

Amendment to HB 1095

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

2

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

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

13 2 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, XIII-XV to read
14 as follows:

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

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

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

25 3 Alcohol and Other Drug Use Professionals; Advisory Committees. Amend RSA 330-C:6, II to
26 read as follows:

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

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

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

4 ~~(c)~~ **(b)** Continuing education and collaboration advisory committee, if established, shall
5 advise the board on continuing education requirements ~~[and procedures to be adopted]~~ for
6 ~~[documenting]~~ peer collaboration ~~[hours]~~ **requirements.**

7 4 Alcohol and Other Drug Use Professionals; Rulemaking Authority. RSA 330-C:9 is repealed
8 and reenacted to read as follows:

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

11 I. Eligibility requirements for the issuance of all initial and renewal licenses issued by the
12 office including without limitation:

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

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

17 II. Eligibility requirements for the reinstatement of licenses after lapse and after
18 disciplinary action.

19 III. Eligibility requirements, training requirements, and other criteria for the issuance of
20 certification, renewal of certification, and reinstatement of certification for certified recovery support
21 workers and certified recovery support worker supervisors.

22 IV. The criteria for approval of education programs for the continuing education
23 requirements of this chapter and providers of such programs, and the criteria for approval of
24 providers engaged in clinical supervision.

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

26 VI. The requirements for clinical supervision and the documentation of clinical supervision
27 hours.

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

31 VIII. Continuing education requirements for license renewal and continuing education
32 requirements for renewal of certification.

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

35 X. The criteria for required examinations.

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

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

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

6 5 Licensed Alcohol and Other Drug Use Professionals; Completion of Survey; Rulemaking.
7 Amend RSA 330-C:9-a to read as follows:

8 330-C:9-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA
9 541-A, requiring, as part of the **criteria for** license renewal [~~process~~], completion by licensees of a
10 survey or opt-out form provided by the office of rural health, department of health and human
11 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
12 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
13 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
14 survey.

15 6 Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C:14-a to read as
16 follows:

17 330-C:14-a Telemedicine. Persons licensed [~~by the board~~] **under this chapter** shall be
18 permitted to provide services through the use of [~~telemedicine~~] **"telemedicine," as defined in RSA**
19 **310:7.** [~~"Telemedicine" means the use of audio, video, or other electronic media for the purpose of~~
20 ~~diagnosis, consultation, or treatment.~~]

21 7 Alcohol and Other Drug Use Professionals; Licensure and Certification; Applicants. Amend
22 RSA 330-C:15, I(e) through II to read as follows:

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

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

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

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

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

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

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

2 (7) False or misleading advertising;

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

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

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

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

14 8 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-III
15 to read as follows:

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

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

22 III. Complete 3,000 hours of clinically supervised post-master's degree work experience in
23 the treatment of substance use, **mental health**, and co-occurring disorders. Up to 1,500 hours of
24 clinically supervised work experience accumulated by the applicant during his or her practice as an
25 LADC may be counted toward the required 3,000 hours. A current license issued ~~[by the board of
26 mental health practice under]~~ **pursuant to** RSA 330-A may be substituted for up to 1,500 hours of
27 the required 3,000 hours of clinically supervised work experience. ~~[Where substitution of the full
28 1,500 hours is denied by the board, the applicant shall be provided the rationale for the board's
29 denial. The board shall not deny the substitution of hours solely based on the applicant's clinical
30 supervisor holding a license issued by the board of mental health practice.]~~

31 9 Alcohol and Other Drug Use Professionals; Certified Recovery Support Worker; Initial
32 Certification. Amend RSA 330-C:19, I to read as follows:

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

35 10 Alcohol and Other Drug Use Professionals; Criminal Record Checks. Amend RSA 330-C:20
36 to read as follows:

37 330-C:20 Criminal Record Checks.

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

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

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

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

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

20 11 Alcohol and Other Drug Use Professionals; Continuing Education. Amend RSA 330-C:24, I
21 to read as follows:

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

25 12 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

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

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

30 III. RSA 330-C:8, relative to fees and charges.

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

32 V. RSA 330-C:21, relative to applicants from other states.

33 VI. RSA 330-C:22, relative to renewals.

34 VII. RSA 330-C:23, relative to reinstatement.

35 13 Athletic Trainers; Eligibility for Initial Licensure. Amend RSA 326-G:4, I to read as follows:

36 I. Demonstrate sufficient evidence of good professional character and reliability to satisfy
37 the **office of professional licensure and certification, using criteria established by the board,**

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1 that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to
2 this chapter, RSA 328-F, and the board's rules.

3 14 Barbering, Cosmetology, and Esthetics; Definitions. Amend the introductory paragraph of
4 RSA 313-A:1, II-a to read as follows:

5 II-a. "Master barber" means any person licensed by the [board] **office of professional**
6 **licensure and certification** as a master barber to practice the following:

7 15 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, XI-a to read as
8 follows:

9 XI-a. "Operator" means a person age 18 or older who has received training through a
10 program approved by the board in the safe operation of tanning devices, operates the tanning device,
11 controls the length of the exposure to UV light, and instructs the consumer in the proper use of the
12 device. ~~[A person age 16 or older who, prior to January 1, 2005, has been certified by a program that
13 was subsequently approved by the board shall be an operator under this paragraph.]~~

14 16 Barbering, Cosmetology, and Esthetics; Maintenance of Records. Amend RSA 313-A:4 to
15 read as follows:

16 313-A:4 Maintenance of Records. The [board] **office** shall maintain a record containing the
17 names and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to
18 this chapter in accordance with the retention policy established by the office of professional licensure
19 and certification. The [board] **office of professional licensure and certification** shall issue all
20 notices, license, and registration certificates. The record shall include the date of issuance, renewal,
21 suspension, or revocation of all licenses. This record shall be open to public inspection at all
22 reasonable times.

23 17 Barbering, Cosmetology, and Esthetics; Duties. RSA 313-A:7 is repealed and reenacted to
24 read as follows:

25 313-A:7 Duties.

26 I. The board shall:

27 (a) Prescribe the duties of its officers;

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

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

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

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

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1 18 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. RSA 313-A:8 is repealed and
2 reenacted to read as follows:

3 313-A:8 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative
4 to:

5 I. The qualifications of applicants for licensure, including the qualifications for satisfactory
6 evidence of:

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

8 (b) Good professional character;

9 II. Criteria for examination of applicants;

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

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

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

16 VI. The regulation of tanning facilities including:

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

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

20 (c) Registering tanning facilities.

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

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

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

24 VIII. Criteria for licensing and approval of instructors;

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

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

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

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

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

34 19 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10 to
35 read as follows:

36 313-A:10 Qualifications; Barbers.

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

- 3 (a) Be of good professional character;
4 (b) Have completed high school or its equivalent;
5 (c) Have received training of:

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

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

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

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

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

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

- 20 (a) Be of good professional character;
21 (b) Have completed high school or its equivalent;
22 (c) Have received training of:

23 (1) A minimum of 1,500 hours of training in a school of master barbering approved
24 by the board; or

25 (2) A minimum of 3,000 hours distributed over a period of at least 18 months under
26 a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;

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

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

29 20 Barbering, Cosmetology, and Esthetics; Qualifications; Cosmetologists. Amend RSA 313-
30 A:11 to read as follows:

31 313-A:11 Qualifications; Cosmetologists.

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

- 34 (a) Be of good professional character;
35 (b) Have completed high school or its equivalent;
36 (c) Have received training of:

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1 (1) A minimum of 1,500 hours of training in a school of cosmetology approved by the
2 board; or

3 (2) A minimum of 3,000 hours distributed over a period of at least 18 months under
4 a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least
5 2 years;

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

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

9 II. An applicant not meeting the conditions of RSA 313-A:11, I(b) through (c) may petition
10 the [~~board~~] **office of professional licensure and certification** for exemption. The [~~board~~] **office,**
11 [~~acting under~~] **following criteria established in** rules adopted under RSA 313-A:8, [~~XVI~~] **XII,** may
12 grant the exemption.

