedicine. Amend RSA 327:25-c to read as follows:

23 327:25-c Telemedicine. Persons licensed by the [~~board~~] **office of professional licensure and**
24 **certification** shall be permitted to provide services through the use of telemedicine, **as defined in**
25 **RSA 310:7.**

26 159 Optometry; Rulemaking Authority. Amend RSA 327:31 to read as follows:

27 327:31 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

28 I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and
29 RSA 327:6-a;

30 II. How an applicant shall be examined including[:

31 (a) ~~Time and place of examination, and~~

32 (b)] **what constitutes a** passing grade;

33 III. [~~How a license to practice optometry shall be renewed or reinstated~~] **Criteria for the**
34 **renewal or reinstatement of licensure;**

35 IV. Ethical and professional standards, in addition to those specified by RSA 327:20,
36 required to be met by each holder of a license to practice optometry [~~and how disciplinary actions by~~

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1 ~~the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations~~
2 ~~of these standards];~~

3 V. Requirements for continuing education in addition to those requirements set by RSA
4 327:33 and RSA 327:33-a;

5 VI. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as
6 set forth in RSA 327:1, III;

7 VII. [~~Procedural and substantive~~] **Substantive** requirements for assessing, compromising,
8 and collecting administrative fines as authorized by RSA 327:20, III(e); and

9 VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.
10 160 Optometry; Repeal. The following are repealed:

11 I. RSA 327:5-a, relative to fees.

12 II. RSA 327:6-b, relative to the joint credentialing committee.

13 III. RSA 327:9, relative to applicants licensed in other jurisdictions.

14 IV. RSA 327:11, relative to the record of licenses.

15 V. RSA 327:21, relative to complaints.

16 VI. RSA 327:30, IV-V, relative to penalty.

17 161 Pharmacy; Definitions. Amend RSA 318:1, XI-XI-aa to read as follows:

18 XI. "Pharmacy," when not otherwise limited, means the place registered by the [board]
19 **office of professional licensure and certification** where the profession of pharmacy is practiced
20 and where drugs, chemicals, medicines, prescriptions, or poisons are compounded, dispensed, stored,
21 or retailed.

22 XI-a. "Pharmacy benefits manager" means "pharmacy benefits manager" as defined in RSA
23 402-N:1, VIII.

24 XI-b. "Pharmacy technician" means a person, other than a pharmacist or a pharmacy intern,
25 either registered or certified by the [board] **office of professional licensure and certification** for
26 the purpose of assisting a pharmacist in the practice of pharmacy.

27 XI-aa. "Pharmacy intern" means a person who is registered by the [board] **office of**
28 **professional licensure and certification** pursuant to RSA 318:15-b and:

29 (a) Is enrolled in a professional degree program of a school or college of pharmacy that
30 has been approved by the **office in accordance with criteria established by the** board and is
31 satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no
32 earlier than 4 months prior to the third year of study; or

33 (b) Is a graduate of an approved professional degree program of a school or college of
34 pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign
35 Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the
36 [board of pharmacy] **office** for the purpose of obtaining practical experience as a requirement for
37 licensure as a pharmacist; or

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1 (c) Is a qualified applicant awaiting examination for licensure or meeting board
2 requirements for re-licensure; or

3 (d) Is participating in a residency or fellowship program.

4 162 Pharmacy; Definitions. Amend RSA 318:1, XXXII-XXXIII to read as follows:

5 XXXII. "Researcher" means a qualified person representing a research organization licensed
6 by the ~~board~~ **office of professional licensure and certification** pursuant to RSA 318:51-f.

7 XXXIII. "Licensed advanced pharmacy technician" means a person licensed by the ~~board~~
8 **office of professional licensure and certification** who:

9 (a) May perform all functions allowed by federal or state law and approved by the board,
10 under the supervision of a licensed pharmacist who is physically on premises and holds an
11 unrestricted license issued by the ~~board~~ **office**.

12 (b) May conduct product verification, process refills, verify repackaging of drugs, and
13 perform other pharmacist tasks not required to be completed by a licensed pharmacist.

14 (c) May perform duties allowed by either certified or registered pharmacy technicians.

15 (d) Shall not interpret or evaluate a prescription or drug order, verify a compounded
16 drug, or counsel or advise individuals related to the clinical use of a medication.

17 163 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IV to read as follows:

18 IV. How an applicant shall be examined, including:

19 (a) ~~Time and place of examination;~~

20 (b) The subjects to be tested;

21 (c) ~~(b)~~ Passing grade; and

22 (d) ~~(c)~~ Disposition of examination papers;

23 164 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, XX to read as follows:

24 XX. The standards ~~and procedures~~ for licensure of drug or device distribution agents.

25 165 Pharmacy; Examinations. Amend RSA 318:10 to read as follows:

26 318:10 Examinations.

27 The board shall hold meetings ~~for the granting of licenses and the transaction of other business~~
28 at least quarterly, and at such time and place as they may see fit. ~~They shall evaluate through an~~
29 ~~examination all persons, in the art and science of pharmacy and its allied branches, who meet the~~
30 ~~requirements herein provided and who make application for licensure as licensed pharmacists.]~~

31 166 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

32 318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy
33 technician unless such person is either registered by the ~~board~~ **office of professional licensure**
34 **and certification** to perform certain functions or, upon completion of training, certified to perform
35 certain functions, and does so under standards of supervision established by rules of the board
36 adopted pursuant to RSA 541-A.

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1 167 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as
2 follows:

3 I. No person employed as a licensed advanced pharmacy technician shall perform the
4 functions or duties of a licensed advanced pharmacy technician as defined in RSA 318:1, XXXIII
5 unless such person is issued a license by the ~~[board]~~ **office of professional licensure and**
6 **certification** and does so under standards of supervision established by rules of the board adopted
7 pursuant to RSA 318:5-a, XI-c.

8 168 Pharmacy; Unauthorized practice of Pharmacy. Amend RSA 318:40 to read as follows:

9 318:40 Unauthorized Practice of Pharmacy. Except as provided by RSA 318:42, no person shall
10 engage in the practice of pharmacy without first being licensed by the ~~[board]~~ **office**. No person
11 shall impersonate a pharmacist or falsely claim to be a pharmacist. No person owning, managing, or
12 conducting any store, not being a licensed pharmacist or having one in his employ, shall exhibit
13 within or outside of such store, or include in any advertisement, the words "drug store", "pharmacy",
14 "apothecary", "drug", "drugs", "medicine", or "medicine shop", or any combination of these terms or
15 other words indicating that such store is a place where medicines are compounded or sold, or exhibit
16 within or without his place of business or in connection with his business any show bottle or globe of
17 colored glass or globe filled with colored liquid which creates the impression that prescription drugs
18 are being offered for sale.

19 169 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to
20 read as follows:

21 318:51-a Licensing of Manufacturers and Wholesalers Required.

22 I. No person shall manufacture legend drugs or controlled drugs as that term is defined in
23 RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the
24 same without first having obtained a license to do so from the ~~[board]~~ **office of professional**
25 **licensure and certification according to the eligibility requirements set forth in rule by the**
26 **pharmacy board**. ~~[Such license shall expire biennially on June 30 of every even-numbered year.~~
27 ~~An application together with a reasonable fee as established by the board shall be filed biennially by~~
28 ~~midnight on June 30 of every even-numbered year.]~~

29 II. No license shall be issued under this section unless the applicant has furnished proof
30 ~~[satisfactory to the board of pharmacy]:~~

31 (a) That the applicant is of good moral character or, if that applicant is an association or
32 corporation, that the managing officers are of good moral character.

33 (b) That the applicant has sufficient land, buildings, and such security equipment so as
34 to properly carry on the business described in his application.

35 III. No license shall be granted to any person who has within 5 years been convicted of a
36 violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter
37 or RSA 318-B, or to any person who is a drug-dependent person.

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1 IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

2 V.(a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a
3 license has been issued shall, within 30 days of any change of information supplied in the original
4 application, notify the ~~board~~ office.

5 (b) The notice required pursuant to subparagraph (a) shall contain:

6 (1) Current New Hampshire license number of the manufacturer, wholesaler,
7 distributor, reverse distributor, or broker.

8 (2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker,
9 old and new, if applicable.

10 (3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or
11 broker, old and new, if applicable.

12 (4) [Repealed.]

13 (c) A new license shall be required for a change of ownership of an established
14 manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity
15 which results in a change in the controlling interest in the manufacturer, wholesaler, distributor,
16 reverse distributor, or broker.

17 170 Repeal; Pharmacy. RSA 318:47-h, III, relative to the price of filling prescriptions, is
18 repealed.

19 171 Cross Reference Removed; Complaints Relative to Pharmacy Benefit Managers. Amend
20 RSA 402-N:5, II to read as follows:

21 II. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement paragraph I.
22 Such rules shall include procedures for addressing complaints, provisions for enforcement~~[- the~~
23 ~~receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),]~~ and for
24 reporting to the board of pharmacy on the status of complaints referred.

25 172 Cross Reference Removed; Price of Filling Prescriptions. Amend RSA 415:26, III to read as
26 follows:

27 III. The commissioner shall adopt rules under RSA 541-A to implement this paragraph.
28 Such rules shall include procedures for addressing complaints~~[- provisions for enforcement, the~~
29 ~~receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),]~~ and for
30 reporting to the board of pharmacy on the status of complaints referred.

31 173 Cross Reference Removed; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as
32 follows:

33 (c) The commissioner shall adopt rules under RSA 541-A to implement this paragraph.
34 Such rules shall include procedures for addressing complaints, provisions for enforcement~~[- the~~
35 ~~receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),]~~ and for
36 reporting to the board of pharmacy on the status of complaints referred.

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1 174 Physical Therapy; Powers and Duties of the Board. Amend RSA 328-A:3, I to read as
2 follows:

3 I. Provide for the *criteria of* examinations for physical therapists and physical therapist
4 assistants and adopt passing scores for these examinations.

5 175 Physical Therapists; Rulemaking. RSA 328-A:4, VIII is repealed and reenacted to read as
6 follows:

7 VIII. Regarding the establishment of and criteria for initial renewal, and reinstatement of
8 licensure for certified animal physical therapists under RSA 328-A:15-b.

9 176 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, I(d) to read as follows:

10 (d) Have successfully passed the national examination [~~approved~~] *specified* by the
11 board.

12 177 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, II(h) to read as follows:

13 (h) Have successfully passed the national examination [~~approved~~] *specified* by the
14 board.

15 178 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, IV(d) to read as follows:

16 (d) Have successfully passed the national examination [~~approved~~] *specified* by the
17 board.

18 179 Physical Therapy; Unlawful Practice; Penalties and Injunctive Relief. RSA 328-F:12 is
19 repealed and reenacted to read as follows:

20 328-F:12 Unlawful Practice; Penalties and Injunctive Relief.

21 I. It is unlawful for any person to practice or in any manner to represent, imply, or claim to
22 practice physical therapy or use any word or designation that implies that the person is a physical
23 therapist unless that person is licensed pursuant to this chapter. An unlicensed person who engages
24 in an activity requiring a license pursuant to this chapter or uses any title, letters, or any description
25 of services that incorporates one or more of the terms, designations, or abbreviations in violation of
26 RSA 328-A:10 that implies that the person is licensed to engage in the practice of physical therapy is
27 guilty of a misdemeanor.

28 II. It is unlawful for any person who is not licensed as a physical therapist assistant under
29 this chapter to assist in selected components of physical therapy intervention requiring the
30 knowledge and skill of a physical therapist assistant. A person licensed as a physical therapist
31 assistant who engages in an activity requiring a license as a physical therapist or uses any title,
32 letters, or any description of services that incorporates one or more of the terms, designations, or
33 abbreviations in violation of RSA 328-A:10, I or II is guilty of a misdemeanor.

34 180 Repeal; Physical Therapy. RSA 328-A:15, VII-VIII, relative to rights of consumers and
35 confidentiality, is repealed.

36 181 Reflexologists, Structural integrators, and Asian Bodywork Therapists; Renewal of
37 Practitioner License; Reinstatement. Amend RSA 328-H:9, II to read as follows:

1 II. All licenses issued pursuant to this chapter shall be renewed biennially ~~on or before~~
2 ~~June 30]~~ **pursuant to RSA 310:8** upon approval by the executive director of the renewal application
3 and submission of the required renewal fee.

4 182 Cross Reference Removed; Reflexology; Powers and Duties of the Executive Director.
5 Amend RSA 328-H:5, VIII(i) to read as follows:

6 (i) A schedule of administrative fines which may be imposed under ~~[RSA 328-H:15 for~~
7 ~~violation of this chapter or the]~~ rules adopted ~~[pursuant to it]~~ **under RSA 541-A and in**
8 **accordance with RSA 310:12.**

9 183 Repeal; Reflexologists, Structural integrators, and Asian Bodywork Therapists. The
10 following are repealed:

11 I. RSA 328-H:15, relative to administrative fines.

12 II. RSA 328-H:16, relative to injunctive relief.

13 184 Speech-language Pathology; Definitions. Amend RSA 326-F:1, XI to read as follows:

14 XI. "Speech-language assistant" means any person certified by the ~~[board]~~ **office** who meets
15 minimum qualifications established by the board which are less than those established by this
16 chapter as necessary for licensing as a speech-language pathologist, and who does not act
17 independently but works under the direction and supervision of a speech-language pathologist
18 licensed under this chapter.

19 185 Speech-Language Pathology; Eligibility for an Initial License. Amend RSA 326-F:3, I(a) to
20 read as follows:

21 (a) Demonstrate sufficient evidence of good professional character and reliability to
22 satisfy the ~~[board]~~ **office of professional licensure and certification** that the applicant shall
23 faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F
24 and the board's rules.

25 186 Speech-language Pathology; Eligibility for Initial License. Amend RSA 326-F:3, III(a) to
26 read as follows:

27 (a) Demonstrate sufficient evidence of good professional character and reliability to
28 satisfy the ~~[board]~~ **office** that the applicant shall faithfully and conscientiously avoid professional
29 misconduct and otherwise adhere to the requirements of this chapter.

30 187 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 to read as follows:

31 326-F:4 Provisional License.

32 I. The purpose of a provisional license is to permit an individual to practice speech-language
33 pathology while completing the postgraduate professional experience required for initial licensure.
34 The ~~[board]~~ **office of professional licensure and certification** shall issue a provisional license to
35 an applicant who has met the eligibility requirements for initial licensure except for completion of
36 the required postgraduate professional experience and has completed the application procedure for

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1 initial licensure except for submitting documentation of completion of the postgraduate professional
2 experience.

3 II. A holder of a provisional license is authorized to practice speech-language pathology
4 under the direction and supervision of a speech-language pathologist currently licensed in this state.

5 III. A holder of a provisional license practicing speech-language pathology full time shall
6 complete 9 months of postgraduate professional experience in accordance with rules adopted by the
7 board.

8 IV. A holder of a provisional license practicing speech-language pathology less than full time
9 shall complete the postgraduate professional experience within the time period specified by the
10 board in rules adopted pursuant to RSA 541-A.

11 V. A provisional license shall expire automatically on the date stated on the license.

12 VI. The ~~board~~ **office** is authorized to issue conditional provisional licenses in accordance
13 with rules adopted **by the board** pursuant to RSA 541-A.

14 188 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5, VI-VIII to read as follows:

15 VI. The ~~application and qualification~~ **eligibility requirements** for initial certification,
16 certification renewal, and certification reinstatement of speech-language assistants.

17 VII. ~~The investigation and discipline of certified speech-language assistants.~~

18 VIII.] The sale and fitting of hearing aids.

19 189 Renewal of Certification. Amend RSA 326-F:6-a to read as follows:

20 326-F:6-a Renewal of Certification. Certification shall be renewed biennially in accordance with
21 **RSA 310:8 and the** rules adopted pursuant to RSA 541-A.

22 190 Speech-language Pathology; Professional Identification. Amend RSA 326-F:8, IV to read as
23 follows:

24 IV. No person shall represent himself or herself by using the letters "SLA" or "SLPA," or the
25 words "speech-language assistant," "speech assistant," or "speech therapy assistant," unless the
26 person is certified by the ~~board~~ **office** pursuant to rules adopted under RSA 326-F:5, VI.

27 191 Speech-language Pathology Registration of Hearing Aid Dealers Required. Amend RSA
28 326-F:9 to read as follows:

29 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
30 of selling or offering for rent hearing aids unless such person is registered in accordance with this
31 chapter and unless the registration of such person is current and valid. ~~[The fee for an initial
32 registration under this section shall not exceed \$300.]~~ This section includes the selling or renting of
33 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
34 renewed biennially ~~[on or before June 30]~~ **in accordance with RSA 310:8** upon payment of a
35 renewal fee.

36 192 Speech-language Pathology; Out-of-State Sales Regulated. Amend RSA 326-F:16 to read as
37 follows:

1 326-F:16 Out-of-State Sales Regulated.

2 I. No person shall conduct or operate a business outside of the state for the sale at retail of
3 hearing aids to individuals within the state unless such business is registered with a permit issued
4 by the [board] *office of professional licensure and certification*.