13 21 Barbering, Cosmetology, and Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to
14 read as follows:

15 313-A:12 Qualifications; Manicurists. A person, to be issued a manicurist's license by the
16 [~~board~~] **office of professional licensure and certification,** shall, in addition to satisfying the
17 requirements of RSA 313-A:11, I(a), (b), and (e):

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

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

23 22 Barbering, Cosmetology, and Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13
24 to read as follows:

25 313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the [~~board~~] **office of**
26 **professional licensure and certification,** an applicant shall, in addition to satisfying the
27 requirements of RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of
28 training in a school approved by the board and have passed an examination [~~conducted by the~~
29 ~~board~~]. An apprenticeship approved by the board may [~~substitute~~] **be substituted** for the required
30 training. Estheticians who have practiced professionally in this state for a period of at least 3 years
31 prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a), (b), and (e) and
32 the training requirements of this section shall not be required to take the examination provided for
33 in this section to be eligible for licensure under this chapter. Credit towards the hours requirement
34 for esthetician training may be given to a licensed cosmetologist or barber for equivalent training in
35 the cosmetology or barber program in a school approved by the board upon certification of the
36 training by the school. Credit towards the hours requirement for esthetician training may be given
37 to a licensed massage therapist for massage therapy training deemed equivalent by the board.

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1 Cosmetologists licensed ~~[by the board]~~ ***under this chapter*** may obtain the training hours in
2 subjects required by the board in increments at separate schools, but must present certifications to
3 the ~~[board]~~ ***office*** for all required hours and curriculum subjects.

4 23 Barbering, Cosmetology, And Esthetics; Examinations. Amend RSA 313-A:15 to read as
5 follows:

6 313-A:15 Examinations. The ~~[board]~~ ***office of professional licensure and certification*** shall
7 hold examinations in barbering, cosmetology, manicuring, and esthetics at least once every 6 months
8 in such towns throughout the state as it may deem convenient for applicants and at such additional
9 times as it may from time to time determine. The scope and content of the examinations shall be
10 established by the board. The ~~[board]~~ ***office*** shall notify all applicants at least 10 days in advance as
11 to the place, date, and time of examinations.

12 24 Barbering, Cosmetology, and Esthetics; Applications. Amend RSA 313-A:16 to read as
13 follows:

14 313-A:16 Applications. Applicants shall make written application to the ~~[board]~~ ***office of***
15 ***professional licensure and certification*** on a form prescribed and supplied by the office ~~[of~~
16 ~~professional licensure and certification]~~ which shall contain satisfactory evidence of the
17 qualifications required of the applicant; and the applicant shall also pay the examination fee
18 ***established by the office.***

19 25 Barbering, Cosmetology, and Esthetics; Temporary Permit. Amend RSA 313-A:18 to read as
20 follows:

21 313-A:18 Temporary Permit.

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

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

34 26 Barbering, Cosmetology, and Esthetics; Expiration and Renewal of Licenses and Certificates.
35 RSA 313-A:20 is repealed and reenacted to read as follows:

36 313-A:20 Expiration and Renewal of Licenses. All licenses established under this chapter shall
37 expire in accordance with RSA 310:8.

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1 27 Barbering, Cosmetology, and Esthetics; Apprentice Registration and Certificates. Amend
2 RSA 313-A:24, I-IV to read as follows:

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

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

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

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

14 (c) Being deemed by the [board] **office** to be of good professional character **based upon**
15 **criteria established by the board.**

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

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

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

21 IV. Upon completing the number of hours specified in the board's apprentice rules, an
22 apprentice shall be eligible to apply to the [board] **office** for certification.

23 28 Barbering, Cosmetology, and Esthetics; Compliance with Law. Amend RSA 313-A:27, II to
24 read as follows:

25 II. The board shall enforce this chapter against a person who adulterates or misbrands a
26 tanning device. The [board] **office of professional licensure and certification** may investigate a
27 person accused of adulterating or misbranding a tanning device.

28 29 Barbering, Cosmetology, and Esthetics; Registration of Tanning Facility. Amend RSA 313-
29 A:28, II to read as follows:

30 II. Any person, corporation, partnership, association, or other entity operating or intending
31 to open or operate a tanning facility within this state shall file a registration statement annually
32 with the [board] **office of professional licensure and certification** in accordance with rules
33 adopted under RSA 541-A. Such registration statement shall be required for each facility location,
34 shall be duly signed [~~and verified~~], and shall be posted in a prominent location at the tanning
35 facility. Such registration statement shall include, but not be limited to, the name and the business
36 address of the applicant; if an individual, the name under which the business will be conducted; if a
37 partnership, the name and business address of each member thereof; the name under which the

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1 business is to be conducted; if a corporation, the name of the corporation and the name and business
2 address of each of the officers of the corporation; and the place, including the complete mailing
3 address and physical address, where the business is to be conducted. Registration statements shall
4 also list the number and type of tanning devices at each tanning facility location.

5 30 Repeal. The following are repealed:

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

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

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

9 31 Body Art; License Required; Fees. Amend RSA 314-A:2, III to read as follows:

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

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

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

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

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

20 32 Body Art; Exemptions. Amend RSA 313-A:4, I to read as follows:

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

24 33 Body Art; Renewal of License; Continuing Education Requirement. Amend RSA 314-A:5 to
25 read as follows:

26 314-A:5 Renewal of License; Continuing Education Requirement. Renewal of licenses shall be
27 contingent upon the licensee's completion of 3 hours of continuing education related to the practice of
28 body piercing, branding, or tattooing during the [~~preceding year~~] *current term of licensure, in*
29 *accordance with RSA 310:8.*

30 34 Body Art; License Revocation or Suspension. Amend the introductory paragraph of RSA 314-
31 A:9 to read as follows:

32 314-A:9 License Revocation or Suspension. After [~~notice and hearing~~] *a finding of*
33 *misconduct* the executive director may [~~revoke or suspend~~] *sanction, in accordance with RSA*
34 *310:12, any [~~license issued~~] licensee* under this chapter if the licensee:

35 35 Repeal. RSA 314-A:10, relative to administrative fines, is repealed.

36 36 Chiropractic; Rulemaking Authority and Practices. Amend RSA 316-A:3, IV-V to read as
37 follows:

1 IV. ~~[Procedures]~~ **Board criteria** for oral examinations and interviews, if appropriate. Such
2 rules shall include a listing of permissible areas of inquiry and a statement of the means by which
3 the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or
4 commission in accordance with the retention policy established by the office of professional licensure
5 and certification.

6 V. ~~[Procedures]~~ **Board criteria** for practical examinations, if appropriate. Such rules shall
7 provide that at least 2 experienced practitioners shall observe and pass on any practical
8 examination.

9 37 Chiropractic; Fees; Qualifications. Amend RSA 316-A:11, I to read as follows:

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

13 38 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

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

20 39 Chiropractic; Effect. Amend RSA 316-A:15 to read as follows:

21 316-A:15 Effect. Any chiropractor who has received and holds a certificate or license issued by
22 the board **or office of professional licensure and certification** may practice chiropractic as
23 defined in RSA 316-A:1 but shall not prescribe for, or administer to, any person any medicine or
24 drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or
25 any branch of medicine or osteopathy.

26 40 Chiropractic; National Examination. Amend RSA 316-A:17 to read as follows:

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

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1 41 Chiropractic; Renewal. Amend RSA 316-A:20 to read as follows:

2 316-A:20 Renewal.

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

5 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
6 completed at least 20 hours of continuing education approved by or conducted by the International
7 Chiropractors Association, or the American Chiropractic Association, or the **office of professional**
8 **licensure and responsibility on behalf of the** New Hampshire board of chiropractic examiners, or
9 any state-chartered chiropractic school or college, within one year prior to the date of renewal. In
10 the event of failure to comply with the provisions of this section, the applicant shall appear before
11 the board to show cause why the license should not be suspended.

12 42 Chiropractic; Inactive List. Amend RSA 316-A:21 to read as follows:

13 316-A:21 Inactive List. A chiropractor licensed under this chapter and who is a resident of this
14 state, who does not intend to engage in practice as a chiropractor, upon written ~~[request to the~~
15 ~~board]~~ **notification to the office of professional licensure and certification**, may be listed on
16 an inactive list and shall not be required to renew such license biennially or pay any renewal fee as
17 long as such chiropractor remains inactive. Any chiropractor whose name has been included in the
18 inactive list as provided in this section shall be restored to active status by the ~~[board]~~ **office** upon
19 the filing of a written request with the ~~[board]~~ **office**, accompanied by the required renewal fee, and
20 after satisfactorily passing a competency test ~~[to be administered]~~ **for which criteria have been**
21 **established in rule** by the board.

22 43 Repeal. The following are repealed:

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

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

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

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

27 44 Board of Dental Examiners; Duties. RSA 317-A:4, I is repealed and reenacted to read as
28 follows:

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

32 45 Dentistry and Dental Hygiene; License Required. Amend RSA 317-A:7 to read as follows:

33 317-A:7 License Required. No person shall begin the practice of dentistry, or dental hygiene,
34 without first obtaining a license for such purpose from the ~~[board]~~ **office of professional licensure**
35 **and certification**.

36 46 Dentistry and Dental Hygiene; Telemedicine. Amend RSA 317-A:7-b to read as follows:

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1 317-A:7-b Telemedicine. Persons licensed by the board shall be permitted to provide services
2 through the use of "telemedicine", **as defined in RSA 310:7**. [~~"Telemedicine" means the use of~~
3 ~~audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

4 47 Dentistry and Dental Hygiene; Applications. Amend RSA 317-A:8 to read as follows:

5 317-A:8 Applications.

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

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

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

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

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

28 48 Dentistry and Dental Hygiene; Criminal History Record Checks. Amend RSA 317-A:8-a to
29 read as follows:

30 317-A:8-a Criminal History Record Checks.

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

36 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
37 qualified law enforcement agency or an authorized employee of the department of safety. In the

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1 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
2 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
3 attempts, a set of fingerprints is invalid due to insufficient pattern, the ~~[board]~~ **office** may, in lieu of
4 the criminal history records check, accept police clearances from every city, town, or county where
5 the person has lived during the past 5 years.

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

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

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

14 49 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:9 to read as follows:

15 317-A:9 Examinations. Applicants for a license to practice dentistry or dental hygiene shall ~~[be~~
16 ~~examined]~~ **pass an examination as determined** by the board or have successfully passed a
17 national or regional test ~~[accepted]~~ **approved** by the board. Examinations may be oral, clinical,
18 written, or any combination at the discretion of the board and shall be of such character as to test
19 the qualifications of the applicant to practice dentistry or dental hygiene. No license shall be
20 granted to any applicant who shall not pass such examination.

21 50 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, III and IV to
22 read as follows:

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

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

26 (a) ~~[Time and place of examination;~~

27 ~~(b)]~~ The subjects to be tested;

28 ~~(c)]~~ **(b)** Passing grade; and

29 ~~(d)]~~ **(c)** Disposition of examination papers;

30 51 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, XII and XII-a
31 to read as follows:

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

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

35 (a) Required credentials.

36 (b) Application.

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1 (c) On-site evaluations of personnel, facility, equipment, and records as they pertain to
2 the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any
3 combination thereof.

4 (d) The *criteria for the* issuance of permits for use of general anesthesia, deep sedation,
5 and moderate sedation, or of permits for use of moderate sedation.

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

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

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

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

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

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

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

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

34 52 Dentistry and Dental Hygiene; Completion of a Survey; Rulemaking. Amend RSA 317-A:12-a
35 to read as follows:

36 317-A:12-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA
37 541-A, requiring, as part of the *criteria for* license renewal [~~process~~], completion by licensees of a

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1 survey or opt-out form provided by the office of rural health, department of health and human
2 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
3 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
4 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
5 survey.

6 53 Dentistry and Dental Hygiene; License Renewal. RSA 317-A:13 is repealed and reenacted to
7 read as follows:

8 317-A:13 License Renewal.

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

10 II. All persons licensed to practice dentistry or dental hygiene in this state shall notify the
11 office of professional licensure and certification in writing within 30 days of any change of business
12 or residential address which may occur during the period between biennial registrations.

13 54 Dentistry and Dental Hygiene; Inactive List. Amend RSA 317-A:16 to read as follows:

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

26 55 Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

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

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

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

34 56 Dentistry and Dental Hygiene; Licensure. Amend RSA 317-A:21, II to read as follows:

35 II. Applications for licensure as a dental hygienist shall be made to the ~~[board in writing]~~
36 **office of professional licensure and certification** and shall be accompanied by a fee established
37 by the office ~~[of professional licensure and certification]~~ and by satisfactory proof that the applicant

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1 is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year
2 program in an institution of higher education, the program of which is accredited by a national
3 accrediting agency recognized by the United States Department of Education and the Commission on
4 Dental Accreditation.

5 57 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:21-a to read as follows:

6 317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined ~~[by the~~
7 ~~board]~~ **in accordance with RSA 310:4, II(c)**. The examinations may be oral, clinical, written or a
8 combination **thereof**, at the discretion of the board, and shall be of such character as to test the
9 qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any
10 applicant who shall not pass such examination satisfactorily. The ~~[board]~~ **office of professional**
11 **licensure and certification** shall have the authority to grant a license in dental hygiene to
12 applicants who have successfully passed the requirements of any national or regional testing agency
13 acceptable to the board.

14 58 Practice of Dental Hygiene. Amend RSA 317-A:21-c, IV to read as follows:

15 IV. The practice of dental hygiene conducted under the authority of a health care charitable
16 trust as provided in RSA 317-A:20, III(c) shall be performed by dentists or by dental hygienists
17 licensed ~~[by the board]~~ **under this chapter** and who practice under the supervision of a dentist
18 licensed ~~[by the board]~~ **under this chapter**. The health care charitable trust shall notify the
19 ~~[board]~~ **office of professional licensure and certification** in writing of the name and location of
20 the dental clinic and the name of the supervising dentist, and shall notify the ~~[board]~~ **office** within
21 10 days of any change of the supervising dentist.

22 59 Certified Public Health Dental Hygienist. Amend the introductory paragraph of RSA 317-
23 A:21-e, I to read as follows:

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

29 60 Dentistry and Dental Hygiene; Expanded Function Dental Auxiliary. Amend RSA 317-A:21-
30 g, I to read as follows:

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

36 61 Dentistry and Dental Hygiene; Repeal. The following are repealed:

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

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

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

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

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

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

6 62 Dietitians; License Required. Amend RSA 326-H:5, I to read as follows:

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

10 63 Dietitians; Rulemaking. RSA 326-H:10 is repealed and reenacted to read as follows:

11 326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

15 III. Educational qualifications for licensure.

16 IV. Continuing education requirements.

17 64 Dietitians; Issuance, Expiration, and Renewal of License. RSA 326-H:14 is repealed and
18 reenacted to read as follows:

19 326-H:14 Issuance, Expiration, and Renewal of License.

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

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

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

29 65 Dietitians; Suspension and Revocation of License. RSA 326-H:16 is repealed and reenacted
30 to read as follows:

31 326-H:16 Suspension and Revocation of License. Misconduct sufficient to support disciplinary
32 proceedings under this chapter includes:

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

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

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

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

2 66 Licensed Dietitians; Repeal. The following are repealed:

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

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

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

6 67 Board of Electrologists; Powers and Duties of the Executive Director. Amend RSA 314:2 to
7 read as follows:

8 314:2 Powers and Duties of the Executive Director. The powers and duties of the executive
9 director shall include:

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

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

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

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

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

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

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

19 68 Electrologists; Licensure. Amend RSA 314:3 to read as follows:

20 314:3 Licensure.