5 II. The [board] *office of professional licensure and certification* shall issue a permit to
6 such out-of-state business if the business discloses and provides proof:

7 (a) That the business is in compliance with all applicable laws and rules in the state in
8 which the business is located;

9 (b) Of the operating locations and the names and titles of all principal corporate officers;

10 (c) That the business complies with all lawful directions and requests for information
11 from the board of all states in which it conducts business; and

12 (d) That the business agrees in writing to comply with all New Hampshire laws and
13 rules relating to the sale or dispensing of hearing aids.

14 ~~III. The board shall assess fees as established by rules adopted by the board, pursuant to
15 RSA 541-A, for out of state hearing aid sales companies.]~~

16 193 Speech-language Pathology; Repeal. The following are repealed:

17 I. RSA 326-F:7, relative to reinstatement.

18 II. RSA 326-F:7-a, relative to reinstatement.

19 III. RSA 326-F:10, relative to temporary licensure for audiologists.

20 IV. RSA 326-F:11, relative to audiologists from outside of New Hampshire.

21 194 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII to read as
22 follows:

23 XVIII. "Substantial equivalency" is a determination by the [board] *office* or its designee that
24 the education, examination, and experience requirements contained in the statutes and
25 administrative rules of another jurisdiction are comparable to or exceed the education, examination,
26 and experience requirements contained in the Uniform Accountancy Act, or that the individual
27 certified public accountant's education, examination, and experience qualifications are comparable to
28 or exceed the education, examination, and experience requirements contained in the Uniform
29 Accountancy Act. In ascertaining substantial equivalency as used in this statute, the [board] *office*
30 shall take into account the qualifications without regard to the sequence in which experience,
31 education, or examination requirements were attained.

32 195 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;
33 Rulemaking. Amend RSA 309-B:4, II(b) to read as follows:

34 (b) The board shall meet at such times and places as may be fixed by the board.
35 Meetings of the board shall be open to the public, except insofar as they are concerned with
36 investigations ~~[under RSA 309-B:11]~~ and except as may be necessary to protect information that is

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1 required to be kept confidential by board rules or by the laws of this state. A majority of the board
2 members then in office shall constitute a quorum at any meeting duly called.

3 196 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
4 Accountant. Amend RSA 309-B:5 to read as follows:

5 309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

6 I. The certificate of "certified public accountant" shall be granted to persons of good
7 character who meet the education, experience, and examination requirements of this section, who
8 make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the ~~board~~
9 ***office of professional licensure and certification.***

10 II. Good character for purposes of this section means the lack of a history of dishonest or
11 felonious acts.

12 III. The education requirements for a certificate shall be as follows:

13 (a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college
14 or university acceptable to the board, with an accounting concentration or equivalent as determined
15 by board rule to be appropriate.

16 (b) After January 1, 2005 and until June 30, 2014, at least 120 semester hours of college
17 education including a baccalaureate or higher degree conferred by a college or university acceptable
18 to the board, the total educational program to include an accounting concentration or equivalent as
19 determined by board rule to be appropriate; provided however, that candidates for a certificate may
20 sit for the examination described in paragraph IV if they have at least 120 semester hours of college
21 education including a baccalaureate degree conferred by a college or university acceptable to the
22 board, the total educational program to include an accounting concentration or equivalent as
23 determined by board rule to be appropriate.

24 (c) On or after July 1, 2014, at least 150 semester hours of college education including a
25 baccalaureate or higher degree conferred by a college or university acceptable to the board, the total
26 educational program to include an accounting concentration or equivalent as determined by board
27 rule to be appropriate; provided however, that candidates for a certificate may sit for the
28 examination described in paragraph IV if they have at least 120 semester hours of college education
29 including a baccalaureate degree conferred by a college or university acceptable to the board the
30 total educational program to include an accounting concentration or equivalent as determined by
31 board rule to be appropriate. The applicant's degree shall include 30 semester hours of accounting
32 courses. The accounting credits shall include coverage in financial accounting auditing, taxation,
33 and management accounting. In addition, the degree shall include, or be supplemented by, 24
34 semester hours of business courses other than accounting courses. These business courses may
35 include, but not be limited to, coverage in the areas of business law, business information systems,
36 finance, professional ethics, business organizations, and economics.

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1 IV. The examination required to be passed as a condition for the granting of a certificate
2 shall ~~[be held as often as the board may specify by rule, and shall]~~ test the applicant's knowledge of
3 the subjects of accounting and auditing and such other related subjects as the board may specify by
4 rule. The board shall prescribe by rule the methods of ~~[applying for and]~~ conducting the
5 examination, including methods for grading papers and determining a passing grade required of an
6 applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it
7 that the examination itself, the grading of the examination and the passing grades are uniform with
8 those applicable in all other states. The board may make such use of all or any part of the Uniform
9 Certified Public Accountant Examination and Advisory Grading Service of the American Institute of
10 Certified Public Accountants, and may contract with third parties *through the office* to perform
11 such administrative services with respect to the examination as it deems appropriate to assist it in
12 performing its duties under this section.

13 V. An applicant shall be required to pass all sections of the examination provided for in
14 paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The
15 applicant shall pass all sections of the examination within 18 months of the examination at which
16 the first section was passed.

17 VI. An applicant shall be given credit for any and all sections of an examination passed in
18 another state if such credit would have been given, under applicable requirements at that time, had
19 the applicant taken the examination in this state.

20 VII. The board may in particular cases waive or defer any of the requirements of paragraphs
21 V and VI regarding the circumstances in which the various sections of the examination must be
22 passed, upon a showing that, by reason of circumstances beyond the applicant's control, the
23 applicant was unable to meet such requirement.

24 VIII. The ~~[board]~~ *office* may charge, or provide for a third party administering the
25 examination to charge, each applicant a fee in an amount prescribed by the ~~[board]~~ *office* by rule,
26 for each section of the examination or reexamination taken by the applicant.

27 IX. The experience requirement shall consist of public accounting experience in providing
28 one or more kinds of services involving the use of accounting or auditing skills, including the
29 issuance of reports on financial statements, or one or more kinds of management advisory, financial
30 advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax
31 matters, or the equivalent, all of which was under the direction of a licensee in any state in practice
32 as a certified public accountant or as a public accountant, or in any state in employment as a staff
33 accountant by a certified public accountant or anyone practicing public accounting, or a combination
34 of either of such types of experience and for the following periods of time:

35 (a) Until June 30, 2014, 2 years for a candidate with a 4-year college degree, or the
36 equivalent, and one year for a candidate holding a master's degree in accounting, taxation, finance,
37 or business administration.

1 (b) On or after July 1, 2014, one year.

2 X. Experience obtained in the employment of a governmental agency for the periods of time
3 provided in paragraph IX in the following areas shall be accepted by the ~~board~~ *office* as qualifying
4 experience under this section:

5 (a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or
6 more distinct lines of commercial or industrial business in accordance with generally accepted
7 auditing standards under the direction of a licensee; or

8 (b) In auditing the books and accounts or activities of 3 or more governmental agencies
9 or distinct organizational units in accordance with generally accepted auditing standards under the
10 direction of a licensee and reporting on their operations to a third party, to the Congress, or to a
11 state legislature; or

12 (c) In reviewing financial statements and supporting material covering the financial
13 condition and operations of nongovernmental entities engaged in 3 or more distinct lines of
14 commercial or industrial business under the direction of a licensee to determine the reliability and
15 fairness of the financial reporting and compliance with generally accepted accounting principles and
16 applicable government regulations for the protection of investors and consumers.

17 XI. [Repealed.]

18 197 New Hampshire Accountancy Act; Substantial Equivalency. RSA 309-B:6 is repealed and
19 reenacted to read as follows:

20 ~~309-B:6 Substantial Equivalency. The office shall adopt rules pursuant to RSA 541-A and RSA~~
21 ~~310:17 regarding what constitutes substantial equivalency regarding license reciprocity.~~

22 198 New Hampshire Accountancy Act; Issuance and Renewal of Certificates; Maintenance of
23 Competency. RSA 309-B:7 is repealed and reenacted to read as follows:

24 309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

25 I. The office shall grant or renew certificates to persons who make application and
26 demonstrate that their qualifications, including where applicable the qualifications prescribed by
27 RSA 309-B:5, are in accordance with the requirements of this section. The holder of a certificate
28 issued under this section may provide attest services as defined in RSA 309-B:3, I(a), and
29 compilation services as defined in RSA 309-B:3, III-a, only in a CPA firm that holds a permit issued
30 under RSA 309-B:8.

31 II. Certificates shall be initially issued, and renewed as required by RSA 310:8.

32 III. For renewal of a certificate under this section each licensee shall participate in a
33 program of learning designed to ensure continuing professional competence. The requirements
34 established by the board shall specify any reasonable approach to meeting this requirement,
35 including but not limited to, the setting of hours and the conducting of random audits of reports
36 submitted to the board. The approach to meeting this requirement specified by the board shall be
37 comparable to guidelines specified in the Statement on Standards for Continuing Professional

1 Education (CPE) Programs jointly approved by the National Association of State Boards of
2 Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The
3 board may by rule create an exception to this requirement for licensees who do not perform or offer
4 to perform for the public one or more kinds of services involving the use of accounting or auditing
5 skills, including issuance of reports on financial statements or of one or more kinds of management
6 advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing
7 of advice on tax matters. Licensees granted such an exception by the board shall place the word
8 "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other
9 document or device, with the exception of their CPA certificate or PA registration, on which the CPA
10 or PA title appears.

11 IV. The office shall charge a fee for each application for initial issuance or renewal of a
12 certificate under this section in an amount prescribed by the office by rule.

13 V. Applicants for initial issuance or renewal of certificates under this section shall in their
14 applications list all states in which they have applied for or hold certificates, licenses, or permits and
15 list any past denial, revocation, or suspension of a certificate, license, or permit, and each holder of
16 or applicant for a certificate under this section shall notify the board in writing, within 30 days after
17 its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by
18 another state.

19 VI. The office shall issue a certificate to a holder of a substantially equivalent foreign
20 designation, granted in a foreign country, provided that:

21 (a) The foreign authority which granted the designation makes similar provision to allow
22 a person who holds a valid certificate issued by this state to obtain such foreign authority's
23 comparable designation; and

24 (b) The foreign designation:

25 (1) Was duly issued by a foreign authority that regulates the practice of public
26 accountancy and the foreign designation has not expired or been revoked or suspended;

27 (2) Entitles the holder to issue reports upon financial statements; and

28 (3) Was issued upon the basis of educational, examination, and experience
29 requirements established by the foreign authority or by law; and

30 (c) The applicant:

31 (1) Received the designation, based on educational and examination standards
32 substantially equivalent to those in effect in this state, at the time the foreign designation was
33 granted;

34 (2) Completed an experience requirement, substantially equivalent to the
35 requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or
36 has completed at least 4 years of professional experience in this state; or meets equivalent

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1 requirements prescribed by the board by rule, within the 10 years immediately preceding the
2 application; and

3 (3) Passed a uniform qualifying examination in national standards acceptable to the
4 board.

5 VII. An applicant under paragraph VI shall in the application list all jurisdictions, foreign
6 and domestic, in which the applicant has applied for or holds a designation to practice public
7 accountancy, and each holder of a certificate issued under this paragraph shall notify the board in
8 writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a
9 designation or commencement of a disciplinary or enforcement action by any jurisdiction.

10 VIII. The board shall by rule require as a condition for renewal of a certificate under this
11 section, by any certificate holder who issues compilation reports for the public other than through a
12 CPA firm, that such individual undergo, no more frequently than once every 3 years, a peer review
13 conducted in such manner as the board shall by rule specify, and such review shall include
14 verification that such individual has met the competency requirements set out in professional
15 standards for such services.

16 IX. The office of professional licensure and certification may contract with the NASBA
17 Qualification Appraisal Service to assess any applications made under this section.

18 199 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
19 Review. Amend RSA 309-B:8, I-III to read as follows:

20 I. The ~~board~~ **office** shall grant or renew permits to practice as a CPA firm to applicants
21 that demonstrate their qualifications therefor in accordance with this section.

22 (a) The following are required to hold a permit issued under this section:

23 (1) Any firm with an office in this state performing attest services as defined in RSA
24 309-B:3, I, or compilation services under RSA 309-B:3, III-a;

25 (2) Any firm with an office in this state that uses the designation "CPAs" or "CPA
26 firm"; or

27 (3) Any firm that does not have an office in this state but offers or renders attest
28 services as described in RSA 309-B:3 for a client having its home office in this state, unless it meets
29 each of the following requirements:

30 (A) It has the qualifications described in paragraphs III and VIII of this section;

31 (B) It performs such services through an individual with practice privileges
32 under RSA 309-B:6 **and RSA 310:17**; and

33 (C) It can lawfully do so in the state where said individuals with practice
34 privilege have their principal place of business.

35 (b) A firm which is not subject to the requirements of subparagraphs (a)(3) or (b) of this
36 paragraph may perform other professional services while using the title "CPA" or "CPA firm" in the
37 state without a license issued under this section only if:

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1 (1) It performs such services through an individual with practice privileges under
2 RSA 309-B:6 *and RSA 310:17*; and

3 (2) It can lawfully do so in the state where said individuals with practice privileges
4 have their principal place of business.

5 II. Permits shall be initially issued and renewed for periods *in accordance with RSA*
6 *310:8*. [~~of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning~~
7 ~~on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in~~
8 ~~such form and in the case of applications for renewal, between such dates, as the board shall by rule~~
9 ~~specify. A permit shall remain valid for the period of time that the board requires to act on the~~
10 ~~application for renewal, provided that the renewal was submitted in accordance with the rules~~
11 ~~adopted by the board. The board shall grant or deny any application no later than 90 days after the~~
12 ~~application is filed in proper form. In any case where the applicant seeks the opportunity to show~~
13 ~~that issuance or renewal of a permit was mistakenly denied or where the board is not able to~~
14 ~~determine whether it should be granted or denied, the board may issue to the applicant a provisional~~
15 ~~permit, which shall expire 90 days after its issuance or when the board determines whether or not to~~
16 ~~issue or renew the permit for which application was made, whichever shall first occur.~~]

17 III. An applicant for initial issuance or renewal of a permit to practice under this section
18 shall be required to show that:

19 (a) ~~Notwithstanding any other provision of law, at least a simple majority of the~~
20 ~~ownership of the firm, in terms of financial interests and voting rights of all partners, officers,~~
21 ~~shareholders, members or managers, belongs to holders of a certificate who are licensed in some~~
22 ~~state of the United States and such partners, officers, shareholders, members, or managers, whose~~
23 ~~principal place of business is in this state, and who perform professional services in this state, hold a~~
24 ~~valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public~~
25 ~~accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and~~
26 ~~its ownership shall comply with rules adopted by the board. For firms of public accountants, at least~~
27 ~~a simple majority of the ownership of the firm, in terms of financial interests and voting rights, shall~~
28 ~~belong to holders of registration under RSA 309-B:9. [An individual who has practice privileges~~
29 ~~under RSA 309-B:6 and who performs services for which a firm permit is required under RSA 309-~~
30 ~~B:6, IV shall not be required to obtain a certificate from this state pursuant to RSA 309-B:5.]~~

31 (b) Any CPA or PA firm may include non-licensee owners provided that:

32 (1) The firm designates a licensee of this state, [~~or in the case of a firm which must~~
33 ~~have a permit pursuant to RSA 309-B:6, IV a licensee of another state who meets the requirements~~
34 ~~in RSA 309-B:6, I,]~~ who is responsible for the proper registration of the firm and identifies that
35 individual to the [~~board~~] *office*.

36 (2) All non-licensee owners are of good moral character and are active individual
37 participants in the CPA or PA firm or affiliated entities.

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1 (3) The firm complies with such other requirements as the board may impose by
2 rule.

3 (c) Any individual licensee and any individual qualifying for practice privileges under
4 RSA 309-B:6 **and RSA 310:17** who is responsible for supervising attest services, and signs or
5 authorizes someone to sign the accountant's report on behalf of the firm, shall meet the appropriate
6 experience requirements for such services as required by professional standards for such services.

7 (d) Any individual licensee and any individual qualifying for practice privileges under
8 RSA 309-B:6 **and RSA 310:17** who signs or authorizes someone to sign the accountant's report on
9 behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

10 200 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
11 Review. Amend RSA 309-B:8, VI to read as follows:

12 VI. Applicants for initial issuance or renewal of permits under this section shall in their
13 application list all states in which they have applied for or hold permits as CPA firms and list any
14 past denial, revocation, or suspension of a license or permit by any other state, and each holder of or
15 applicant for a permit under this section shall notify the ~~board~~ **office** in writing, within 30 days
16 after its occurrence, of any change in the identities of partners, officers, shareholders, members, or
17 managers whose principal place of business is in this state, any change in the number or location of
18 offices within the state, any change in the identity of the persons in charge of such offices, and any
19 issuance, denial, revocation, or suspension of license or permit by any other state.