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

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

25 III. Licenses shall be issued to any person:

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

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

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

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

32 (e) Who demonstrates good professional character.

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

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

3 69 Electrologists; Renewal of License; Reinstatement; Continuing Education Requirement.
4 Amend RSA 314:5 to read as follows:

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

11 70 Electrologists; Denial, Suspension, or Revocation of License. Amend RSA 314:6 to read as
12 follows:

13 314:6 Denial, Suspension, or Revocation of License. The executive director may [~~deny, suspend~~
14 ~~or revoke a license]~~ **sanction, in accordance with RSA 310:12, a licensee** if it is determined after
15 hearing that such [~~applicant or~~] licensee:

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

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

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

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

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

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

27 71 Electrology; Rulemaking. Amend RSA 314:8 to read as follows:

28 314:8 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

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

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

34 V. [~~Reciprocity.~~

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

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

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1 ~~[VIII.]~~ **VI.** Offices, including structures, equipment, and sanitation including required
2 testing.

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

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

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

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

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

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

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

13 ~~XVI.]~~ **VIII.** Approval of schools of electrology, to include curriculum, equipment, and
14 instructor qualifications.

15 ~~[XVII.]~~ **IX.** The appointment, qualifications, responsibilities, and requirements of the
16 electrology advisory committee.

17 ~~[XVIII.]~~ **X.** Office inspections for licensees.

18 ~~[XIX.]~~ **XI.** Waivers of applicable rules.

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

20 72 Electrologists; Administrative Fines. Amend RSA 314:13 to read as follows:

21 314:13 Administrative Fines.

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

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

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

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

32 73 Electrologists; Repeal. The following are repealed:

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

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

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

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

37 74 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, III to read as follows:

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

3 75 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, VI to read as follows:

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

7 76 Embalmers; Qualifications. Amend RSA 325:13, V-VII to read as follows:

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

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

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

15 77 Funeral Directors; Qualifications. Amend RSA 325:14 to read as follows:

16 325:14 Funeral Directors; Qualifications. No person shall engage or hold himself **or herself** out
17 as engaged in funeral directing, unless ~~[he]~~ **the person:**

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

19 II. Has passed such examinations ~~[as the board may deem proper]~~ **approved by the board**
20 to ascertain ~~[his]~~ efficiency and qualifications to engage in funeral directing; and

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

23 78 Funeral Directors and Embalmers; Inspection. Amend RSA 325:17 to read as follows:

24 325:17 Inspection. The ~~[board]~~ **office of professional licensure and certification** may
25 inspect all places where funeral directing is conducted or where embalming is practiced. No such
26 place shall be inspected more frequently than twice yearly, unless the board shall find that just
27 cause or evidence of repeated complaints exists.

28 79 Funeral Directors and Embalmers; Examinations. Amend RSA 325:18 to read as follows:

29 325:18 Examinations. Examinations of applicants for licensure shall be held at least annually.
30 Any person who desires to engage in funeral directing or embalming shall submit ~~[in writing to the~~
31 ~~board on forms provided by it]~~ an application for licensure accompanied by a fee established by the
32 ~~[board]~~ **office of professional licensure and certification.** The ~~[board]~~ **office** shall require the
33 applicant to submit to such examinations as ~~[it may deem proper]~~ **established in rule.**

34 80 Funeral Directors and Embalmers; Licensure. Amend RSA 325:20 to read as follows:

35 325:20 Licensure. The ~~[board]~~ **office of professional licensure and certification** shall issue
36 to each applicant successfully passing the examination, where an examination is required, and who
37 otherwise satisfies the ~~[board of her or his qualifications]~~ **necessary requirements**, a license,

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1 entitling her or him to practice or engage in the business in this state as a funeral director,
2 embalmer, or both, as the case may be.

3 81 Funeral Directors and Embalmers; Renewal of Licenses. Amend RSA 325:25 to read as
4 follows:

5 325:25 Renewal of Licenses.

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

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

13 82 Funeral Directors and Embalmers; Continuing Education Requirement. Amend RSA 325:28-
14 a to read as follows:

15 325:28-a Continuing Education Requirement. As a condition of license renewal, ~~[the board shall~~
16 ~~require]~~ each licensee ~~[to]~~ **shall** attain a minimum number of continuing education credits every 2
17 years as specified in the rules adopted by the board.

18 83 Funeral Directors and Embalmers; Apprentice Licenses. Amend RSA 325:29 to read as
19 follows:

20 325:29 Apprentice Licenses. No person shall assist in the embalming of dead human bodies for
21 burial or cremation in any manner unless ~~[he]~~ **the person** holds a license as an apprentice.

22 84 Funeral Directors and Embalmers; Issuance; Term; Renewal. RSA 325:30 is repealed and
23 reenacted to read as follows:

24 325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period established by
25 RSA 310:8. The fees for an apprentice license shall be established by the office of professional
26 licensure and certification.

27 85 Funeral Directors and Embalmers; Repeals. The following are repealed:

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

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

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

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

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

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

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

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

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

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1 86 Cremation of Human Remains; Crematory; License Required. Amend RSA 325-A:2 to read
2 as follows:

3 325-A:2 Crematory; License Required. A crematory shall not be established, operated, or
4 maintained in this state except by a crematory authority licensed by the *office of professional*
5 *licensure and certification in accordance with rules promulgated by the* board under this
6 chapter. The ~~[board]~~ *office* shall issue a license to a crematory authority that satisfies the
7 requirements for licensure under the chapter. Human remains shall not be cremated in this state
8 except at a crematory operated by a crematory authority licensed under this chapter.

9 87 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 to
10 read as follows:

11 325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license
12 as a crematory authority shall file a written application with the ~~[board]~~ *office*. The application
13 shall be accompanied by the license fee ~~[required under RSA 325-A:7]~~ and a certificate confirming
14 that the crematory operator has attended, prior to issuance of the license, a training course provided
15 by the Cremation Association of North America or by the manufacturer of the cremation chamber
16 maintained and operated by the crematory authority and shall set forth the full name and address of
17 the applicant, the address and location of the crematory, the name of the crematory operator, the
18 name and address of the owner of the crematory, and additional information as required by the
19 board, including affirmative evidence of the applicant's ability to comply with rules adopted under
20 this chapter. The application shall include the applicant's social security number if the applicant is
21 an individual. The social security number shall not be public record and shall only be used for
22 administrative purposes.

23 88 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 to
24 read as follows:

25 325-A:6 Change in Location, Ownership, or Name.

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

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

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

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1 89 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments.
2 Amend 325-A:8 to read as follows:

3 325-A:8 Inspection; Board; Duties; Authority for Appointments.

4 I. The ~~[board]~~ **office of professional licensure and certification** shall at least once every
5 3 years inspect or provide for the inspection of any crematory operated by a crematory authority
6 licensed under this chapter in ~~[such manner and at such times as provided in rules adopted by the~~
7 ~~board]~~ **accordance with standards established by the board in rules adopted pursuant to**
8 **RSA 541-A.**

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

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

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

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

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

35 90 Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

36 325-A:11 Deny or Refuse to Renew License; Grounds. The ~~[board]~~ **office of professional**
37 **licensure and certification** may deny or refuse to renew a license under this chapter or take

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1 disciplinary action against a crematory authority licensed under this chapter as provided in RSA
2 325-A:12 on any of the following grounds:

- 3 I. Violation of this chapter or rules adopted and pursuant to this chapter;
- 4 II. ~~[Conviction of any crime involving moral turpitude;]~~
- 5 III. Conviction of a misdemeanor or felony under state law, federal law, or the law of
6 another jurisdiction which, if committed within this state, would have constituted a misdemeanor or
7 felony and which has a rational connection with the fitness or capacity of the crematory authority to
8 operate a crematory;
- 9 IV. Conviction of a violation pursuant to RSA 325-A:15;
- 10 V. Obtaining a license as a crematory authority by false representation or fraud;
- 11 VI. Misrepresentation or fraud in the operation of a crematory; or
- 12 VII. Failure to allow access by an agent or employee of the ~~[board]~~ **office** to a crematory
13 operated by the crematory authority for the purposes of inspection, investigation, or other
14 information collection activities necessary to carry out the duties of the **office or** board.