20 201 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
21 Review. Amend RSA 309-B:8, VIII(d) to read as follows:

22 (d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that
23 the peer review processes be operated and documents maintained in a manner designed to preserve
24 confidentiality, and that neither the board nor any third party, other than the peer review oversight
25 body, shall have access to documents furnished or generated in the course of such peer review. This
26 subparagraph shall not ~~be construed to limit the board's subpoena power under RSA 309-B:11, I;~~
27 ~~nor shall it~~ be construed to prevent the board from obtaining from the applicant, its peer review
28 report, the related letter of comment, and the related letter of response.

29 202 New Hampshire Accountancy Act; Enforcement Against Holders of Certificates, Permits,
30 and Registrations. Amend RSA 309-B:10, I-a(c) to read as follows:

31 (c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under
32 RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for
33 issuance or renewal of such certificate, permit, or registration or to report changes ~~[to the board]~~ **as**
34 **required** under RSA 309-B:7~~[-VI]~~ and 309-B:8, VI.

35 203 New Hampshire Accountancy Act; Unlawful Acts. Amend RSA 309-B:14 to read as follows:
36 309-B:14 Unlawful Acts.

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1 I. Only licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA**
2 **310:17**, and firms exempt from the permit requirement under RSA 309-B:8, may issue a report on
3 financial statements of any other person, firm, organization, or governmental unit or otherwise offer
4 to render or render any attest service. This restriction shall not prohibit any act of a public official
5 or public employee in the performance of that person's duties as such; or prohibit the performance by
6 any person from the use of accounting skills, or analyzing and preparing projections of financial data
7 in the performance of management advisory services, financial advisory services, consulting services,
8 the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does
9 not apply to non-licensees who may prepare financial statements and issue reports thereon which do
10 not purport to be in compliance with the Statements on Standards for Accounting and Review
11 Services (SSARS).

12 II. Licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA 310:17**,
13 and firms exempt from the permit requirement under RSA 309-B:8, performing attest services shall
14 provide those services pursuant to statements on standards relating to those services adopted by
15 reference or directly by the board.

16 III. No person not holding a valid certificate or a practice privilege under RSA 309-B:6 **and**
17 **RSA 310:17** shall use or assume the title or designation "certified public accountant," or the
18 abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device
19 tending to indicate that such person is a certified public accountant.

20 IV. No firm shall provide attest services or assume or use the title or designation "certified
21 public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters,
22 abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless [(4)] the
23 firm holds a valid permit issued under RSA 309-B:8 or is in compliance with a valid exemption from
24 the permit requirement pursuant to RSA 309-B:8.

25 V. No person shall assume or use the title or designation "public accountant," or the
26 abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device
27 tending to indicate that such person is a public accountant unless such person holds a valid
28 registration issued under RSA 309-B:9.

29 VI. No person or firm not holding a valid certificate, permit, or registration issued under
30 RSA 309-B:7, 309-B:8, or 309-B:9, unless they qualify for a practice privilege under RSA 309-B:6
31 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-B:8, shall provide
32 attest services or assume or use the title or designation "public accountant," the abbreviation "PA,"
33 or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate
34 that such firm is composed of public accountants.

35 VII. No person or firm not holding a valid certificate, permit, or registration issued under
36 RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA**
37 **310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use the

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1 title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed
2 accountant," "registered accountant," "accredited accountant," or any other title or designation likely
3 to be confused with the titles "certified public accountant" or "public accountant," or use any of the
4 abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the
5 abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so
6 designated by the Internal Revenue Service.

7 VIII. Persons not licensed under this chapter, unless they qualify for a practice privilege
8 under RSA 309-B:6 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-
9 B:8, shall not use language in any statement relating to the affairs of a person or entity which is
10 conventionally used by licensees in reports on financial statements or any attest service. In this
11 regard, the board shall issue safe harbor language that persons not licensed under this chapter, or
12 not qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or not exempt from the
13 permit requirement under RSA 309-B:8 may use in connection with such financial information.
14 Such disclaimer language shall include the following:

15 "I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period)
16 for the (period) then ended. This presentation is limited to preparing in the form of financial
17 statements information that is the representation of management (owners).

18 I (we) have not audited or reviewed the accompanying financial statements and accordingly do not
19 express an opinion or any form of assurance on them."

20 IX. No person or firm not holding a valid certificate, permit, or registration issued under
21 RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA**
22 **310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use any
23 title or designation that includes the words "accountant," "auditor," or "accounting," in connection
24 with any other language, including the language of a report, that implies that such person or firm
25 holds such a certificate, permit, or registration or has special competence as an accountant or
26 auditor. This paragraph shall not prohibit any officer, partner, or employee of any firm or
27 organization from affixing a signature to any statement in reference to the financial affairs of such
28 firm or organization with any wording designating the position, title, or office that person holds, nor
29 shall it prohibit any act of a public official or employee in the performance of that person's duties.
30 Nothing in this chapter shall prohibit non-licensees who perform services involving the use of
31 accounting skills from describing such services as "bookkeeping", "tax preparation" or "general
32 accounting" services, or describing themselves as "accountants."

33 X. No persons holding a certificate or registration, individual qualifying for a practice
34 privilege under RSA 309-B:6 **and RSA 310:17**, or firm holding a permit under this chapter or an
35 exemption from the permit requirement under RSA 309-B:8, shall use a professional or firm name or
36 designation that is misleading about the legal form of the firm, or about the persons or number of
37 persons who are partners, officers, members, managers, or shareholders of the firm, or about any

1 other matter; provided, however, that names of one or more of the former partners, members,
2 managers or shareholders may be included in the name of a firm or its successor.

3 XI. No provision of this section shall have any application to a person holding a certification,
4 designation, degree, license, or permit granted in a foreign country entitling the holder to engage in
5 the practice of public accountancy or its equivalent in such country, whose activities in this state are
6 limited to the provision of professional services to persons or firms who are residents of,
7 governments of, or business entities of the country in which the person holds such entitlement, who
8 performs no attest services as defined, and who issues no reports with respect to the information of
9 any other persons, firms, or governmental units in this state, and who does not use in this state any
10 title or designation other than the one under which that person practices in such country, followed
11 by a translation of such title or designation into English, if it is in a different language, and by the
12 name of such country.

13 XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA
14 309-B:9 shall perform attest services described in RSA 309-B:3, I(a) or compilation services described
15 in RSA 309-B:3, III-a in any firm that does not hold a valid permit issued under RSA 309-B:8.

16 XIII.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and*
17 ***RSA 310:17***, or firm exempt from the permit requirement under RSA 309-B:8, shall not for a
18 commission recommend or refer to a client any product or service, or for a commission recommend or
19 refer any product or service to be supplied by a client, or receive a commission, when the licensee,
20 individual qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt
21 from the permit requirement under RSA 309-B:8, also performs for that client an attest service as
22 defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual
23 qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the
24 permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will
25 use the financial statement and the compilation report does not disclose a lack of independence.

26 (b) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and RSA*
27 ***310:17***, or firm exempt from the permit requirement under RSA 309-B:8, who is not prohibited by
28 this section from performing services for or receiving a commission and who is paid or expects to be
29 paid a commission shall disclose that fact to any person or entity to whom the licensee, individual
30 qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the
31 permit requirement under RSA 309-B:8, recommends or refers a product or service to which the
32 commission relates.

33 (c) Any licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and*
34 ***RSA 310:17***, or firm exempt from the permit requirement under RSA 309-B:8, who accepts a referral
35 fee for recommending or referring any service of a licensee, individual qualifying for a practice
36 privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit requirement under

1 RSA 309-B:8, to any person or entity or who pays a referral fee to obtain a client shall disclose such
2 acceptance or payment to the client.

3 XIV.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and*
4 *RSA 310:17*, or firm exempt from the permit requirement under RSA 309-B:8, shall not:

5 (1) Perform for a contingent fee any professional services for, or receive such a fee
6 from a client for whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6
7 *and RSA 310:17*, or firm exempt from the permit requirement under RSA 309-B:8, or the licensee's
8 firm or firm of the individual qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*
9 performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement
10 when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and RSA*
11 *310:17*, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably
12 might expect, that a third party will use the financial statement and the compilation report does not
13 disclose a lack of independence; or

14 (2) Prepare an original or amended tax return or claim for a tax refund for a
15 contingent fee for any client; provided however that a licensee, individual qualifying for a practice
16 privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit requirement under
17 RSA 309-B:8, may prepare an amended return or claim for refund for a contingent fee if that
18 licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm
19 exempt from the permit requirement under RSA 309-B:8, has a reasonable expectation that the
20 amended return or claim for refund will be the subject of substantive review by the taxing authority.

21 (b) The prohibition in subparagraph (a) applies during the period in which the licensee,
22 individual qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt
23 from the permit requirement under RSA 309-B:8, is engaged to perform any of the services listed in
24 subparagraph (a) and the period covered by any historical financial statements involved in any such
25 listed services.

26 (c) Except as otherwise provided in this subparagraph, a contingent fee is a fee
27 established for the performance of any service pursuant to an arrangement in which no fee will be
28 charged unless a specified finding or result is attained, or in which the amount of the fee is
29 otherwise dependent upon the finding or result of such service. Solely for purposes of this section,
30 fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax
31 matters, if determined based on the results of judicial proceedings or the findings of governmental
32 agencies. The fees of a licensee, individual qualifying for a practice privilege under RSA 309-B:6
33 *and RSA 310:17*, or firm exempt from the permit requirement under RSA 309-B:8, may vary
34 depending, for example, on the complexity of services rendered.

35 XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from
36 preparing or presenting records or documents customarily prepared by an attorney or firm of
37 attorneys in connection with the attorney's professional work in the practice of law, or from billing a

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1 client or receiving a fee from a client in conformity with the professional conduct rules that govern
2 the practice of law by such attorney or firm of attorneys.

3 XVI. Notwithstanding any provision of this section, it shall not be a violation of this section
4 for a firm which does not hold a valid permit under RSA 309-B:8 and which does not have an office
5 in this state to provide its professional services in this state if it complies with the requirements of
6 ~~[RSA 309-B:8, I(b) or (c)]~~ **RSA 309-B:8, I(a)(3) or I(b)**, whichever is applicable.

7 204 New Hampshire Accountancy Act; Single Act as Evidence of Practice. Amend RSA 309-B:17
8 to read as follows:

9 309-B:17 Single Act as Evidence of Practice. In any action brought under ~~[RSA 309-B:12, RSA~~
10 ~~309-B:15, or]~~ RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter
11 shall be sufficient to justify the imposition of a ~~[penalty, injunction, restraining order, or]~~ conviction,
12 ~~[respectively,]~~ without evidence of a general course of conduct.

13 205 New Hampshire Accountancy Act; Confidential Communications. Amend RSA 309-B:18 to
14 read as follows:

15 309-B:18 Confidential Communications. Except by permission of the client for whom a licensee
16 performs services, or the heirs, successors, or personal representatives of such client, a licensee or
17 any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily
18 disclose information communicated to such person by the client relating to and in connection with
19 services rendered to the client by the licensee. Such information shall be deemed confidential,
20 provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of
21 information required to be disclosed by the standards of the public accounting profession in reporting
22 on the examination of financial statements or as prohibiting disclosures in court proceedings or
23 administrative proceedings before governmental agencies in instances where a subpoena or
24 summons has been issued, in investigations or proceedings under ~~[RSA 309-B:11 or RSA 309-B:12]~~
25 **RSA 310**, in ethical investigations conducted by private professional organizations, or in the course
26 of peer reviews, or to other persons active in the organization performing services for that client on a
27 need to know basis or to persons in such professional organization, peer review entity, or
28 organization performing services for that client who need this information for the sole purpose of
29 assuring quality control.

30 206 Repeal; Accountancy. The following are repealed:

31 I. RSA 309-B:4, VI(e), relative to rules on substantial equivalency.

32 II. RSA 309-B:8, V, relative to fees for application for initial issuance or renewal of a permit.

33 III. RSA 309-B:12, relative to hearings by the board.

34 IV. RSA 309-B:15, relative to injunctions against unlawful acts.

35 V. RSA 309-B:16, I, relative to board investigations.

36 207 Architects; Definitions. Amend RSA 310-A:28, I to read as follows:

1 I. "Architect" means a person who, by reason of having acquired through professional
2 education and practical experience an advanced training in building construction and architectural
3 design and an extensive knowledge of building standards created to safeguard the public from
4 hazards such as fire, panic, structural failure, and unsanitary conditions, is technically and legally
5 qualified to practice architecture and who is licensed by the ~~[board]~~ **office of professional**
6 **licensure and certification** or otherwise authorized by this subdivision to engage in the practice of
7 architecture.

8 208 Architects; Preliminary Requirements for Licensure as an Architect. Amend RSA 310-A:38
9 to read as follows:

10 310-A:38 Preliminary Requirements for Licensure as an Architect.

11 I. The following preliminary requirements shall be considered as minimum evidence
12 satisfactory to the ~~[board]~~ **office of professional licensure and certification** that an applicant is
13 qualified for licensure to practice architecture in this state:

14 (a) Applicant shall be at least 21 years of age and shall have graduated from an
15 approved high school or its equivalent; and

16 (b) Applicant shall hold a professional degree in architecture from an accredited school
17 and have had such diversified practical experience, including academic training, as the board shall
18 deem appropriate; or

19 (c) In lieu of a professional degree in architecture, the ~~[board]~~ **office** may accept
20 evidence of additional diversified practical experience, including academic training, as the board
21 shall deem appropriate.

22 II. The ~~[board]~~ **office** shall have the discretion to reject an applicant who is not of good
23 professional character, as evidenced by:

24 (a) Conviction for commission of a felony;

25 (b) Misstatement of facts by the applicant in connection with the application;

26 (c) Violation of any of the standards of conduct required of architects as they are set
27 forth in this subdivision or in rules adopted by the board; or

28 (d) Practicing architecture without being licensed in violation of laws of the jurisdiction
29 in which the practice took place.

30 III. Upon complying with the preliminary requirements set forth in this section, the
31 applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-
32 A:43~~[, except as otherwise provided in RSA 310-A:45].~~

33 209 Architects; Applications. Amend RSA 310-A:42 to read as follows:

34 310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by
35 the ~~[board]~~ **office of professional licensure and certification**, ~~[shall contain statements made~~
36 ~~under oath,]~~ showing the applicant's education and a detailed summary of the applicant's technical
37 work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects

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1 having personal knowledge of the applicant's professional experience. [~~The board shall establish fees~~
2 ~~for application and any examination required under this subdivision.~~] Should the [board] **office**
3 deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an
4 application fee.

5 210 Architects; Certificates for Business Organizations. Amend RSA 310-A:42-a to read as
6 follows:

7 310-A:42-a Certificates for Business Organizations.

8 I. The practice of, or offer to practice, architecture for others by individual architects,
9 licensed under this subdivision, through a business organization as officers, partners, associates,
10 employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

11 (a) One or more of the corporate officers of a corporation or one or more general partners
12 or associates is designated as being responsible for the architectural activities and architectural
13 decisions of the business organization and is a licensed architect under this subdivision.

14 (b) All personnel of the business organization who act in its behalf as architects are
15 licensed under this subdivision.

16 (c) The business organization has been issued a certificate of authorization by the
17 [board] **office of professional licensure and certification**, as provided in this section.

18 II. The requirements of this subdivision shall not affect a business organization or its
19 employees in performing services for such business organization or its subsidiary or affiliated
20 business organizations. All final drawings, specifications, plans, reports, or other architectural
21 papers or documents involving the practice of architecture, when issued or filed for public record,
22 shall be dated and bear the signature and seal of the architect who prepared them or under whose
23 direct supervisory control they were prepared.

24 III. A business organization desiring a certificate of authorization shall file with the [board]
25 **office** an application, using a form provided by the [board] **office**, listing the names and addresses of
26 all officers and board members, general and limited partners, associates, and any individuals duly
27 licensed to practice architecture in this state who shall be in responsible charge of the practice of
28 architecture in this state through the business organization, and any other information required by
29 the board. The same form, giving the same information, shall accompany the [annual] renewal fee.
30 If there is a change in any of these persons during the year, such change shall be designated on the
31 same form and filed with the [board] **office** within 30 days after the effective date of such change. If
32 all requirements of this section are met, the [board] **office** shall issue a certificate of authorization to
33 such business organization, and such business organization shall be authorized to contract for and to
34 collect fees for furnishing architectural services.

35 IV. No business organization shall be relieved of responsibility for the conduct or acts of its
36 agents, employees, officers, or partners, by reason of its compliance with the provisions of this
37 section, nor shall any individual practicing architecture be relieved of responsibility for architectural

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1 services performed by reason of such individual's employment by or relationship with such business
2 organization.

3 V. The secretary of state shall not issue a certificate of incorporation to an applicant for
4 incorporation or for registration as a foreign business organization which includes the words
5 Architect, Architectural, or Architecture or any modification or derivative thereof in its corporate or
6 business name or which includes the practice of architecture among the objects for which it is
7 established unless the ~~board~~ **office** shall have issued, with respect to such applicant, a certificate of
8 authorization or eligibility for authorization, a copy of which shall have been presented to the
9 secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline
10 to register any trade name or service mark which includes such words or modifications or derivatives
11 thereof in its firm or business name except to partnerships, sole proprietorships and associations
12 holding certificates of authorization issued under the provisions of this subdivision, a copy of which
13 shall have been presented to the secretary of state.

14 VI. An architect who renders occasional, part-time, or consulting architectural services to or
15 for a business organization may not, for the purposes of this section, be designated as being
16 responsible for the architectural activities and decisions of such business organization.

17 211 Architects; Examinations. Amend RSA 310-A:43 to read as follows:

18 310-A:43 Examinations. Examinations in architecture shall be held as the ~~board~~ **office of**
19 **professional licensure and certification** shall determine. The applicant shall be permitted to
20 take the examination upon fulfilling the requirements established by the board. The board shall
21 prescribe ~~[the methods of procedure and]~~ the scope of the examination which shall include the
22 following subjects: pre-design, general structures, lateral forces, mechanical and electrical systems,
23 materials and methods, construction documents and services, site planning, building planning, and
24 building technology.

25 212 Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:

26 310-A:44 Certificates; Seals. The ~~board~~ **office of professional licensure and certification**
27 shall issue a license upon payment of the registration fee established by the office ~~[of professional~~
28 ~~licensure and certification]~~, to any applicant who ~~[- in the opinion of the board,]~~ has satisfactorily met
29 all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a
30 serial number. The issuance of a license by the ~~board~~ **office** shall be prima facie evidence that the
31 person named in the license is entitled to all the rights and privileges of a licensed architect while
32 the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized
33 by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or
34 documents involving the practice of a profession under this subdivision, when issued or filed for
35 public record, shall be dated and bear the signature and seal of the licensed professional who
36 prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the

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1 licensee to stamp or seal any documents with such seal after the license of the licensee has expired
2 or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

3 213 Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

4 310-A:46 Expiration and Renewals. All licenses issued by the ~~[board shall expire on the last day~~
5 ~~of the month of the licensee's birth in the year 2 years following the year of issuance. The board~~
6 ~~shall cause notification of the impending license expiration to be sent to each licensee at least one~~
7 ~~month prior to the expiration date of the license. If the renewal fee is not submitted within 12~~
8 ~~months after the expiration date of the license, the licensee's name shall be removed from the~~
9 ~~mailing list. An application for reinstatement shall be required to return to active status. The office~~
10 ~~of professional licensure and certification shall charge up to a 20 percent late fee for each month or~~
11 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee] **office of**~~
12 **professional licensure and certification shall expire in accordance with RSA 310:8.**

13 214 Architects; Continuing Education Required. Amend RSA 310-A:46-a to read as follows:

14 310-A:46-a Continuing Education Required. Any person holding a license shall be required
15 to complete 12 units of continuing education each year in the area of health, safety, and welfare.
16 Each person shall be responsible for maintaining evidence of his or her continuing education units
17 and shall submit such evidence of continuing education units to the ~~[board]~~ **office** biennially upon
18 renewal of his or her license.

19 215 Repeal; Architects. The following are repealed:

20 I. RSA 310-A:33, relative to fees.

21 II. RSA 310-A:45, relative to reciprocal licensure.

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

23 216 Auctioneers; Definitions. Amend RSA 311-B:1, IV to read as follows:

24 IV. "Authorized business organization" means any entity organized for gain or profit and
25 carrying on any business activity within the state of New Hampshire which is:

26 (a) A corporation or business association having at least one officer holding a valid
27 license issued by the ~~[board]~~ **office of professional licensure and certification;**

28 (b) A partnership in which at least one partner holds a valid license issued by the
29 ~~[board]~~ **office;**

30 (c) A limited liability company in which the managing member holds a valid license
31 issued by the ~~[board]~~ **office;**

32 (d) A sole proprietorship or sole-shareholder corporation in which the sole proprietor or
33 sole shareholder holds a valid license issued by the ~~[board]~~ **office;** or

34 (e) A trust in which at least one trustee holds a valid license issued by the ~~[board]~~ **office.**

35 217 Auctioneers; Use of Name by Business Organization. Amend RSA 311-B:4, III to read as
36 follows:

1 III. The secretary of state shall not issue a certificate of incorporation to an applicant for
2 incorporation or for registration as a foreign business organization which includes the words
3 "auction," "auctioneer," or "auctioneering" or any modification or derivative thereof in its corporate or
4 business name or which includes the practice of auctioneering among the objectives for which it is
5 established unless the ~~board~~ **office** shall have issued, with respect to such applicant, a certificate of
6 authorization, a copy of which shall have been presented to the secretary of state. The ~~board~~ **office**
7 shall issue such a certificate only to an authorized business organization. The secretary of state
8 shall decline to register any trade name or service mark which includes such words or modifications
9 or derivatives thereof in its firm or business name except for trade names and service marks of
10 business entities which have presented to the secretary of state proof that they qualify as authorized
11 business organizations under this chapter.

12 218 Court Reporters; Term of License; Renewal. Amend RSA 310-A:173 to read as follows:

13 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
14 every 2 years **in accordance with RSA 310:8**. ~~[All licenses issued by the executive director shall~~
15 ~~expire on the last day of the month of the licensee's birth in the year 2 years following the year of~~
16 ~~issuance. The executive director shall notify every licensee of the date of the expiration of the license~~
17 ~~and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be~~
18 ~~mailed at least one month in advance of the date of expiration. Renewal may be effected at any time~~
19 ~~during the month of expiration by the payment of the fee established by the executive director and~~
20 ~~submission of evidence satisfactory to the executive director showing fulfillment of continuing~~
21 ~~education requirements. If a licensee fails to renew such license within the 12 months after the date~~
22 ~~of expiration, it shall become null and void and the licensee shall be required to reapply for~~
23 ~~licensure.]~~

24 219 Court Reporters; Misconduct. RSA 310-A:174 is repealed and reenacted to read as follows:

25 310-A:174 Misconduct. Misconduct sufficient to support disciplinary proceedings under RSA
26 310:10 shall include:

27 I. The practice of fraud or deceit in procuring or attempting to procure a license to practice
28 under this subdivision.

29 II. The practice of court reporting using a reporting method for which the person is not
30 licensed.

31 III. Conviction of a felony.

32 IV. Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the
33 practice of, the profession.

34 V. Unfitness or incompetency by reason of negligent habits or other causes.

35 VI. Addiction to the use of alcohol or other habit-forming drugs to a degree which renders
36 him or her unfit to practice under this subdivision.

37 VII. Mental or physical incompetency to practice under this subdivision.

1 VIII. Willful or repeated violation of the provisions of this subdivision.

2 IX. Suspension or revocation of a license, similar to one issued under this subdivision, in
3 another jurisdiction and not reinstated.

4 220 Court Reporters; Continuing Education Required. Amend RSA 310-A:178 to read as
5 follows:

6 310-A:178 Continuing Education Required. Any person holding a license shall be required to be
7 in compliance with the continuing education requirements of the National Court Reporters
8 Association or the National Verbatim Reporters Association depending on their method of court
9 reporting as specified in RSA 310-A:162. Each person shall be responsible for maintaining evidence
10 of his or her continuing education units and shall submit such evidence of continuing education units
11 ~~[to the executive director annually upon renewal of their license]~~ **as required by the executive**
12 **director as set forth in rules adopted pursuant to RSA 541-A.**

13 221 Court Reporters; Repeals. The following are repealed:

14 I. RSA 310-A:171, V, relative to fees for late renewal.

15 II. RSA 310-A:171, VI, relative to fees for replacement.

16 III. RSA 310-A:175, relative to hearings.

17 IV. RSA 310-A:177, relative to surety bond.

18 222 Electricians. Amend RSA 319-C:1 to read as follows:

19 319-C:1 Electricians. No electrician installation shall be made for compensation, unless made
20 by an electrician or other person licensed by the ~~[electrician's board]~~ **office of professional**
21 **licensure and certification**, except as provided in this chapter.

22 223 Electricians; Definitions. Amend RSA 319-C:2, IV to read as follows:

23 IV. "Journeyman electrician" means a person doing work of installing electrical wires,
24 conduits, apparatus, fixtures, and other electrical equipment. ~~[A journeyman electrician shall be~~
25 ~~employed by a master electrician.]~~ Each journeyman electrician shall work under the direction and
26 supervision of a master electrician.

27 224 Electricians; Exceptions. Amend RSA 319-C:3, IX-a to read as follows:

28 IX-a. Any electrical installations in residential or commercial buildings performed by
29 students enrolled in a high school vocational electrical program, college vocational electrical
30 program, and apprenticeship training program, approved by the department of education, provided
31 such work is performed under the supervision of either a teacher holding an electrician's license or
32 by a licensed electrician who is a supervisor of students in cooperative education placements from
33 such programs; and in those cases where the installation is in a new building being constructed as a
34 part of the vocational program, that the installation will be inspected and approved by an individual
35 or group of individuals chosen by the local school districts from persons nominated by the state board
36 of electricians. Any person nominated by the state board shall hold a master's license issued by the
37 ~~[board]~~ **office of professional licensure and certification.**

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1 225 Electricians; Third Party Electrical Inspections. Amend RSA 319-C:5-a, I to read as follows:

2 I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person
3 who conducts residential electrical inspections for up to 4 contiguous units, which shall be
4 considered a level 1 inspector, or a person who conducts all types of electrical inspections, which
5 shall be considered a level 2 inspector, who is conducting third-party electrical inspections of
6 electrical installations in this state to have the person conducting the inspection be approved by the
7 ~~board~~ **office**. The board shall determine the qualifications necessary for approval as a level 1 or
8 level 2 electrical inspector. ~~[The board shall maintain and make available a list of such persons~~
9 ~~approved for level 1 or level 2 third party electrical inspections.]~~ The approval of a person to conduct
10 either level of third-party electrical inspections shall not prohibit a city or town that has established
11 inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform
12 third-party electrical inspections.

13 226 Electricians; Continuing Education; NFPA 70 Changes. Amend RSA 319-C:6-c to read as
14 follows:

15 319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to
16 continuing education applicable to all licensees for training and compliance with the latest published
17 edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection
18 Association. Each licensee shall show proof of completion of continuing education requirements
19 adopted under this section within 12 months from the January 1 following the publication date of
20 the latest version of the NFPA 70. ~~[Proof of completion shall be furnished to the board by the~~
21 ~~continuing education provider. Failure to complete the continuing education shall render the~~
22 ~~electrician's license invalid until the licensee demonstrates to the board that he or she has completed~~
23 ~~the requisite number of continuing education hours.]~~

24 227 Electricians; Licensing Requirements. Amend RSA 319-C:7 to read as follows:

25 319-C:7 Licensing Requirements.

26 I. [Repealed.]

27 II. The ~~board~~ **office** shall issue a license as a master or journeyman electrician to any
28 person who files an application and meets the following qualifications:

29 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may
30 give credit toward such service for the satisfactory completion of a course of instruction in the field
31 at a school recognized by the board or experience in the field received in military service, in
32 accordance with rules adopted by RSA 541-A; and

33 (b) Satisfactory passing of an examination approved by said board as provided in RSA
34 319-C:8 to determine the person's fitness to receive such license.

35 II-a. The ~~board~~ **office** shall issue a license as a high/medium voltage electrician to any
36 person who files an application and meets the following qualifications:

1 (a) Shows proof of successfully completing a state, national, or employer certification
2 program approved by the board or;

3 (b) Prior to January 1, 2003, shows proof of having been employed for a minimum of 5
4 years as a high/medium voltage electrician working for a company with an approved training
5 program.

6 III. All persons licensed by the ~~[board]~~ **office** shall receive a certificate which must be
7 publicly displayed at the principal place of business of said electrician, or, if no such place of
8 business, must be carried on his or her person and displayed at any time upon request to any
9 electrical inspector appointed by the board under this chapter, as long as said person continues in
10 the business as herein defined. The certificate shall specify the name of the person licensed who, in
11 the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of
12 its officers or employees passing the examination. In the case of a firm or corporation, the license
13 shall be void upon the death of or the severance from the company of said person.

14 IV. Apprentice electricians shall register with the ~~[board]~~ **office**.

15 228 Electricians; Examinations for License. Amend RSA 319-C:8 to read as follows:

16 319-C:8 Examinations for License. Each applicant for licensure shall present to the ~~[board]~~
17 **office**, ~~[on forms furnished by the board,]~~ a written application for examination and license,
18 containing such information as the board may require, accompanied by the required application fee
19 established by the ~~[board]~~ **office**. Proctored examinations shall be written, written and oral, oral, or
20 computerized as approved by the board, and shall be of a thorough and practical character. They
21 shall include such provisions of the National Electrical Code as the board may deem appropriate.
22 Any person failing to pass his or her first examination may be reexamined ~~[at any subsequent~~
23 ~~examination meeting of the board or]~~ by an examination entity approved by the board, and
24 thereafter may be examined as often as he or she may desire upon submitting the written
25 application for examination and license and payment of the required application fee as set forth in
26 this chapter.

27 229 Electricians; Corporations and Partnerships. Amend RSA 319-C:10 to read as follows:

28 319-C:10 Corporations and Partnerships.

29 I. The ~~[board]~~ **office** may issue a license to corporations and partnerships engaged in the
30 business of making electrical installations, provided that one or more officers or employees of any
31 such corporation directly in charge of the business affairs of such corporation, or a member of such
32 partnership directly in charge of its business affairs, is a licensed master electrician.

33 II. The ~~[board]~~ **office** may issue a license to corporations or partnerships engaged in the
34 business of making electrical installations on high or medium voltage distribution systems operating
35 over 600 volts, provided that one or more officers or employees of any such corporation directly in
36 charge of the electrical business affairs of such corporation, or a member of a partnership directly in

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1 charge of its business affairs, is a licensed master electrician or a licensed high/medium voltage
2 electrician.

3 230 Family Mediators; Qualifications. Amend RSA 328-C:5 to read as follows:

4 328-C:5 Qualifications.

5 I. To be eligible for certification, conditional certification, reinstatement of certification,
6 renewal of certification and temporary renewal of certification as a family mediator, an applicant
7 shall be of good character.

8 II. To be eligible for certification or conditional certification as a family mediator, an
9 applicant shall meet the following requirements:

10 (a) Satisfactory completion of a program of instruction approved by the [board] **office**
11 and at least 48 hours in length, including at least 8 hours in domestic violence, and components in
12 family dynamics and relevant law.

13 (b) Completion of an internship approved by the [board] **office** and at least 20 hours in
14 length with a certified family mediator or certified family mediation program.

15 (c) Submission of a completed application to the [board] **office**.

16 (d) Submission of at least 3 recommendations satisfactory to the [board] **office** from
17 persons who have participated with the applicant in family mediation work. These
18 recommendations shall meet any additional requirements established by rules adopted by the
19 [board] **office** pursuant to RSA 541-A.

20 III. Notwithstanding subparagraphs II(a) and (b), the [board] **office** may accept applicants
21 found to have training and internship experience equivalent to the programs of instruction and
22 internship approved by the [board] **office**.

23 IV. Certification of a mediator or a mediator training program shall be valid ~~for 3 years~~
24 ~~from the date of issuance, and shall expire 3 years from the date of issuance, unless renewed~~
25 ~~pursuant to rules adopted by the board pursuant to RSA 541-A.~~

26 V. ~~If timely and sufficient application has been made in accordance with board rules for~~
27 ~~renewal of certification, the existing certification shall not expire until the board has taken final~~
28 ~~action on the application for renewal. If the application is either untimely or insufficient, it shall~~
29 ~~lapse and be subject to reinstatement in accordance with rules adopted by the board pursuant to~~
30 ~~RSA 541-A.] for the duration established by RSA 310:8.~~

31 231 Family Mediators; Confidentiality of Information. Amend RSA 328-C:5-a to read as follows:

32 328-C:5-a Confidentiality of Information.

33 I. Unless waived by the person to whom the information pertains, the following information
34 relative to certified family mediators, applicants for certification, and formerly certified family
35 mediators which may be in the possession of the [board] **office** shall be confidential and shall not be
36 subject to disclosure, except as provided in paragraph II, absent an order of the court:

1 (a) The person's date of birth, social security number, residence address, and home
2 telephone number.

3 (b) The person's reason for leaving any past employment or the facts giving rise to any
4 reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline
5 given by any professional organization or entity supervising or overseeing a profession, other than
6 the board.

7 (c) Whether or not the person has been a defendant in any criminal proceeding,
8 information concerning such proceedings, any executed criminal records release, and the results of
9 any criminal records check.

10 (d) The addresses and telephone numbers of the individuals who have submitted letters
11 of reference in support of any application for certification.

12 (e) Any photograph identification card or other document issued by a governmental
13 agency submitted in support of an application that includes an applicant's date of birth, social
14 security number, residence address, or home telephone number.

15 (f) Any information deemed confidential under RSA 91-A or other applicable law.

16 II. Notwithstanding paragraph I and RSA 91-A, the ~~board~~ **office** may disclose to any New
17 Hampshire court with the authority to appoint a family mediator, or which possesses oversight
18 authority over the professional activities of individuals who may serve as family mediators, any
19 records, documents, or information in the possession of the board relating to a certified family
20 mediator, an applicant for certification, or a formerly certified family mediator, except for his or her
21 social security number.