15 91 Cremation of Human Remains; Rulemaking. Amend RSA 325-A:28, I to read as follows:

- 16 I. ~~[Procedures]~~ **Criteria** for licensure of crematory authorities.

17 92 Cremation of Human Remains; Repeals. The following are repealed:

- 18 I. RSA 325-A:5, relative to license expiration.
- 19 II. RSA 325-A:7, relative to fees.
- 20 III. RSA 325-A:14, relative to license reinstatement.
- 21 IV. RSA 325-A:16, relative to injunctions.
- 22 V. RSA 325-A:28, II, relative to fees.
- 23 VI. RSA 325-A:28, VI, relative to inspection procedures.

24 93 Repeals; Medical Imaging and Radiation Therapy. The following are repealed:

- 25 I. RSA 328-J:15, II, relative to license renewal
- 26 II. RSA 328-J:18, relative to hearings
- 27 III. RSA 328-J:19, II-III, relative to penalties
- 28 IV. RSA 328-J:21, relative to injunctive relief.
- 29 V. RSA 328-J:23, relative to investigative costs.

30 94 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as
31 follows:

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

35 95 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(a) to read as
36 follows:

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

3 96 Naturopathic Health Care Practice; Powers and Duties of Board. Amend RSA 328-E:8, I to
4 read as follows.

5 I. The board shall:

6 (a) ~~Insure~~ **Ensure** that doctors of naturopathic medicine serving the public meet
7 minimum standards of proficiency and competency to protect the health, safety, and welfare of the
8 public.

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

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

14 ~~[(d) — Keep all applications for licensure in accordance with the retention policy~~
15 ~~established by the office of professional licensure and certification.~~

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

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

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

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

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

25 97 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to
26 read as follows:

27 328-E:9 Qualification for Licensure.

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

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

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

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

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

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

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

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

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

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

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

12 98 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-
13 a to read as follows:

14 328-E:9-a Criminal History Record Checks.

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

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

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

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

33 99 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend
34 RSA 328-E:13, I to read as follows:

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

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1 100 Repeal; Naturopathic Health Care. RSA 328-E:17, relative to severability, is repealed.

2 101 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and
3 reenacted to read as follows:

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

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

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

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

12 IV. Establish criteria for denial or withdrawal of approval of nursing educational programs
13 that do not meet the minimum requirements of this chapter.

14 V. In accordance with state due process laws, limit the multistate licensure privilege of any
15 registered nurse or licensed practical nurse to practice in New Hampshire and may take any other
16 actions under applicable state laws necessary to protect the health and safety of New Hampshire
17 citizens. If the board does take such action, it shall promptly notify the administrator of the
18 coordinated licensure information system. The administrator of the coordinated licensure
19 information system shall promptly notify the home state of any such action taken by the state of
20 New Hampshire.

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

23 102 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

24 326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A,
25 relative to the following:

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

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

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

35 IV. The standards to be met by~~[- and the process for approval of,]~~ education programs
36 designed to prepare applicants to qualify for licensure or certification in any of the disciplines

1 regulated by the board under RSA 326-B:32, including the time period within which noncompliance
2 must be corrected before such approval is withdrawn.

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

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

8 VII. The **criteria for** administration of examinations authorized by this chapter, and the
9 manner in which information regarding the contents of any licensing examinations may be disclosed,
10 solicited, or compiled.

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

12 IX. Continuing competence requirements.

13 X. Designations that may be used by persons regulated by the board and retired persons
14 regulated by the board.

15 XI. The implementation and coordination of the nurse licensure compact adopted in RSA
16 326-B:46. The board shall use model rules developed for the nurse licensure compact by the
17 National Council of State Boards of Nursing as the basis for adopting rules which shall be modified
18 as necessary to comply with state statutes.

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

20 XIII. ~~[A process for registering]~~ **Requirements for registration of** practitioners who have
21 been granted a special registration to prescribe controlled substances via telemedicine pursuant to
22 21 U.S.C. section 831(h).

23 XIV. The implementation of strategies and ~~[procedures]~~ **criteria** necessary to increase the
24 acceptance of military training and experience towards licensure for military veterans seeking to be
25 licensed as a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in
26 38 U.S.C. section 101(2).

27 **XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section**
28 **483.156, including scope of duties for nursing assistants and placement of qualified**
29 **individuals on the nursing assistant registry.**

30 103 Nurse Practice Act; Criminal History Records Checks. Amend RSA 326-B:15 as follows:

31 326-B:15 Criminal History Record Checks.

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

36 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
37 qualified law enforcement agency or an authorized employee of the department of safety. In the

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1 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
2 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
3 attempts, a set of fingerprints is invalid due to insufficient pattern, the ~~[board]~~ **office** may, in lieu of
4 the criminal history records check, accept police clearances from every city, town, or county where
5 the person has lived during the past 5 years.

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

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

13 104 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I, to read as follows:

14 I. Submit a completed application and **required** fees ~~[as established by the board]~~.

15 105 Nurse Practice Act; Registered Nurse and License Practical Nurse; Initial Licensure by
16 Examination. Amend RSA 326-B:17, II to read as follows:

17 II. The ~~[board]~~ **office** may employ, contract, and cooperate with any entity in the
18 preparation and process for determining results of a valid, reliable, legally defensible, and uniform
19 licensure examination. When such an examination is utilized, the board **and the office** shall
20 restrict access to questions and answers.

21 106 Nurse Practice Act; License Renewals. Amend RSA 326-B:22 to read as follows:

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

23 I. All license renewals shall be issued ~~[biennially]~~ **every two years in accordance with**
24 **RSA 310:8.**

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

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

29 (b) Report any pending criminal charges, criminal convictions, or plea arrangements in
30 lieu of convictions;

31 (c) Have committed no acts or omissions which are grounds for disciplinary action
32 as set forth in this chapter, or, if such acts have been committed and would be grounds for
33 disciplinary action, the board has found, after investigation, that sufficient restitution has been
34 made;

35 (d) (c) Meet continuing competence requirements as defined in rules adopted under
36 RSA 541-A;

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1 ~~(e)~~ **(d)** For those licensees applying for renewal following disciplinary action, comply
2 with all board licensure requirements as well as any specific requirements set forth in the board's
3 discipline order; and

4 ~~(f)~~ **(e)** Meet other criteria as established by the board.

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

7 107 Nurse Practice Act; Modified License; Registered Nurse or Licensed Practical Nurse.
8 Amend RSA 326-B:25 to read as follows:

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

13 108 Nurse Practice Act; Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

14 326-B:26 Nursing Assistant Registry. The ~~board~~ **office** shall maintain a registry of nursing
15 assistants who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered
16 shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections
17 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

18 109 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing
19 Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

20 I. The ~~board~~ **office** may issue a certificate of medication administration to a current LNA
21 who:

22 110 Continuing Education. Amend introductory paragraph to RSA 326-B:31 to read as follows:

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

25 111 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, III-IV to read as follows:

26 III. The board[:

27 ~~(a)~~ shall set requirements for establishment of[:

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

31 ~~(2)~~ new nursing assistant education programs.