22 232 Family Mediators; Continuing Education. Amend RSA 328-C:6 to read as follows:

23 328-C:6 Continuing Education. ~~[To renew a certification,]~~ Each family mediator shall ~~provide~~
24 ~~evidence of attendance within the last 3 years of at~~ **complete** least 24 hours of continuing education
25 approved by the board **as a condition of renewal**. A certified family mediator training program
26 seeking renewal shall provide evidence that it has met any reporting requirements established
27 under RSA 328-C:4-a and that each of the family mediators associated with the program has met the
28 annual continuing education requirements.

29 233 Family Mediators; Repeals. The following are repealed:

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

31 II. RSA 328-C:11, relative to fees.

32 234 Foresters; Rulemaking. Amend RSA 310-A:102, III to read as follows:

33 III. Examination ~~procedures~~ **requirements**.

34 235 Foresters; Qualifications for License. Amend RSA 310-A:104 to read as follows:

35 310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under
36 one of the following categories:

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1 I. Possession of a 4-year forestry degree and 2 years' experience of a nature satisfactory to
2 the board ***in accordance with rules adopted under RSA 541-A***. The board may [require] ***adopt***
3 ***rules requiring*** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the~~
4 ~~approval of the board~~].

5 II. Possession of a 2-year forestry degree and 4 years' experience of a nature satisfactory to
6 the board ***in accordance with rules adopted under RSA 541-A***. The board may [require] ***adopt***
7 ***rules requiring*** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the~~
8 ~~approval of the board~~].

9 III. Possession of a 4-year degree in a related field and 4 years' experience of a nature
10 satisfactory to the board ***in accordance with rules adopted under RSA 541-A***. The board may
11 [require] ***adopt rules requiring*** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise~~
12 ~~meet the approval of the board~~].

13 IV. Possession of a 2-year degree in a related field and 6 years' experience of a nature
14 satisfactory to the board ***in accordance with rules adopted under RSA 541-A***. The board may
15 [require] ***adopt rules requiring*** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise~~
16 ~~meet the approval of the board~~].

17 V. There shall be no minimum educational requirement for licensure as a forester for
18 applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the
19 board ***in accordance with rules adopted under RSA 541-A***. The board may [require] ***adopt***
20 ***rules requiring*** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the~~
21 ~~approval of the board~~].

22 236 Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

23 310-A:105 Applications; Fees. Applications for licensing shall [~~be made on forms prescribed and~~
24 ~~furnished by the board, and shall~~] contain statements made under oath as to citizenship, residence,
25 the applicant's education, a detailed summary of the applicant's technical experience, and shall
26 contain the names of not less than 5 references, 3 or more of whom shall be individuals having
27 personal or professional knowledge of the applicant's forestry experience. The fee for a license as a
28 forester shall be fixed by the [board] ***office pursuant to RSA 541-A***. [~~One-half of the fee shall~~
29 ~~accompany the application, the balance to be paid before the issuance of the license. Should the~~
30 ~~applicant fail to remit the remaining balance within 30 days after being notified by certified mail,~~
31 ~~return receipt requested, that the application has been accepted, the applicant shall forfeit the right~~
32 ~~to have the license issued and the applicant may be required to again submit an original application~~
33 ~~and pay an original fee on such application. Should the board deny the issuance of a license to any~~
34 ~~applicant, the fee deposited shall be retained by the board as an application fee.]~~

35 237 Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read to as follows:

36 310-A:106 Examination; Re-Examination; Fee. ***The requirements for examination, if any,***
37 [~~The methods and procedure for written and oral examinations~~] shall be prescribed by the board. [A

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1 ~~candidate failing an examination may apply for re-examination at the expiration of 6 months and~~
2 ~~shall be entitled to one re-examination without payment of an additional fee. Subsequent re-~~
3 ~~examinations may be granted upon payment of a fee to be fixed by the board.]~~

4 238 Foresters; Issuance of License; Endorsement of Documents. Amend RSA 310-A:107 to read
5 as follows:

6 310-A:107 Issuance of License; Endorsement of Documents. The ~~board~~ **office** shall issue a
7 license upon payment of the fee as provided in this subdivision to any applicant, who ~~[in the opinion~~
8 ~~of the board,]~~ has satisfactorily met all the requirements of this subdivision. Licenses shall show the
9 full name of the licensee and shall have a serial number. The issuance of a license by the board shall
10 be evidence that the person named in the license is entitled to all rights and privileges of a licensed
11 forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the
12 licensee shall be endorsed with the licensee's name and license number during the life of the license.
13 It shall be a class B misdemeanor for anyone to endorse any document with such name and license
14 number after the license of the named licensee has expired or has been revoked, unless said license
15 has been renewed or reissued. It shall be a class B misdemeanor for any licensed forester to endorse
16 any plan, map, or report unless the licensed forester shall have actually prepared such plan, map or
17 report, or shall have been in the actual charge of the preparation of the same.

18 239 Foresters; Expiration. Amend RSA 310-A:108 to read as follows:

19 310-A:108 Expiration. All licenses issued by the board shall expire ~~[on the last day of the month~~
20 ~~of the licensee's birth in the year 2 years following the year of issuance]~~ **as set forth in RSA 310:8.**

21 240 Foresters; License Renewal. Amend RSA 310-A:109 to read as follows:

22 310-A:109 License Renewal. Licenses may be renewed by written application prior to the
23 expiration date and by payment of the prescribed renewal fee. ~~[The secretary shall notify each~~
24 ~~forester one month prior to the expiration of such certificate.]~~ The applicant shall ~~[submit proof of~~
25 ~~completion of]~~ **have completed** 20 hours of continuing education approved by the board at the time
26 of license renewal, ~~[together with a]~~ **and shall submit a** record of any legal action brought against
27 the applicant for services as a forester.

28 241 Foresters; Repeals. The following are repealed:

- 29 I. RSA 310-A:101, relative to procedures.
- 30 II. RSA 310-A:110, relative to failure to renew.
- 31 III. RSA 310-A:111, relative to reciprocity.
- 32 IV. RSA 310-A:113-a, relative to additional powers.
- 33 V. RSA 310-A:115, relative to injunctions.
- 34 VI. RSA 310-A:116, relative to administrative costs.

35 242 Guardian Ad Litem Board; Board Established. Amend RSA 490-C:1, to read as follows:

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1 490-C:1 Board Established. There is hereby established a guardian ad litem board which shall
2 be responsible for overseeing the credentialing and activities, and discipline of guardians ad litem in
3 New Hampshire who are or have been certified by the ~~[board]~~ **office**.

4 243 Guardian ad Litem Board; Duties of the Board. Amend RSA 490-C:4 to read as follows:

5 490-C:4 Duties of the Board.

6 I. The board shall:

7 ~~(a) [Compile and maintain a list of those guardians ad litem statewide who are certified~~
8 ~~and in good standing and make such list available to the general public online through the official~~
9 ~~Internet site for the state of New Hampshire. The board may further make available to the general~~
10 ~~public, online or through other means, additional information relative to other activities and~~
11 ~~functions of the board, including but not limited to information concerning guardians ad litem,~~
12 ~~whether or not presently certified or in good standing, who have been subject to sanction by the~~
13 ~~board.~~

14 ~~(b)~~ (b) Investigate the current cost and fee structure established under New Hampshire
15 supreme court rules 48 and 48-A, and make recommendations to the legislature and the supreme
16 court for appropriate action as necessary.

17 ~~(c)~~ (b) Establish requirements **and** criteria, [and fees] for the certification,
18 recertification, reinstatement, and renewal of certification of guardians ad litem.

19 ~~(d)~~ (c) Establish educational requirements and continuing educational requirements.

20 ~~(e)~~ (d) Adopt ethical standards and standards of practice for certified guardians ad
21 litem. Standards established by the board may be applied to presently certified guardians ad litem
22 and to formerly certified guardians ad litem alleged to have engaged in acts or omissions prohibited
23 when certified.

24 ~~(f) [Repealed.]~~

25 ~~(g)~~ (e) The ~~[board]~~ **office** may, upon the submission of a written allegation or complaint
26 against a presently or formerly certified guardian ad litem who holds, held, or may hold an
27 appointment in a case under the authority of a court, refer that matter to the appropriate court for
28 investigation, resolution, or other action. Such referral may be made regardless of whether the
29 allegation or complaint relates to a case which is then pending in court and may be made in lieu of or
30 in addition to any investigatory or disciplinary procedures that the board may itself be authorized to
31 pursue. ~~[The board may further informally resolve complaints by agreement.]~~ A complaint relating
32 to a trial or judicial proceeding in progress shall be dismissed without prejudice, unless the board for
33 good cause votes to proceed immediately with such complaint.

34 II. The board may:

35 (a) Commission the participation of **UNH** Franklin Pierce **School of Law** ~~[Center]~~, the
36 community college system of New Hampshire, or other appropriate in-state educational institutions

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1 to provide training for guardians ad litem on a tuition basis and itself provide training on a tuition
2 basis.

3 (b) Disclose to and communicate with any courts that appoint guardians ad litem or
4 oversee individuals serving as guardians ad litem, or any other entity or group which possesses
5 oversight authority over any type of professional activity of persons who may serve as a guardian ad
6 litem, about any discipline imposed upon guardians ad litem, grants and denials of certification, the
7 content of any of the board's files or records on guardians ad litem, whether or not presently
8 certified, or applicants for certification, and other activities of, or information held by, the board. In
9 assessing whether or not to make a disclosure or engage in a communication under this
10 subparagraph, consideration shall be given to whether or not it is likely that information conveyed
11 will be further disseminated in a manner contrary to New Hampshire law.

12 (c) Establish requirements *and* criteria, ~~[and fees]~~ for the conditional certification or
13 temporary certification of guardians ad litem or both, including ~~[procedures and]~~ requirements
14 regarding the circumstances and manner in which individuals may be temporarily or conditionally
15 certified, the term and duration of conditional or temporary certification, and the ethical standards
16 and standards of practice applicable to persons so certified.

17 ~~[(d) Establish fees for the filing of requests for information, for the filing of complaints or~~
18 ~~petitions, for the processing of changes to information of record, for the provision of training, and for~~
19 ~~the provision of course material.~~

20 ~~(e)~~ **(d)** Establish ~~[procedures]~~ *requirements* by which guardians ad litem appointed in
21 New Hampshire are to report their activities to the board.

22 ~~[(f) Repealed.]~~

23 ~~(g)~~ **(e)** Gather such information concerning applicants for certification as will assist
24 courts to make an informed decision on whether or not to appoint an individual as a guardian ad
25 litem in a particular case.

26 ~~[(h) Accept and expend the fees indicated in subparagraphs I(e), II(a), II(e), and II(d).]~~

27 ~~(i)~~ **(f)** Establish requirements relating to the resignation or surrender of certification
28 including the circumstances or conditions under which a certified guardian ad litem may resign or
29 surrender his or her certification.

30 ~~[(j) Repealed.]~~

31 ~~[(k) Repealed.]~~

32 244 Guardian Ad Litem Board; Certification. Amend RSA 490-C:5-a, to read as follows:

33 490-C:5-a Certification.

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

1 II. Certification issued by the board shall be valid *in accordance with RSA 310:8* [~~for 3~~
2 ~~years from the date of issuance,~~] and shall expire [~~3 years from the date of issuance,~~] unless renewed
3 or reissued pursuant to rules adopted by, and upon payment of fees established in, the rules [~~of the~~
4 ~~board~~] *established pursuant to RSA 541-A*.

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

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

11 245 Guardian Ad Litem Board; Repeals. The following are hereby repealed:

12 I. RSA 490-C:3, relative to terms of appointment, organization, and meetings.

13 II. RSA 490-C:5, II(e), relative to requirements for resignation.

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

15 IV. RSA 490-C:2, II, relative to membership.

16 246 Professional Geologists; Definitions. Amend RSA 310-A:118, IV to read as follows:

17 IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge
18 of geology and the supporting physical and life sciences, acquired by education and experience, is
19 technically and legally qualified to engage in the practice of geology as defined in this section and
20 has successfully passed the examination as may be required in this subdivision and who is licensed
21 by the [~~board~~] *office* or otherwise authorized by this subdivision to engage in the practice of the
22 profession of geology.

23 247 Professional Geologists; Rulemaking; Fees. Amend RSA 310-A:121, I to read as follows:

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

25 (a) [Repealed.]

26 (b) The qualifications of applicants in accordance with applicable statutes, and the
27 ethical standards required for licensure;

28 (c) The examination [~~procedures~~] *criteria* in accordance with applicable statutes;

29 (d) License renewal, including requirements for continuing education;

30 (e) Ethical and professional standards required to be met by each holder of a license
31 under this subdivision and how disciplinary actions by the board shall be implemented for violations
32 of these standards;

33 (f) [Repealed.]

34 (g) The design of an official seal;

35 (h) What constitutes geology experience for the purposes of RSA 310-A:125;

36 (i) [~~Procedures~~] *Requirements* for a waiver of the fundamentals of geology examination
37 under RSA 310-A:129[; and

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1 ~~(j) Interstate licensure and temporary permits under RSA 310-A:131].~~

2 248 Professional Geologists; Licensure. Amend RSA 310-A:124 to read as follows:

3 310-A:124 Licensure. No person shall practice professional geology or represent oneself as a
4 professional geologist who is not licensed by the ~~board~~ **office** or whose license expired, or was
5 canceled, suspended, or revoked, except as otherwise provided in this subdivision. Licensure to
6 practice geology shall not be required until after the one-year period set forth in RSA 310-A:125, II
7 has ended.

8 249 Professional Geologists; Requirements for Licensure as a Professional Geologist. Amend
9 RSA 310-A:125 to read as follows:

10 310-A:125 Requirements for Licensure as a Professional Geologist.

11 I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set
12 forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II.
13 In addition, each applicant shall have a bachelor's degree in geology or a bachelor's degree in a
14 related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year
15 college, or a master's or doctoral degree from an accredited graduate program in geology, including
16 but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics,
17 groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology,
18 paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water
19 resources studies; and shall present evidence suitable to the board of at least 5 years of experience in
20 the practice of geology, of which at least 3 years must have been under the supervision of a licensed
21 professional geologist or a geologist who otherwise meets the requirements of a licensed professional
22 geologist as determined by the board. Applicants meeting these ethics, education and experience
23 requirements shall be eligible to sit for an examination ~~[to be administered by the board]~~. Unless
24 otherwise provided, applicants shall take the examination and receive a passing score.

25 (b) Experience in the practice of geology, obtained before the expiration of the period
26 described in paragraph II of this section, may count towards the experience in the practice of geology
27 under the supervision of a professional geologist required in subparagraph I(a) of this section if the
28 supervising geologist met the education and experience qualifications of paragraph II at the time of
29 the relevant experience. For purposes of this section, experience in the practice of geology does not
30 include routine sampling, laboratory work or geological drafting.

31 (c) A completed academic year of graduate study in geology may be applied either
32 towards a year of the experience requirement of this section up to a total maximum of 2 years, or to
33 the education requirement of this section, but not both.

34 (d) A completed academic year of college or graduate level teaching in geology may be
35 applied towards a year of the experience requirement of this section.

36 II. Following the effective date of the initial adoption by the board of rules under RSA 541-A,
37 the ~~board~~ **office** may issue licenses without examination to applicants whose applications for

1 licensure have been received during a one-year period following the effective date of adoption of rules
2 and who either meet the education and experience requirements of subparagraph I(a) of this section,
3 or who provide evidence satisfactory to the board of knowledge and experience equivalent to such
4 requirements.

5 III. Whenever information presented in an application for licensure or renewal is
6 determined by the ~~[board]~~ **office** to be incomplete or insufficient, the ~~[board]~~ **office** may require
7 additional information as necessary to determine if the application requirements of this section have
8 been met.

9 250 Professional Geologists; Continuing Education. Amend RSA 310-A:127 to read as follows:

10 310-A:127 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
11 biennial renewal period of a minimum of 24 hours of continuing education shall be required for
12 license renewal. The board shall identify the types of educational courses and activities that would
13 further the professional competence of licensees. In general, the continuing education credits shall
14 be determined on the basis of one credit for each contact hour of course instruction or professional
15 development activity actually attended by a licensee.

16 I. Applications for licensure shall be made using the method prescribed and furnished by the
17 office of professional licensure and certification. Applications shall contain statements made under
18 oath, showing the applicant's education and a detailed summary of the applicant's technical work,
19 and shall contain not less than 5 references, of whom at least 3 shall be professional geologists
20 having personal knowledge of the applicant's professional experience.

21 II. References relating to experience in the practice of geology performed prior to the
22 effective date of this subdivision may be provided by either a professional geologist or a person
23 determined by the board **according to rules** to be of equivalent ethical standards, education, and
24 experience who may or may not have been licensed.

25 III. If the ~~[board]~~ **office** denies the issuance of a license or a temporary permit to any
26 applicant, any initial fee deposited shall be retained as an application fee.

27 251 Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

28 310-A:129 Examinations. ~~[Written technical examinations in geology shall be held at least~~
29 ~~annually as the board shall determine.]~~ The scope of the technical and professional examination and
30 the methods of procedure shall be prescribed by the board. ~~[A candidate failing an examination may~~
31 ~~apply for reexamination upon payment of an additional fee determined by the board and shall be~~
32 ~~reexamined on the next regularly scheduled examination date. A candidate failing the examination~~
33 ~~3 consecutive times shall be required to furnish evidence of additional experience, study, or~~
34 ~~education credits acceptable to the board before being allowed to proceed with the examination.]~~

35 252 Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

36 310-A:130 Certificates; Seals. The ~~[board]~~ **office** shall issue a license, upon payment of the
37 licensing fee established by the office of professional licensure and certification, to any applicant who

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1 has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of
2 the licensee and have a serial number. The issuance of a license by the board shall be prima facie
3 evidence that the person named in the license is entitled to all the rights and privileges of a licensed
4 professional geologist while the license remains valid. Each licensee shall upon licensure obtain a
5 seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed
6 Professional Geologist." All papers or documents involving the practice of geology affecting public
7 health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be
8 dated, and bear the signature and seal of the licensed professional geologist who prepared or had
9 responsibility for and approved them.

10 253 Professional Geologists; License Renewals. RSA 310-A:132 is repealed and reenacted to read
11 as follows:

12 310-A:132 License Expiration and Renewals. All licenses issued by the board shall expire in
13 accordance with RSA 310:8. Licensees in good standing may renew their licenses by paying the
14 renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the
15 board of completion of the continuing education requirements. If properly renewed, a license shall
16 remain in effect continuously from the date of issuance, unless suspended or revoked by the board
17 for just cause.

18 254 Professional Geologists; Repeals. The following are repealed:

19 I. RSA 310-A:122, relative to immunity.

20 II. RSA 310-A:131, relative to interstate licensure.

21 III. RSA 310-A:134, relative to enforcement.

22 IV. RSA 310-A:136, relative to reissuance of licenses.

23 V. RSA 310-A:138, relative to restraint of violations.

24 255 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187 to read as follows:

25 310-A:187 Rulemaking Authority.

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

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

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

31 (c) [Repealed.]

32 (d) [Repealed.]

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

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

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

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

3 II. The board shall adopt one eligibility examination required for licensure that is an
4 independent nationally recognized proctored examination.

5 ~~[III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board
6 shall furnish a copy of any proposed rules or amendments thereto, to all affected professionals
7 licensed by the board.]~~

8 256 Home Inspector Licensure Requirements. Amend RSA 310-A:190 to read as follows:

9 310-A:190 Eligibility Requirements for Licensure as a Home Inspector.

10 I. Each applicant for licensure as a home inspector shall meet the following minimum
11 requirements:

12 (a) Completion of no less than 80 hours of board-approved education covering all of the
13 following core components of a residential building of 4 units or less:

14 (1) Heating system.

15 (2) Cooling system.

16 (3) Plumbing system.

17 (4) Electrical system.

18 (5) Structural components.

19 (6) Foundation.

20 (7) Roof covering.

21 (8) Exterior and interior components.

22 (9) Site aspects as they affect the building.

23 (b) Have successfully completed high school or its equivalent.

24 (c) Proof of passing the board-adopted examination required for licensure.

25 (d) Be at least 18 years of age.

26 (e) Submit to the ~~[board]~~ **office** a public criminal history record information
27 authorization form as provided by the New Hampshire state police, which authorizes the release of
28 the applicant's public criminal history record information, if any. The applicant shall bear the cost of
29 the public criminal history record information check.

30 II. A person who was actively engaged in the business of home inspection in this state as a
31 means of his or her livelihood for at least 12 months preceding the effective date of this subdivision
32 shall be eligible for licensure by the ~~[board]~~ **office** without completion of the requirements of
33 subparagraph I(a). An applicant under this paragraph shall be issued a license by providing
34 evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of
35 subparagraph I(a). All applicants shall meet the requirements of subparagraphs I(b) through (e),
36 pay an initial fee, and fulfill all other license application requirements.

1 III. The ~~board~~ **office** shall approve all education programs under subparagraph I(a) of
2 organizations or education institutions providing acceptable education and training.

3 IV. The board shall have the discretion to reject an applicant who is not of good professional
4 character, as evidenced by:

5 (a) Conviction for commission of a felony;

6 (b) Misstatement of facts by the applicant in connection with the application;

7 (c) Violation of any of the standards of practice or code of ethics as they are set forth in
8 this subdivision or in rules adopted by the board; or

9 (d) Practicing home inspections without being licensed in violation of laws of the
10 jurisdiction in which the practice took place.

11 257 Home Inspectors; Continuing Education. Amend RSA 310-A:192 to read as follows:

12 310-A:192 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
13 2-year renewal period of a minimum of 20 hours of continuing education shall be required for license
14 renewal, provided that one hour of the 20 required hours shall be from a board-approved course on
15 appropriate building regulations including any recent revisions to regulations. The ~~board~~ **office**
16 shall approve educational courses and activities that would further the professional competence of
17 licensees. The continuing education credits shall be determined on the basis of one credit for each
18 contact hour of course instruction or professional development activity actually attended by a
19 licensee.

20 258 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

21 310-A:193 Issuance of Licenses. The ~~board~~ **office** shall issue a license upon payment of the
22 license fee established by the office of professional licensure and certification, to any applicant who~~;~~
23 ~~in the opinion of the board,~~ has satisfactorily met all the requirements of this subdivision. Licenses
24 shall show the full name of the licensee and have a serial number. The issuance of a license ~~by the~~
25 ~~board~~ shall be prima facie evidence that the person named in the license is entitled to all the rights
26 and privileges of a licensed home inspector while the license remains valid. It shall be a class B
27 misdemeanor for the licensee to perform home inspections after the license of the licensee has
28 expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

29 259 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

30 310-A:195 Expiration and Renewals.

31 I. ~~[The board shall send, by mail or otherwise, notification of the impending license~~
32 ~~expiration to each licensee at least one month prior to the expiration of the license, along with a~~
33 ~~request for payment of a renewal fee.]~~ Licensees in good standing may renew their licenses by
34 paying the renewal fee prior to the expiration date of the license ~~[, and by presenting evidence~~
35 ~~satisfactory to the board of completion of the continuing education requirements]~~ **in accordance**
36 **with RSA 310:8.** If properly renewed, a license shall remain in effect continuously from the date of
37 issuance, unless suspended or revoked by the board for just cause.

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1 II. ~~[All licenses issued by the board shall expire on the last day of the licensee's month of~~
2 ~~birth in the second year following the year of issuance, or upon such other biennial date as the board~~
3 ~~may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the~~
4 ~~licensee's name shall be removed from current status, and application for reinstatement shall be~~
5 ~~required to return to current status. The board shall charge a 20 percent late fee for each month or~~
6 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal~~
7 ~~application received 12 months after the expiration date shall be rejected, unless accompanied by~~
8 ~~proof of successful completion of the examination required by the board.]~~ A licensed home inspector
9 shall complete at least 20 hours of board-approved continuing education during each license period
10 in order to maintain his or her license. ~~[If a licensee fails to renew such license within the 12~~
11 ~~months after the date of expiration, it shall become null and void and the licensee shall be required~~
12 ~~to reapply and to be re-examined for licensure.~~

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

15 260 Office of Professional Licensure and Certification; Repeals. The following provisions of RSA
16 310-A are repealed:

17 I. RSA 310-A:188, relative to fees.

18 II. RSA 310-A:194, relative to reciprocity.

19 III. RSA 310-A:198, relative to re-issuance of licenses.

20 IV. RSA 310-A:200 relative to restraint of violations.

21 261 Manufactured Housing Installation Standards; Definitions. Amend RSA 205-D:1, III to
22 read as follows:

23 III. ~~["Commissioner" means the commissioner of the department of safety.]~~ ***Executive***
24 ***director" means the executive director of the office of professional licensure and***
25 ***certification.***

26 262 Manufactured Housing Installation Standards; Duties of the Board. Amend RSA 205-D:3 to
27 read as follows:

28 205-D:3 Duties of the Board. The duties of the board shall be to:

29 I. Assure compliance with the Federal Manufactured Housing Construction and Safety
30 Standard, including compliance with the standard as amended by the Manufactured Housing
31 Improvement Act of 2000, Public Law 106-569.

32 II. Establish uniform manufactured housing installation standards in order to protect the
33 quality, durability, safety, and affordability of manufactured housing in this state.

34 III. ***Adopt rules to*** adequately license and train manufactured housing installers in order to
35 ensure the proper performance of the house and protect the safety and welfare of the public.

36 IV. Ensure compliance with state installation standards by conducting appropriate
37 inspections of the installation of manufactured housing.

1 V. Provide a fair and effective recourse for consumers relative to installation standards; and
2 provide a dispute resolution program for timely resolution of disputes between manufacturers,
3 retailers, and installers of manufactured houses regarding responsibility, and for the issuance of
4 appropriate orders, for the correction or repair of defects in manufactured houses that are reported
5 during the one year period beginning on the date of installation.

6 ***VI. Hear and determine matters involving manufactured housing park rules,***
7 ***specifically RSA 205-A:2, RSA 205-A:7, and RSA 205-A:8, in accordance with procedures***
8 ***adopted by the office pursuant to RSA 541-A.***

9 263 Manufactured Housing Installation Standards; Inspectors. Amend RSA 205-D:5 to read as
10 follows:

11 205-D:5 Inspectors.

12 I. The local enforcement agency, or if there is no local enforcement agency, the ~~board or the~~
13 ~~board's designee,~~ ***office of professional licensure and certification*** shall:

14 (a) Conduct appropriate inspections to ensure compliance throughout the state with
15 installation practices consistent with the provisions of this chapter and rules promulgated
16 hereunder.

17 (b) Enter any premises on which an installation is being or has been completed subject
18 to regulation under this chapter for the purpose of making such inspection as is necessary to carry
19 out his or her duties under this chapter. Inspections shall be done prior to occupancy of the
20 manufactured house.

21 (c) Order the correction of any violation of this chapter, or rule adopted under this
22 chapter.

23 (d) Order any installer to discontinue installation until the violations are corrected.

24 (e) Approve the continuation of work on the installation upon being satisfied that
25 violations have been corrected.

26 (f) Issue a certificate of compliance upon satisfaction that a manufactured house has
27 been installed in compliance with this chapter and the rules promulgated under this chapter.

28 II. Whenever a local enforcement agency, or if there is no local enforcement agency, the
29 ~~board or the board's designee~~ ***office*** orders the correction of a violation under subparagraph I(c), he
30 or she shall immediately notify the board.

31 III. A certificate of compliance shall be required for occupancy.

32 ~~[IV. Any installer aggrieved under the provisions of this section may file a complaint in~~
33 ~~accordance with RSA 205-D:6.]~~

34 264 Manufactured Housing Installation Standards; License Required. Amend RSA 205-D:7 to
35 read as follows:

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1 205-D:7 License Required. No person shall install any manufactured house subject to the
2 provisions of this chapter without first obtaining a license from the ~~[board]~~ **office of professional**
3 **licensure** and as required by this chapter.

4 265 Manufactured Housing Installation Standards; Qualifications for License. Amend RSA 205-
5 D:8 to read as follows:

6 205-D:8 Qualifications for License. The ~~[board]~~ **office** shall issue a license to any applicant who
7 at a minimum:

8 I. Has attained the age of 18;

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

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

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

14 266 Manufactured Housing Installation Standards; Bond Required. Amend RSA 205-D:9, I to
15 read as follows:

16 I. The ~~[board]~~ **office** shall not issue a license to any person unless the person or his or her
17 employer on his or her behalf has posted a surety bond or letter of credit to be held by the state
18 treasurer in an amount to be determined by the board. No surety bond or letter of credit shall be
19 accepted unless it is with a surety company authorized to do business in this state. The surety may
20 cancel the bond or letter of credit at any time upon giving 30 days' written notice to the board.

21 267 Manufactured Housing Installation Standards; Application for License. Amend RSA 205-
22 D:10 to read as follows:

23 205-D:10 Application for License.

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

25 ~~II.]~~ Applications for licensure shall be accompanied by proof of the surety bond required by
26 this chapter, and payment of the license fee.

27 ~~III.]~~ **II.** The board may require each applicant to provide additional information about the
28 applicant's background and trustworthiness as is reasonably necessary **and in accordance with**
29 **rules adopted by the board pursuant to RSA 541-A.**

30 268 Manufactured Housing Installation Standards; Expiration and Renewal. Amend RSA 205-
31 D:11 to read as follows:

32 205-D:11 Expiration and Renewal.

33 I. All licenses issued by the board shall expire ~~[on the last day of the month of the licensee's~~
34 ~~birth in the third year following the year of issuance, but may be renewed during the following~~
35 ~~month, retroactive to the first day of the month. Upon failure to pay the renewal fee within the~~
36 ~~required period, a licensee may renew his or her license by submitting the required fee plus \$10~~

1 ~~before the last day of the second month following the month of his or her birth]~~ **in accordance with**
2 **RSA 310:8.**

3 II. Persons licensed as installers are eligible for renewal of their licenses if they:

4 (a) Are not in violation of this chapter;

5 (b) Meet any requirements for continuing education established by the board in rules
6 adopted pursuant to RSA 541-A; and

7 (c) Submit evidence that a surety bond required under RSA 205-D:9 is in force.

8 269 Manufactured Housing Installation Standards; Warranty Seal. Amend RSA 205-D:17 to
9 read as follows:

10 205-D:17 Warranty Seal. In order to keep record of and verify the proper installation of
11 manufactured homes, no manufactured house may be installed in this state until the manufacturer
12 or an installer licensed by the ~~board~~ **office** has obtained a warranty seal from the ~~board~~ **office**
13 and attached the seal to the manufactured house.

14 270 Manufactured Housing Installation Standards; Rulemaking Authority. RSA 205-D:20 is
15 repealed and reenacted to read as follows:

16 205-D:20 Rulemaking Authority. The board shall be authorized, pursuant to RSA 541-A, to
17 adopt rules relative to:

18 I. The establishment of uniform manufactured housing installation standards.

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

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

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

25 V. Procedures for the conduct of hearings consistent with the requirements of due process.

26 VI. The establishment of a program for the timely resolution of disputes between
27 manufacturers, retailers, and installers of manufactured housing regarding responsibility, for the
28 issuance of appropriate orders, and for the correction or repair of defects in manufactured houses
29 that are reported during the one year period following the date of installation.

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

31 271 Manufactured Housing Installation Standards; Repeals. The following provisions of RSA
32 205-D are repealed:

33 I. RSA 205-D:2, IV, relative to relative to compensation.

34 II. RSA 205-D:12, relative to fees.

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

36 272 Land Surveyors; General Provisions. Amend RSA 310-A:53, IV and V to read as follows:

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1 IV. The practice of or the offer to practice land surveying in this state by individual licensed
2 land surveyors as a business organization, a material part of the business which includes land
3 surveying, is permitted provided certain personnel of such entity who shall act in its behalf are
4 licensed land surveyors under the provisions of this subdivision and provided such entity has been
5 issued a certificate of authorization by the ~~[board]~~ **office** as provided in this subdivision. Any entity
6 issued a certificate under this section shall be required to comply with all of the provisions of this
7 subdivision.

8 V. Each such entity shall file with the ~~[board]~~ **office** of licensure a designation of an
9 individual or individuals licensed to practice land surveying in this state who shall be in charge of
10 land surveying by such entity in this state. The person designated shall be a full-time officer,
11 partner, owner, or full-time employee of that entity. Such entity shall notify the ~~[board]~~ **office** of
12 licensure of any change in the entity's designation within 30 days after such change becomes
13 effective.

14 273 Land Surveyors; Definitions. Amend RSA 310-A:54 to read as follows:

15 310-A:54 Definitions. As used in this subdivision:

16 I. "Board" means the state board of licensure for land surveyors.

17 I-a. "Business organization" means any enterprise, whether corporation, partnership,
18 limited liability company, proprietorship, association, business trust, real estate trust or other form
19 of organization; organized for gain or profit, carrying on any business activity within the state.

20 I-b. "Certificate of authorization" means any certificate issued by the ~~[board]~~ **office** to a
21 business organization to engage in the practice of land surveying.

22 II. A "land surveyor" is a professional specialist in the technique of measuring land,
23 educated in the basic principles of mathematics, the related physical and applied sciences, and the
24 relevant requirements of law for adequate evidence and all requisite to the surveying of real
25 property and engaged in the practice of land surveying as herein defined.

26 ~~[III. "Land surveyor-in-training" means a candidate for licensure as a land surveyor who,~~
27 ~~prior to completion of the requisite years of experience in surveying work provided in RSA 310-A:63,~~
28 ~~has met the preliminary requirements for licensure as a land surveyor, and has been issued a~~
29 ~~certificate by the board stating that such candidate is a land surveyor-in-training.]~~

30 ~~[IV]~~ **III.** "Practice of land surveying" means any service or work, the adequate performance
31 of which involves the application of special knowledge of the principles of mathematics, the related
32 physical and applied sciences and the relevant requirements of law for adequate evidence to the act
33 of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the
34 surface of the earth, within underground workings, and on the beds of bodies of water for the
35 purpose of determining areas and volumes, for the monumenting of property boundaries and for the
36 platting and layout of lands and subdivisions of land, including the topography alignment and

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1 grades of streets and for the preparation and perpetuation of maps, record plats, field note records
2 and property descriptions that represent these surveys.