32 **IV. Pursuant to criteria established by the board, the office:**

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

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

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

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

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

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

12 112 Nurse Practice Act; Repeals. The following are repealed:

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

14 II. RSA 326-B:8, relative to fees and charges.

15 III. RSA 326-B:18, II, relative to advanced practice registered nurse.

16 IV. RSA 326-B:20, relative to licensure by endorsement.

17 V. RSA 326-B:21, relative to licensure by endorsement.

18 VI. RSA 326-B:23, relative to license reinstatement.

19 VII. RSA 326-B:40, relative to injunctive relief.

20 113 Occupational Therapy; Repeal. RSA 326-C:5, III, relative to eligibility for licensure, is
21 repealed.

22 114 Ophthalmic Dispensing; Application for Registration. Amend the introductory paragraph of
23 RSA 327-A:3 to read as follows:

24 327-A:3 Application for Registration. An application for a certificate of registration for
25 ophthalmic dispensing under this chapter shall be filed with the ~~[department]~~ **office** in such form
26 and detail as the executive director shall require in accordance with rules adopted under RSA 541-A,
27 shall be duly signed ~~[and verified, shall be available for public inspection,]~~ and shall include, but not
28 be limited to:

29 115 Ophthalmic Dispensing; Application for Registration; Application and Registration Fees.
30 Amend RSA 327-A:7 to read as follows:

31 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
32 ophthalmic dispensing shall be accompanied by a non-refundable registration fee. Upon approval of
33 the application by the ~~[executive director]~~ **office**, the applicant shall be issued a certificate of
34 registration for ophthalmic dispensing, which shall be renewed ~~[biennially on or before June 30 upon~~
35 ~~payment of the renewal fee]~~ **every two years in accordance with RSA 310:8.**

36 116 Ophthalmic Dispensing; Telemedicine. Amend RSA 327-A:12-a to read as follows:

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1 327-A:12-a Telemedicine. Registered ophthalmic dispensers shall be permitted to provide
2 services through the use of telemedicine, *as defined in RSA 310:7*. [~~"Telemedicine" means the use~~
3 ~~of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

4 117 Ophthalmic Dispensing; Repeal. The following are repealed:

- 5 I. RSA 327-A:10, relative to return of certificate.
- 6 II. RSA 327-A:11, relative to procedure for complaints.
- 7 III. RSA 327-A:15, relative to an injunction.
- 8 IV. RSA 327-A:17, relative to administrative fines.

9 118 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

10 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
11 practice optometry without a license. The ~~[board]~~ **office** shall not issue a license to any applicant
12 until the person has passed an examination approved by the board, and has presented satisfactory
13 evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of
14 good moral character, has completed a minimum of 2 years at a college of arts and sciences and has
15 graduated from a school or college of optometry approved by the board, maintaining a minimum of 4
16 years in optometric training. Persons who submit an application which demonstrates that they meet
17 the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-
18 A, and pay the licensing fee, shall be licensed by the ~~[board]~~ **office**.

19 119 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, V-VIII to read
20 as follows:

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

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

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

27 (1) Hold a current license to practice optometry in the state of New Hampshire.

28 (2) Complete and remain current with an immunization training program endorsed
29 by the CDC, a course approved by the National Board of Examiners in Optometry, or an equivalent
30 course approved by the board of optometry, that at a minimum includes hands-on injection
31 techniques, clinical evaluation of indications and contraindications of vaccines, and the recognition
32 and treatment of emergency reactions to vaccines.

33 (3) Have at least \$1,000,000 of professional liability insurance coverage.

34 (4) Hold active certification in basic cardiopulmonary resuscitation.

35 (5) Provide to the ~~[board of optometry]~~ **office** evidence of compliance under RSA
36 327:6-a, paragraph I through IV.

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1 (6) Review the vaccine registry or other vaccination records before administering the
2 vaccination.

3 (7) Record the vaccination in the state vaccine registry in accordance with RSA 141-
4 C:20-f and when required by state or federal law and maintain a record of the vaccination as
5 required by state and federal law.

6 (8) When designated by the patient, provide notice to the primary care provider of
7 the administration of any vaccine.

8 (9) Submit reports of any adverse reactions following vaccination to the Centers for
9 Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

10 VI. To the extent approval of pharmaceuticals is referenced in RSA 327:1, III, the board
11 shall have the authority to review and approve pharmaceuticals for use by optometrists certified to
12 use pharmaceutical agents in the practice of optometry.

13 VII. ~~[The board shall provide the pharmacy board with a current list of pharmaceutical~~
14 ~~agents approved pursuant to paragraph VI.]~~ The current optometric formulary shall be available
15 from the board and posted on the board's website.

16 VIII. Upon certification to treat glaucoma patients pursuant to RSA 327:6-c, the ~~[board]~~
17 **office** shall issue a license to the optometrist with a "tpa/g" certification. ~~[A current list of "tpa/g"~~
18 ~~certified optometrists with date of certification shall be available from the board and posted on the~~
19 ~~board's website.]~~

20 120 Optometry; Renewal of Licenses. RSA 327:13 is repealed and reenacted to read as follows:

21 327:13 Renewal of Licenses. All licenses issued under this chapter shall be renewed every two
22 years in accordance with RSA 310:8.

23 121 Optometry; Reinstatement. Amend RSA 327:13-a to read as follows:

24 327:13-a Reinstatement. Any person who has voluntarily surrendered a license, has allowed a
25 license to expire, or whose license has been revoked by the board, may request reinstatement of the
26 license by filing an application with the ~~[board]~~ **office**. The board ~~[pursuant to RSA 541-A]~~ shall
27 establish criteria in rules adopted ~~[by the board for]~~ **pursuant to RSA 541-A, relative to**
28 reinstatement which include reasonable professional character and ~~[competence]~~ **competency**
29 requirements.

30 122 Optometry; Contact Lens Prescription to be Provided to Patent. Amend RSA 327:25-a, IV to
31 read as follows:

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

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

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

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

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

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

12 ~~(5)]~~ That the business has paid the established fee.

13 123 Optometry; Telemedicine. Amend RSA 327:25-c to read as follows:

14 327:25-c Telemedicine. Persons licensed by the ~~[board]~~ **office of professional licensure and**
15 **certification** shall be permitted to provide services through the use of telemedicine, **as defined in**
16 **RSA 310:7.**

17 124 Optometry; Rulemaking Authority. Amend RSA 327:31 to read as follows:

18 327:31 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

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

23 ~~(b)]~~ **what constitutes a** passing grade;

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

26 IV. Ethical and professional standards, in addition to those specified by RSA 327:20,
27 required to be met by each holder of a license to practice optometry ~~[and how disciplinary actions by~~
28 ~~the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations~~
29 ~~of these standards];~~

30 V. Requirements for continuing education in addition to those requirements set by RSA
31 327:33 and RSA 327:33-a;

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

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

36 VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

37 125 Optometry; Repeal. The following are repealed:

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- 1 I. RSA 327:5-a, relative to fees.
- 2 II. RSA 327:6-b, relative to the joint credentialing committee.
- 3 III. RSA 327:9, relative to applicants licensed in other jurisdictions.
- 4 IV. RSA 327:11, relative to the record of licenses.
- 5 V. RSA 327:21, relative to complaints.

6 126 Pharmacy; Definitions. Amend RSA 318:1, XI-XI-aa to read as follows:

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

11 XI-a. "Pharmacy benefits manager" means "pharmacy benefits manager" as defined in RSA
12 402-N:1, VIII.

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

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

18 (a) Is enrolled in a professional degree program of a school or college of pharmacy that
19 has been approved by the board and is satisfactorily progressing toward meeting the requirements
20 for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

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

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

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

29 127 Pharmacy; Definitions. Amend RSA 318:1, XXXII-XXXIII to read as follows:

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

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

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

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

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

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

6 128 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IV to read as follows:

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

8 (a) ~~[Time and place of examination;~~

9 ~~(b)]~~ The subjects to be tested;

10 ~~(c)]~~ **(b)** Passing grade; and

11 ~~(d)]~~ **(c)** Disposition of examination papers;

12 129 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, XX to read as follows:

13 XX. The standards ~~[and procedures]~~ for licensure of drug or device distribution agents.

14 130 Pharmacy; Examinations. Amend RSA 318:10 to read as follows:

15 318:10 Examinations.