3 274 Land Surveyors, Licensure. RSA 310-A:63 is repealed and reenacted to read as follows:

4 310-A:63 Licensure.

5 I. As minimum evidence satisfactory to the board according to rules adopted under 541-A
6 that a person is qualified for licensure as a land surveyor, such person shall have a specific record of
7 6 years or more accumulated experience in land surveying work indicating that such person is
8 competent to practice land surveying and has passed a proctored examination, prescribed by the
9 board.

10 II. A year of accumulated experience for the purpose of paragraph I shall include, but not be
11 limited to:

12 (a) Any year during which the applicant was enrolled at an institution of higher learning
13 pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the
14 applicant completed at least one course in land surveying during the said enrollment; provided such
15 education credits towards accumulated experience shall not exceed 4 years of accumulated
16 experience;

17 (b) Any year during which the applicant was actively engaged in land surveying work as
18 a land surveyor-in-training under the supervision of a licensed land surveyor; or

19 (c) Any substantial period of time, even if less than a full calendar year, during which
20 the applicant, in the discretion of the board, was considered to be actively engaged in land surveying
21 work.

22 275 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

23 310-A:65 Application. Applications for licensure [~~shall be on forms prescribed and furnished by~~
24 ~~the board,~~] shall contain statements made under oath, showing the applicant's education and
25 detailed summary of the applicant's technical work, and shall contain not less than 5 references, of
26 whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying
27 experience. All applications shall be accompanied by a fee established by the [board] *office*.

28 276 Land Surveyors; Application for Certificate of Authorization. Amend RSA 310-A:65-a to
29 read as follows:

30 310-A:65-a Application for Certificate of Authorization. The [board] *office* shall issue a
31 certificate of authorization to any business organization in accordance with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

24 277 Land Surveyors; Examinations. RSA 310-A:66 is repealed and reenacted to read as follows:

25 310-A:66 Examinations. The board shall prescribe the examination requirements in rules
26 adopted pursuant to RSA 541-A.

27 278 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

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

33 279 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

34 310-A:68 Expiration and Renewals. All licenses issued ~~by the board~~ shall expire ~~on the last~~
35 ~~day of the month of the licensee's birth in the year 2 years following the year of issuance.~~ The
36 ~~secretary of the board shall notify every licensee of the date of the expiration of the license and the~~
37 ~~amount of the fee that shall be required for its renewal for 2 years.~~ Such notice shall be mailed at

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1 ~~least one month in advance of the date of expiration]~~ **in accordance with RSA 310:8.** Renewal
2 may be effected at any time during the month of expiration by the payment of the fee [~~established by~~
3 ~~the board]~~ and submission of evidence satisfactory to the board showing fulfillment of continuing
4 education requirements. [~~The failure on the part of any licensee to renew the license in the month of~~
5 ~~expiration as required above shall not deprive such person of the right of renewal, provided that the~~
6 ~~board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal~~
7 ~~is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it~~
8 ~~shall become null and void and the licensee shall be required to reapply and to be reexamined for~~
9 ~~licensure as required in this section.]~~

10 280 Land Surveyors; Nonresidents. RSA 310-A:69 is repealed and reenacted to read as follows:

11 310-A:69 Nonresidents. The secretary of state shall not issue a certificate of incorporation to
12 any applicant for incorporation or for registration as a foreign business organization which includes
13 the words "surveyor" or "surveying" or any modification or derivative thereof in its business name, or
14 which includes the practice of land surveying among the objects for which it is established, unless
15 the office shall have issued, with respect to such applicant, a certificate of authorization or eligibility
16 for authorization under this subdivision, a copy of which shall have been presented to the secretary
17 of state. The secretary of state, after a reasonable transition period, shall decline to register any
18 trade name or service mark which includes such words or modifications or derivatives thereof in its
19 firm or business name except to business organizations holding certificates of authorization issued
20 under the provisions of this subdivision, a copy of which shall have been presented to the secretary of
21 state.

22 281 Land Surveyors; Violations and Penalties. Amend RSA 310-A:72, II to read as follows:

23 II. The ~~board~~ **office** may investigate any actual, alleged, or suspected unlicensed activity
24 and report the findings of such investigations to the attorney general for prosecution.

25 282 Land Surveyors; Repeals. The following provisions are repealed:

26 I. RSA 310-A:59, relative to relative to additional powers.

27 II. RSA 310-A:60, relative to fees.

28 III. RSA 310-A:64, relative to surveyors in training.

29 IV. RSA 310-A:73, relative to injunctions.

30 283 Landscape Architects; Applications. Amend RSA 310-A:149 to read as follows:

31 310-A:149 Applications.

32 I. Applications for licensure shall ~~[be on forms prescribed and furnished by the board, shall]~~
33 contain statements made under oath, showing the applicant's education and a detailed summary of
34 the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall
35 be licensed landscape architects having personal knowledge of the applicant's professional
36 experience. ~~[The board shall establish fees for application and any examination required under this~~

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1 ~~subdivision. Should the board deny the issuance of a license to any applicant, any initial fee~~
2 ~~deposited shall be retained as an application fee.]~~

3 II. References relating to experience in the practice of landscape architecture performed
4 prior to the effective date of this subdivision may be provided by either a landscape architect or a
5 person determined by the board *in rules adopted pursuant to RSA 541-A* to be of equivalent
6 ethical standards, education, and experience who may or may not have been licensed.

7 284 Landscape Architects; Continuing Education. Amend RSA 310-A:150 to read as follows:

8 310-A:150 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
9 biennial renewal period of a minimum of 30 hours of continuing education shall be required for
10 license renewal. The board shall identify the types of educational courses and activities that would
11 further the professional competence of licensees. In general, the continuing education credits shall
12 be determined on the basis of one credit for each contact hour of course instruction or professional
13 development activity actually attended by a licensee.

14 285 Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

15 310-A:151 Examinations. ~~[Written technical examination in landscape architecture shall be~~
16 ~~held at least annually as the board shall determine.]~~ The scope of the technical and professional
17 examination and the methods of procedure shall be prescribed by the board. ~~[A candidate failing an~~
18 ~~examination may apply for reexamination upon payment of an additional fee determined by the~~
19 ~~board and shall be reexamined on the next regularly scheduled examination date.]~~

20 286 Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

21 310-A:152 Certificates; Seals. The ~~[board]~~ *office* shall issue a license upon payment of the
22 license fee established by the office of professional licensure and certification, to any applicant who~~;~~
23 ~~in the opinion of the board,~~ has satisfactorily met all the requirements of this subdivision. Licenses
24 shall show the full name of the licensee and have a serial number. The issuance of a license ~~[by the~~
25 ~~board]~~ shall be prima facie evidence that the person named in the license is entitled to all the rights
26 and privileges of a licensed landscape architect while the license remains valid. Each licensee shall
27 upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and
28 the legend, "licensed landscape architect." All papers or documents involving the practice of
29 landscape architecture under this subdivision, when issued or filed for public record, shall be dated
30 and bear the signature and seal of the licensed professional who prepared or had responsibility for
31 and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any
32 documents with such seal after the license of the licensee has expired or has been revoked, unless
33 such license shall have been renewed, reinstated, or reissued.

34 287 Landscape Architects; Expiration and Renewals. RSA 310-A:154 is repealed and reenacted
35 to read as follows:

36 310-A:154 Expiration. All licenses issued by the board shall expire in accordance with RSA
37 310:8.

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1 288 Landscape Architects; Repeals. The following provisions are repealed:

2 I. RSA 310-A:143, II, relative to rulemaking authority.

3 II. RSA 310-A:144, relative to fees.

4 III. RSA 310-A:153, relative to interstate licensure.

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

6 V. RSA 310-A:159, relative to injunctions.

7 289 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29 to read as follows:

8 153:29 Examinations; Licenses.

9 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
10 appointed board members, [~~in consultation with the office of professional licensure and certification~~]
11 and with the approval of the executive director of the office of professional licensure and
12 certification, shall establish, through rulemaking pursuant to RSA 541-A, the nature of the
13 examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of
14 such examinations and the methods of procedure shall be prescribed by the board. This may include
15 an outside organization approved by the board.

16 II. Each license issued by the [~~board~~] **office** shall identify which of the following special
17 licenses or license endorsements apply to the licensee:

18 (a) Hearth system installation and service technician.

19 (b) Fuel gas installation technician.

20 (c) Fuel gas service technician.

21 (d) Fuel gas piping installer.

22 (e) Fuel gas trainee.

23 (f) Domestic appliance technician.

24 (g) Master plumber.

25 (h) Journeyman plumber.

26 (i) Apprentice plumber.

27 III. No licensee shall engage in any activity not covered by his or her specialty license.

28 IV. The license issued shall be available for inspection on request. [~~The board shall issue a~~
29 ~~license suitable to be carried by the individual licensee.~~]

30 290 State Board of Fire Control; Mechanical License; Business Entities. Amend RSA 153:29-a
31 to read as follows:

32 153:29-a Mechanical License; Business Entities.

33 I. The [~~board~~] **office** may issue a business entity a license ***in accordance with the rules***
34 ***adopted by the board. The rules may permit licensure*** without examination or continuing
35 education requirements to corporations, partnerships, or limited liability companies engaged in fuel
36 gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or
37 more members of the partnership, or designee, or one or more managing members of the limited

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1 liability company, or designee, hold an active and current license as a domestic appliance technician,
2 hearth system installation and service technician, fuel gas piping installer, fuel gas installation
3 technician, fuel gas service technician, or master plumber for the appropriate mechanical business
4 entity license, or any combination thereof, provided that the licensee of record is properly licensed for
5 each of the business entities listed by the applicant under this subdivision. Within 30 days after the
6 death or withdrawal of the licensed person as a corporate officer, or designee, or member of the
7 partnership, or designee, or one or more managing members of the limited liability company, or
8 designee, the licensed person, corporation, partnership, or limited liability company shall give notice
9 thereof to the board and, if no other officer, partner, manager or designee, is licensed as a domestic
10 appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel
11 gas installation technician, fuel gas service technician, or master plumber, the corporation, or
12 partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other
13 officer, member, or designee, has obtained a license as a domestic appliance technician, hearth
14 system installation and service technician, fuel gas piping installer, fuel gas installation technician,
15 fuel gas service technician, or master plumber. ~~[Notwithstanding any other provision of law, the
16 board shall not require a fee for a business entity engaged in fitting and/or plumbing where a
17 licensed domestic appliance technician, hearth system installation and service technician, fuel gas
18 piping installer, fuel gas installation technician, fuel gas service technician, or master plumber is the
19 sole individual holding the license of the business entity.]~~

20 II. All licenses issued under this section shall expire every 2 years ~~[on the last day of~~
21 ~~January]~~ **in accordance with RSA 310:8**. The ~~[board]~~ **office** shall renew a valid license issued
22 under this section on receipt of an application for renewal and the required fee before the expiration
23 date of the license.

24 III. ~~[Notwithstanding RSA 21-G:9,]~~ The board, with an affirmative vote of at least 4 of the
25 appointed board members, ~~[in consultation with the office of professional licensure and certification]~~
26 and with the approval of the executive director of the office of professional licensure and
27 certification, shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal
28 ~~[procedure and any]~~ eligibility requirements in addition to those in this subdivision for a fuel gas
29 fitter license or plumber for business entities issued pursuant to this section.

30 ~~[IV. The board shall establish a fee structure for mechanical business entities by providing~~
31 ~~the following:~~

32 ~~(a) Fees not to exceed \$250 for a business entity which employs no less than one~~
33 ~~additional licensee and not more than 5 employees required to be licensed under this subdivision.~~

34 ~~(b) Fees not to exceed \$400 for a business entity employing not more than 20 employees~~
35 ~~required to be licensed under this subdivision.~~

36 ~~(c) Fees not to exceed \$600 for a business employing 21 or more employees required to be~~
37 ~~licensed under this subdivision.~~

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1 ~~(d) Application, renewal, late renewal and re-instatement fees.]~~

2 ~~[V.] IV.~~ A licensed business entity may apply for and receive a permit from any municipality
3 within the state.

4 ~~[VI.] V.~~ All business entities shall provide proof of good standing with the secretary of state
5 and proof of liability insurance prior to issuance and renewal of a business entity license.

6 291 Natural Scientists; Definitions. Amend RSA 310-A:76, II and II-a to read as follows:

7 II. "Certified soil scientist" means a person who, by reason of special knowledge of
8 pedological principles acquired by professional education and practical experience, as specified by
9 RSA 310-A:84, I and II, is qualified to identify, classify, and prepare soil maps according to the
10 standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire
11 department of environmental services, or standards adopted by the board, and who has been duly
12 certified by the ~~board~~ **office**.

13 II-a. "Certified wetland scientist" means a person who, by reason of his or her special
14 knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work
15 and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland
16 boundaries and to prepare wetland maps; to classify wetlands; to prepare wetland function and
17 value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor
18 wetlands functions and values; and to prepare associated reports, all in accordance with standards
19 for identification of wetlands adopted by the New Hampshire department of environmental services
20 or the United States Army Corps of Engineers or their successors, and who has been duly certified
21 by the ~~board~~ **office**.

22 292 Natural Scientists; Qualifications for Certification. Amend RSA 310-A:84, II-b and III to
23 read as follows:

24 II-b.(a) Experience in the practice of wetland science shall be of a quality and character that
25 indicates ~~to the board~~ that the applicant is competent to practice as a wetland scientist.
26 Experience shall be defined as one or more of the following:

27 (1) Teaching wetland science courses or performing research in wetland science at
28 an accredited college, university, or institution offering an approved wetland science or wetland
29 ecology curriculum.

30 (2) Actual field experience gained in an acceptable apprenticeship program.

31 (3) Actual field mapping experience, defined as the delineation of wetland
32 boundaries and the preparation of wetland maps; the classification of wetlands; the preparation of
33 wetland function and value assessments; the design of wetland mitigation; the implementation of
34 wetland mitigation; the monitoring of wetlands functions and values; and preparation of associated
35 reports, all in accordance with standards for the identification of wetlands adopted by the
36 department of environmental services or the United States Army Corps of Engineers or their
37 successors.

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1 (b) For the purposes of this paragraph, educational training shall not be considered as
2 experience; summer employment shall be considered experience.

3 (c) For the purposes of this paragraph, each advanced degree in a related field may be
4 counted as one year of experience, however, a minimum of one year of actual field experience shall be
5 required for all candidates.

6 III. A candidate failing an examination may apply for a re-examination upon payment of an
7 additional fee ~~[as determined by the board in its rules and shall be re-examined on the next~~
8 ~~regularly scheduled semi-annual examination date]~~. A candidate failing the examination 3
9 consecutive times shall be required to furnish evidence of additional experience, study, or education
10 credits acceptable to the board before being allowed to proceed with the examination.

11 293 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

12 I. Application for certification ~~[shall be on forms prescribed and furnished by the board.~~
13 ~~Such forms]~~ shall include the applicant's educational background, including transcripts from
14 educational institutions attended, a detailed work experience history, and such other information as
15 the board may by rule require. All applications shall be signed under oath by the applicant.

16 294 Natural Scientists; Expiration of Certification. Amend RSA 310-A:88 to read as follows:

17 310-A:88 Expiration. A certification shall expire ***in accordance with RSA 310:8.*** ~~[on the last day of~~
18 ~~the certificate holder's month of birth in the year 2 years following the year of issuance.]~~

19 295 Natural Scientists; Certificate Renewal. Amend RSA 310-A:89 to read as follows:

20 310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the
21 expiration date and by payment of the prescribed renewal fee. ~~[The secretary shall notify each~~
22 ~~certified individual one month prior to expiration of such certificate.]~~

23 296 Repeal; Natural Scientists. The following are repealed:

- 24 I. RSA 310-A:80, relative to reciprocity.
- 25 II. RSA 310-A:83, relative to additional powers.
- 26 III. RSA 310-A:90, relative to failure to renew.
- 27 IV. RSA 310-A:92, relative to fees.
- 28 V. RSA 310-A:96, relative to injunctions.

29 297 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
30 Adherence to Standards. Amend RSA 310-B:12-j, I and II to read as follows:

31 I. Each appraisal management company seeking to be registered in this state shall certify to
32 the ~~[board]~~ ***office*** on an annual basis that it requires appraisers completing appraisals at its request
33 to comply with the Uniform Standards of Professional Appraisal Practice including the requirements
34 for geographic and product competence.

35 II. Each appraisal management company seeking to be registered in this state shall certify
36 to the ~~[board]~~ ***office*** on an annual basis that it has a system in place to require that appraisals are
37 conducted independently and free from inappropriate influence and coercion as required by the

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1 appraisal independence standards established under section 129E of the Truth in Lending Act,
2 including the requirement that fee appraisers be compensated at a customary and reasonable rate
3 when the appraisal management company is providing services for a consumer credit transaction
4 secured by the principal dwelling of a consumer.

5 298 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
6 Recordkeeping. Amend RSA 310-B:12-k to read as follows:

7 310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management
8 company seeking to be registered in this state shall certify to the [board] *office* on an annual basis
9 that it maintains a detailed record of each service request that it receives and the appraiser that
10 performs the appraisal for the appraisal management company. Such records must be retained for a
11 period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial
12 proceeding related to the assignment, whichever period expires later.

13 299 State Licensed or Certified Real Estate Appraisers; Principal Place of Business. Amend
14 RSA 310-B:15 to read as follows:

15 310-B:15 Principal Place of Business.

16 I. Each licensed or certified real estate appraiser shall advise the [board] *office* of the
17 address of his principal place of business and all other addresses at which he is currently engaged in
18 the business of preparing real estate appraisal reports.

19 II. Whenever a licensed or certified real estate appraiser changes a place of business, he
20 shall, within 10 days of such change, give written notification of the change to the [board] *office* and
21 apply for an amended license or certificate.

22 III. Every licensed or certified real estate appraiser shall notify the [board] *office* of his or
23 her current residence address and electronic address. Residence addresses and electronic addresses
24 on file with the board are exempt from disclosure as public records.

25 300 State Licensed or Certified Real Estate Appraisers; Appraisal Management Companies.
26 Amend RSA 310-B:16-a, I and II to read as follows:

27 I. The board shall adopt rules under RSA 541-A which shall establish minimum
28 requirements for the annual registration of appraisal management companies. Such minimum
29 requirements shall include that such companies:

30 (a) Register with the [board] *office* by each January 1 and be subject to supervision by
31 the New Hampshire real estate appraiser board;

32 (b) Verify that only licensed or certified appraisers are used for federally related
33 transactions;

34 (c) Comply with the Uniform Standards of Professional Appraisal Practice in
35 coordinating appraisals; and

1 (d) Conduct appraisals independently and free from inappropriate influence and coercion
2 pursuant to the appraisal independence standards established under section 129E of the federal
3 Truth in Lending Act.

4 II. An appraisal management company shall not be registered by the ~~board~~ **office** or
5 included on the national registry if such company, in whole or in part, directly or indirectly, is owned
6 by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered
7 in lieu of revocation, or revoked in any state. Additionally, each person that owns more than 10
8 percent of an appraisal management company shall be of good moral character, as determined by the
9 board, and shall submit to a background investigation carried out by the board.

10 301 New Hampshire Real Estate Practice Act; Commission; Duty. Amend RSA 331-A:5, VI to
11 read as follows:

12 VI. The commission shall annually elect, from among its members, a chairperson, and a
13 clerk. ~~[Each member of the commission shall receive \$50 for each day actually engaged in the duties~~
14 ~~of the office, and shall be reimbursed for actual travel expenses while performing official duties.]~~

15 302 New Hampshire Real Estate Practice Act; Qualifications for Licensure. Amend RSA 331-
16 A:10 to read as follows:

17 331-A:10 Qualifications for Licensure.

18 I. The ~~commission, or designee,~~ **office** shall issue a salesperson's license to any applicant
19 who:

20 (a) Has attained the age of 18;

21 (b) Has successfully completed an examination administered or approved by the
22 commission which demonstrates satisfactory knowledge and understanding of the principles of real
23 estate practice. The executive director shall only accept for licensure, an applicant who shows proof
24 of completion of 40 hours of approved study which shall have been completed prior to the date of the
25 applicant's examination;

26 (c) Demonstrates no record of unprofessional conduct;

27 (d) Furnishes any evidence required by the commission relative to good reputation for
28 honesty, trustworthiness, and integrity; and

29 (e) Complies with the criminal records check under RSA 331-A:10-a.

30 II. The ~~commission, or designee,~~ **office** shall issue a broker's license to any applicant who:

31 (a) Has attained the age of 18;

32 (b) Has successfully completed an examination administered or approved by the
33 commission which demonstrates satisfactory knowledge and understanding of the principles of real
34 estate practice. The ~~commission, or designee,~~ **office** shall only accept for licensure, an applicant
35 who shows proof of completion of 60 hours of approved study which shall have been completed prior
36 to the date of the applicant's examination;

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1 (c)(1) Has been employed full time by an active principal broker for at least one year
2 within 5 years of the date of application; or

3 (2) Has at least 2,000 part-time hours as a licensed salesperson in this state within 5
4 years of the date of application; or

5 (3) Proves to the commission that the applicant has experience equivalent to the
6 experience required by subparagraph (c)(1) or (c)(2);

7 (d) Demonstrates no record of unprofessional conduct;

8 (e) Furnishes any evidence required by the commission relative to good reputation for
9 honesty, trustworthiness, and integrity;

10 (f) For a broker acting as a principal broker or a managing broker, but excluding
11 associate brokers or a corporation, partnership, limited liability company, or association, files a
12 surety bond with the ~~[commission]~~ **office** which shall be held in accordance with RSA 331-A:14;

13 (g) Submits evidence ~~[acceptable to the commission]~~ of at least 6 separate real estate
14 transactions in which the applicant was actively involved and was compensated or proves to the
15 commission that the applicant has equivalent experience *in accordance with rules adopted*
16 *pursuant to 541-A*; and

17 (h) Complies with the criminal records check under RSA 331-A:10-a.
18 303 New Hampshire Real Estate Practice Act; Examinations. RSA 331-A:11 is repealed and
19 reenacted to read as follows:

20 331-A:11 Examinations. Any applicant seeking a salesperson's or broker's license shall first
21 past a reasonable written examination approved by the board. Any person who has passed the
22 examination for broker or salesperson shall become licensed within 6 months of the date of the
23 examination. Any person who fails to become licensed within the 6-month period shall be required
24 to retake the examination.

25 304 New Hampshire Real Estate Practice Act; Supervision of Real Estate Office; Branch Offices.
26 Amend RSA 331-A:16, I to read as follows:

27 I. Every real estate office or real estate branch office, whether operated as a corporation,
28 partnership, or sole proprietorship, shall be directed, supervised, and managed by a licensed real
29 estate broker. The principal broker shall submit to the ~~[commission]~~ **office** a branch office
30 application form prior to the opening of any branch office. The principal broker shall designate a
31 managing broker for each branch office the principal broker opens. The principal broker shall notify
32 the ~~[commission]~~ **office** when any licensee associated with the principal broker transfers from one
33 branch office to another branch office within the same association.

34 305 New Hampshire Real Estate Practice Act; Programs of Study. Amend RSA 331-A:20 to read
35 as follows:

36 331-A:20 Programs of Study; Preparatory Education; Continuing Education.

1 I. An individual, institution, or organization seeking accreditation or renewal of
2 accreditation to ~~offer~~ **teach** a preparatory or continuing education program of study shall meet
3 criteria and submit documentation **to the office** as required by the commission prior to approval.

4 **I-a.** The commission shall require any individual, institution, or organization seeking
5 accreditation or renewal of accreditation of a real estate **preparatory or continuing education**
6 course to submit documents, statements, and forms prior to approval.

7 II. ~~[In reviewing and approving an application for a continuing education course, the~~
8 ~~commission shall assess the content with the primary purpose of assuring that real estate licensees~~
9 ~~possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real~~
10 ~~estate business].~~ The subject matter of the **preparatory or continuing education** course must be
11 directly related to real estate practice in New Hampshire~~[-]~~ **and satisfy all requirements**
12 **established by the board pursuant to RSA 541-A.** Continuing education courses shall consist of
13 the following:

14 (a) Continuing education 3-hour core courses shall cover, but not be limited to, changes
15 in state and federal laws dealing with real estate brokerage, housing, financing of real property and
16 consumer protection as well as changes in state enabling laws dealing with zoning and subdivision
17 practices. The core courses shall be designed to assist the licensee in keeping abreast of changing
18 laws, rules and practices which will affect the interest of the licensee's clients or customers.

19 (b) ~~Continuing education elective courses shall cover, but not be limited to, property~~
20 ~~valuation, construction, contract and agency law, ethics, financing and investment, land use and~~
21 ~~zoning, property management, taxation, environmental issues, and supervision and office~~
22 ~~management. The elective courses shall be designed to assist the licensee in keeping abreast of~~
23 ~~changing laws, rules, and practices which affect the interest of the licensee's clients or customers.~~

24 III. ~~[The commission shall establish a program of continuing education for license renewal to~~
25 ~~be administered in at least 5 geographical locations including, but not limited to, locations in or near~~
26 ~~Berlin, Concord, Keene, Nashua and Portsmouth, depending upon local requirements and the ability~~
27 ~~to engage accredited individuals, corporations or educational institutions.~~

28 ~~IV-]~~ **III.** The commission may establish a fee for educational program evaluation.

29 ~~IV-]~~ **IV.** Any **instructors accredited by the office to teach** ~~[individual, institution, or organization~~
30 ~~offering]~~ a preparatory or continuing education program who commits any of the following acts,
31 conduct, or practices shall, after a hearing under RSA 331-A:30, be subject to disciplinary action as
32 provided in RSA 331-A:28:

33 (a) Obtaining or attempting to obtain an accreditation or re-accreditation by means of
34 fraud, misrepresentation, or concealment.

35 (b) Violating any of the provisions of this chapter, or any rules adopted or order issued
36 pursuant to this chapter.

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1 (c) Advertising the availability of accredited courses in a false, misleading, or deceptive
2 manner.

3 (d) Failing to include in any advertisement the individual, institution, or organization's
4 legal name or reasonable derivative thereof accredited to teach the course.

5 (e) Offering or providing a course with curriculum or subject matter which is not the
6 curriculum or subject matter submitted for accreditation.

7 (f) Engaging in conduct which demonstrates incompetence.

8 (g) Providing an affidavit of completion of an accredited course to a licensee or a
9 potential licensee who has not completed the required hours of such course.

10 (h) Providing outdated, inappropriate, or inaccurate teaching materials or information.

11 (i) Receiving poor student evaluations or commission audits.

12 (j) Failing to take corrective action toward unsatisfactory performance or issues
13 identified in commission audits.

14 (k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when
15 presenting a course to licensees or potential licensees, engaging in inappropriate conduct.

16 (l) Discriminating against an individual based on age, sex, race, creed, color, marital
17 status, physical or mental disability, religious creed, national origin, or sexual orientation.

18 (m) Offering or providing a course for credit that has not yet been accredited or whose
19 accreditation has expired.

20 (n) Failing to preserve, for at least 3 years from the beginning date of an accredited
21 course, attendance records, documentation, and materials relating to the course.

22 306 New Hampshire Real Estate Practice Act; Temporary Licenses. Amend RSA 331-A:21 to
23 read as follows:

24 331-A:21 Temporary Licenses. In the event of the death or total incapacity of a licensed real
25 estate principal broker of a real estate business, the ~~commission~~ **office** may, upon application by
26 the principal broker's legal representative, issue without examination a temporary license to such
27 legal representative or to an individual designated by the legal representative and approved by the
28 commission, and by the payment of the prescribed fee, which shall authorize such temporary licensee
29 to continue to transact real estate business for a period not to exceed one year from the date of death
30 or incapacitation.

31 307 New Paragraphs; New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-
32 A:25 by inserting after paragraph XV the following new paragraphs:

33 XVI. The supervision requirements for salespersons.

34 XVII. The accreditation of instructors of preparatory and continuing education courses.

35 XVIII. The requirements for accreditation of preparatory and continuing education courses.

36 308 Repeals; Real Estate Practice Act. The following are repealed:

37 I. RSA 331-A:5, VII, relative to an official seal.

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1 II. RSA 331-A:12, I, relative to application forms.

2 III. RSA 331-A:24-a, relative to notice of rulemaking.

3 309 Septic System Evaluators; Definitions. Amend RSA 310-A:203, III to read as follows:

4 III. "Code of ethics" means the code of ethics described in RSA 310-A:205 that is followed by
5 septic system evaluators who are licensed as septic system evaluators by the ~~[board]~~ **office**.

6 310 Septic System Evaluators; Rulemaking Authority. Amend RSA 310-A:207 to read as
7 follows:

8 310-A:207 Rulemaking Authority.

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

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

12 ~~[(b) Procedures for auditing applicants and license holders.]~~

13 ~~[(e)]~~ **(b)** The criteria for a license to be renewed or reinstated, including any
14 requirements for continuing education.

15 ~~[(d)]~~ **(c)** Professional standards required to be met by each holder of a license under this
16 subdivision and how disciplinary actions by the board shall be implemented for violations of these
17 standards.

18 ~~[(e) [Repealed.]~~

19 ~~[(f) Procedures]~~ **(d) Requirements** for approving education courses for eligibility for
20 licensure and for a continuing education program.

21 ~~[(g)]~~ **(e)** How an applicant shall be examined, including the time, place, type, and form of
22 the examination.

23 ~~[(h) The design of an official seal.]~~

24 ~~[(i)]~~ **(f)** The establishment of administrative fines which may be levied in the
25 administration of this subdivision.

26 II. The board shall adopt one eligibility examination required for licensure that is an
27 independent recognized examination.

28 ~~[(III. At least 40 days prior to any hearing to be held pursuant to RSA 541 A:11, the board
29 shall furnish a copy of any proposed rules or amendments thereto, to all affected professionals
30 licensed by the board and the commissioner of the department of environmental services.]~~

31 311 Septic System Evaluators; License Required. Amend RSA 310-A:209 to read as follows:

32 310-A:209 License Required.

33 I. Beginning January 1, 2017, no person shall practice as a septic system evaluator or
34 conduct septic system evaluations in this state without a septic system evaluator's license issued by
35 the ~~[board]~~ **office** under this subdivision, unless the person is eligible for licensure under RSA 310-
36 A:210, II, III, or IV.

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1 II. Beginning January 1, 2018, a person eligible for licensure under RSA 310-A:210, II, III,
2 or IV may continue to practice as a septic system evaluator or conduct septic system evaluations in
3 this state only if such person holds a septic system evaluator's license issued by the [board] *office*
4 under this subdivision.

5 312 Septic System Evaluators; Eligibility Requirements for Licensure as a Septic System
6 Evaluator. Amend RSA 310-A:210, II - IV to read as follows:

7 II. A person who currently holds a Granite State septic system certified evaluator
8 designation or other recognized designation determined to be acceptable by the board shall be
9 eligible for licensure by the [board] *office* without completion of the requirements of subparagraph
10 I(a) or I(b). An applicant under this paragraph shall be issued a license by providing evidence
11 satisfactory to the [board] *office* of such designation.

12 III. A person who was actively engaged in the business of septic system evaluation in this
13 state as a means of his or her livelihood for at least 5 years and who provides the [board] *office* with
14 a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the
15 effective date of this subdivision shall be eligible for licensure by the [board] *office* without
16 completion of the requirements of subparagraph I(a) or I(b). An application for licensure under this
17 paragraph shall be made within one year following the effective date of this subdivision. The
18 applicant shall be issued a license by providing evidence satisfactory to the board of the knowledge
19 and experience equivalent to the requirements of subparagraphs I(a) and I(b).

20 IV. A person who currently holds a New Hampshire septic designer permit and who provides
21 the board with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations
22 preceding the effective date of this subdivision shall be issued a license by the [board] *office* without
23 completion of the requirements of subparagraph I(a) or I(b) upon request of the applicant. An
24 application for licensure under this paragraph shall be made within one year following the effective
25 date of this subdivision.

26 313 Septic System Evaluators; Expiration and Renewals. Amend RSA 310-A:215 to read as
27 follows:

28 310-A:215 Expiration and Renewals.

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

36 II. All licenses issued by the board shall expire ~~[on the last day of the license holder's month~~
37 ~~of birth in the second year following the year of issuance, or upon such other biennial date as the~~

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1 board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the
2 license holder's name shall be removed from current status, and application for reinstatement shall
3 be required to return to current status provided that the license holder provides satisfactory proof
4 that all required continuing education requirements have been met. The board shall charge a 20
5 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in
6 addition to the renewal fee. Any renewal application received 12 months after the expiration date
7 shall be rejected, unless accompanied by proof of successful completion of the examination required
8 by the board. If a license holder fails to renew such license within the 12 months after the date of
9 expiration, it shall become null and void and the license holder shall be required to reapply and to be
10 re-examined for licensure] *in accordance with RSA 310:8.*

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

13 314 Repeals; Septic System Evaluators. The following are repealed:

14 I. RSA 310-A:208, relative to fees.

15 II. RSA 310-A:214, relative to reciprocity.

16 III. RSA 310-A:218, relative to license reissuance.

17 IV. RSA 310-A:220, relative to injunctions.

18 315 Effective Date. This act shall take effect July 1, 2024.

UNAPPROVED

2024-0031h

AMENDED ANALYSIS

This bill makes various changes to the procedures and terminology of the office of professional licensure and certification and the occupational regulatory boards thereunder to coordinate with regulatory changes made in recent legislative sessions.

UNAPPROVED