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

20 131 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

21 318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy
22 technician unless such person is either registered by the ~~[board]~~ **office of professional licensure**
23 **and certification** to perform certain functions or, upon completion of training, certified to perform
24 certain functions, and does so under standards of supervision established by rules of the board
25 adopted pursuant to RSA 541-A.

26 132 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as
27 follows:

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

33 133 Pharmacy; Unauthorized practice of Pharmacy. Amend RSA 318:40 to read as follows:

34 318:40 Unauthorized Practice of Pharmacy. Except as provided by RSA 318:42, no person shall
35 engage in the practice of pharmacy without first being licensed by the ~~[board]~~ **office**. No person
36 shall impersonate a pharmacist or falsely claim to be a pharmacist. No person owning, managing, or
37 conducting any store, not being a licensed pharmacist or having one in his employ, shall exhibit

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1 within or outside of such store, or include in any advertisement, the words "drug store", "pharmacy",
2 "apothecary", "drug", "drugs", "medicine", or "medicine shop", or any combination of these terms or
3 other words indicating that such store is a place where medicines are compounded or sold, or exhibit
4 within or without his place of business or in connection with his business any show bottle or globe of
5 colored glass or globe filled with colored liquid which creates the impression that prescription drugs
6 are being offered for sale.

7 134 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to
8 read as follows:

9 318:51-a Licensing of Manufacturers and Wholesalers Required.

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

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

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

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

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

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

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

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

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

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

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

37 (4) [Repealed.]

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

5 135 Repeal; Pharmacy. RSA 318:47-h, III, relative to the price of filling prescriptions, is
6 repealed.

7 136 Cross Reference Removed; Complaints Relative to Pharmacy Benefit Managers. Amend
8 RSA 402-N:5, II to read as follows:

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

13 137 Cross Reference Removed; Price of Filling Prescriptions. Amend RSA 415:26, III to read as
14 follows:

15 III. The commissioner shall adopt rules under RSA 541-A to implement this paragraph.
16 Such rules shall include procedures for addressing complaints~~[, provisions for enforcement, the~~
17 ~~receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),]~~ and for
18 reporting to the ~~[board of pharmacy]~~ **office of professional licensure and certification** on the
19 status of complaints referred.

20 138 Cross Reference Removed; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as
21 follows:

22 (c) The commissioner shall adopt rules under RSA 541-A to implement this paragraph.
23 Such rules shall include procedures for addressing complaints, provisions for enforcement~~[, the~~
24 ~~receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),]~~ and for
25 reporting to the ~~[board of pharmacy]~~ **office of professional licensure and certification** on the
26 status of complaints referred.

27 139 Physical Therapy; Powers and Duties of the Board. Amend RSA 328-A:3, I to read as
28 follows:

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

31 140 Physical Therapists; Rulemaking. RSA 328-A:4, VIII is repealed and reenacted to read as
32 follows:

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

35 141 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, I(d) to read as follows:

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

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1 142 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, II(h) to read as follows:

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

4 143 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, IV(d) to read as follows:

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

7 144 Physical Therapy; Unlawful Practice; Penalties and Injunctive Relief. RSA 328-F:12 is
8 repealed and reenacted to read as follows:

9 328-F:12 Unlawful Practice; Penalties and Injunctive Relief.

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

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

23 145 Repeal; Physical Therapy. RSA 328-A:15, VII-VIII, relative to rights of consumers and
24 confidentiality, is repealed.

25 146 Speech-language Pathology and Hearing Care Providers; Definitions. Amend RSA 326-F:1,
26 XI to read as follows:

27 XI. "Speech-language assistant" means any person certified by the [~~board~~] **office of**
28 **professional licensure and certification** who meets minimum qualifications established by the
29 board which are less than those established by this chapter as necessary for licensing as a speech-
30 language pathologist, and who does not act independently but works under the direction and
31 supervision of a speech-language pathologist licensed under this chapter.

32 147 Speech-Language Pathology; Eligibility for an Initial License. Amend RSA 326-F:3, I(a) to
33 read as follows:

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

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1 148 Speech-language Pathology; Eligibility for Initial License. Amend RSA 326-F:3, III(a) to
2 read as follows:

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

6 149 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 to read as follows:
7 326-F:4 Provisional License.

8 I. The purpose of a provisional license is to permit an individual to practice speech-language
9 pathology while completing the postgraduate professional experience required for initial licensure.
10 The ~~[board]~~ **office of professional licensure and certification** shall issue a provisional license to
11 an applicant who has met the eligibility requirements for initial licensure except for completion of
12 the required postgraduate professional experience and has completed the application procedure for
13 initial licensure except for submitting documentation of completion of the postgraduate professional
14 experience.

15 II. A holder of a provisional license is authorized to practice speech-language pathology
16 under the direction and supervision of a speech-language pathologist currently licensed in this state.

17 III. A holder of a provisional license practicing speech-language pathology full time shall
18 complete 9 months of postgraduate professional experience in accordance with rules adopted by the
19 board.

20 IV. A holder of a provisional license practicing speech-language pathology less than full time
21 shall complete the postgraduate professional experience within the time period specified by the
22 board in rules adopted pursuant to RSA 541-A.

23 V. A provisional license shall expire automatically on the date stated on the license.

24 VI. The ~~[board]~~ **office** is authorized to issue conditional provisional licenses in accordance
25 with rules adopted **by the board** pursuant to RSA 541-A.

26 150 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5, VI-VIII to read as follows:

27 VI. The ~~[application and qualification]~~ **eligibility requirements** for initial certification,
28 certification renewal, and certification reinstatement of speech-language assistants.

29 ~~[VII. The investigation and discipline of certified speech-language assistants.]~~

30 ~~[VIII. The sale and fitting of hearing aids.]~~

31 151 Renewal of Certification. Amend RSA 326-F:6-a to read as follows:

32 326-F:6-a Renewal of Certification. Certification shall be renewed ~~[biennially]~~ **every two years**
33 in accordance with **RSA 310:8 and the** rules adopted pursuant to RSA 541-A.

34 152 Speech-language Pathology; Professional Identification. Amend RSA 326-F:8, IV to read as
35 follows:

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1 IV. No person shall represent himself or herself by using the letters "SLA" or "SLPA," or the
2 words "speech-language assistant," "speech assistant," or "speech therapy assistant," unless the
3 person is certified by the ~~board~~ **office** pursuant to rules adopted under RSA 326-F:5, VI.

4 153 Speech-language Pathology Registration of Hearing Aid Dealers Required. Amend RSA
5 326-F:9 to read as follows:

6 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
7 of selling or offering for rent hearing aids unless such person is registered in accordance with this
8 chapter and unless the registration of such person is current and valid. ~~[The fee for an initial~~
9 ~~registration under this section shall not exceed \$300.]~~ This section includes the selling or renting of
10 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
11 renewed ~~[biennially on or before June 30]~~ **every two years in accordance with RSA 310:8** upon
12 payment of a renewal fee.

13 154 Speech-language Pathology; Out-of-State Sales Regulated. Amend RSA 326-F:16 to read as
14 follows:

15 326-F:16 Out-of-State Sales Regulated.

16 I. No person shall conduct or operate a business outside of the state for the sale at retail of
17 hearing aids to individuals within the state unless such business is registered with a permit issued
18 by the ~~board~~ **office of professional licensure and certification**.

19 II. The ~~board~~ **office** shall issue a permit to such out-of-state business if the business
20 discloses and provides proof:

21 (a) That the business is in compliance with all applicable laws and rules in the state in
22 which the business is located;

23 (b) Of the operating locations and the names and titles of all principal corporate officers;

24 (c) That the business complies with all lawful directions and requests for information
25 from the board of all states in which it conducts business; and

26 (d) That the business agrees in writing to comply with all New Hampshire laws and
27 rules relating to the sale or dispensing of hearing aids.

28 ~~[III. The board shall assess fees as established by rules adopted by the board, pursuant to~~
29 ~~RSA 541-A, for out-of-state hearing aid sales companies.]~~

30 155 Speech-language Pathology; Repeal. The following are repealed:

31 I. RSA 326-F:7, relative to reinstatement.

32 II. RSA 326-F:7-a, relative to reinstatement.

33 III. RSA 326-F:10, relative to temporary licensure for audiologists.

34 IV. RSA 326-F:11, relative to audiologists from outside of New Hampshire.

35 156 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII to read as
36 follows:

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1 XVIII. "Substantial equivalency" is a determination by the ~~board~~ **office** or its designee that
2 the education, examination, and experience requirements contained in the statutes and
3 administrative rules of another jurisdiction are comparable to or exceed the education, examination,
4 and experience requirements contained in the Uniform Accountancy Act, or that the individual
5 certified public accountant's education, examination, and experience qualifications are comparable to
6 or exceed the education, examination, and experience requirements contained in the Uniform
7 Accountancy Act. In ascertaining substantial equivalency as used in this statute, the ~~board~~ **office**
8 shall take into account the qualifications without regard to the sequence in which experience,
9 education, or examination requirements were attained.

10 157 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;
11 Rulemaking. Amend RSA 309-B:4, II(b) to read as follows:

12 (b) The board shall meet at such times and places as may be fixed by the board.
13 Meetings of the board shall be open to the public, except insofar as they are concerned with
14 investigations ~~under RSA 309-B:11~~ and except as may be necessary to protect information that is
15 required to be kept confidential by board rules or by the laws of this state. A majority of the board
16 members then in office shall constitute a quorum at any meeting duly called.

17 158 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
18 Accountant. Amend RSA 309-B:5 to read as follows:

19 309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

20 I. The certificate of "certified public accountant" shall be granted to persons of good
21 character who meet the education, experience, and examination requirements of this section, who
22 make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the ~~board~~
23 **office of professional licensure and certification**.

24 II. Good character for purposes of this section means the lack of a history of dishonest or
25 felonious acts.

26 III. The education requirements for a certificate shall be as follows:

27 (a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college
28 or university acceptable to the board, with an accounting concentration or equivalent as determined
29 by board rule to be appropriate.

30 (b) After January 1, 2005 and until June 30, 2014, at least 120 semester hours of college
31 education including a baccalaureate or higher degree conferred by a college or university acceptable
32 to the board, the total educational program to include an accounting concentration or equivalent as
33 determined by board rule to be appropriate; provided however, that candidates for a certificate may
34 sit for the examination described in paragraph IV if they have at least 120 semester hours of college
35 education including a baccalaureate degree conferred by a college or university acceptable to the
36 board, the total educational program to include an accounting concentration or equivalent as
37 determined by board rule to be appropriate.

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1 (c) On or after July 1, 2014, at least 150 semester hours of college education including a
2 baccalaureate or higher degree conferred by a college or university acceptable to the board, the total
3 educational program to include an accounting concentration or equivalent as determined by board
4 rule to be appropriate; provided however, that candidates for a certificate may sit for the
5 examination described in paragraph IV if they have at least 120 semester hours of college education
6 including a baccalaureate degree conferred by a college or university acceptable to the board the
7 total educational program to include an accounting concentration or equivalent as determined by
8 board rule to be appropriate. The applicant's degree shall include 30 semester hours of accounting
9 courses. The accounting credits shall include coverage in financial accounting auditing, taxation,
10 and management accounting. In addition, the degree shall include, or be supplemented by, 24
11 semester hours of business courses other than accounting courses. These business courses may
12 include, but not be limited to, coverage in the areas of business law, business information systems,
13 finance, professional ethics, business organizations, and economics.

14 IV. The examination required to be passed as a condition for the granting of a certificate
15 shall ~~[be held as often as the board may specify by rule, and shall]~~ test the applicant's knowledge of
16 the subjects of accounting and auditing and such other related subjects as the board may specify by
17 rule. The board shall prescribe by rule the methods of ~~[applying for and]~~ conducting the
18 examination, including methods for grading papers and determining a passing grade required of an
19 applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it
20 that the examination itself, the grading of the examination and the passing grades are uniform with
21 those applicable in all other states. The board may make such use of all or any part of the Uniform
22 Certified Public Accountant Examination and Advisory Grading Service of the American Institute of
23 Certified Public Accountants, and may contract with third parties *through the office* to perform
24 such administrative services with respect to the examination as it deems appropriate to assist it in
25 performing its duties under this section.

26 V. An applicant shall be required to pass all sections of the examination provided for in
27 paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The
28 applicant shall pass all sections of the examination within 18 months of the examination at which
29 the first section was passed.

30 VI. An applicant shall be given credit for any and all sections of an examination passed in
31 another state if such credit would have been given, under applicable requirements at that time, had
32 the applicant taken the examination in this state.

33 VII. The board may in particular cases waive or defer any of the requirements of paragraphs
34 V and VI regarding the circumstances in which the various sections of the examination must be
35 passed, upon a showing that, by reason of circumstances beyond the applicant's control, the
36 applicant was unable to meet such requirement.

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1 VIII. The ~~board~~ **office** may charge, or provide for a third party administering the
2 examination to charge, each applicant a fee in an amount prescribed by the ~~board~~ **office** by rule,
3 for each section of the examination or reexamination taken by the applicant.

4 IX. The experience requirement shall consist of public accounting experience in providing
5 one or more kinds of services involving the use of accounting or auditing skills, including the
6 issuance of reports on financial statements, or one or more kinds of management advisory, financial
7 advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax
8 matters, or the equivalent, all of which was under the direction of a licensee in any state in practice
9 as a certified public accountant or as a public accountant, or in any state in employment as a staff
10 accountant by a certified public accountant or anyone practicing public accounting, or a combination
11 of either of such types of experience and for the following periods of time:

12 (a) Until June 30, 2014, 2 years for a candidate with a 4-year college degree, or the
13 equivalent, and one year for a candidate holding a master's degree in accounting, taxation, finance,
14 or business administration.

15 (b) On or after July 1, 2014, one year.

16 X. Experience obtained in the employment of a governmental agency for the periods of time
17 provided in paragraph IX in the following areas shall be accepted by the ~~board~~ **office** as qualifying
18 experience under this section:

19 (a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or
20 more distinct lines of commercial or industrial business in accordance with generally accepted
21 auditing standards under the direction of a licensee; or

22 (b) In auditing the books and accounts or activities of 3 or more governmental agencies
23 or distinct organizational units in accordance with generally accepted auditing standards under the
24 direction of a licensee and reporting on their operations to a third party, to the Congress, or to a
25 state legislature; or

26 (c) In reviewing financial statements and supporting material covering the financial
27 condition and operations of nongovernmental entities engaged in 3 or more distinct lines of
28 commercial or industrial business under the direction of a licensee to determine the reliability and
29 fairness of the financial reporting and compliance with generally accepted accounting principles and
30 applicable government regulations for the protection of investors and consumers.

31 XI. [Repealed.]

32 159 Repeal. RSA 309-B:6, relative to substantial equivalency, is repealed.

33 160 New Hampshire Accountancy Act; Issuance and Renewal of Certificates; Maintenance of
34 Competency. RSA 309-B:7 is repealed and reenacted to read as follows:

35 309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

36 I. The office shall grant or renew certificates to persons who make application and
37 demonstrate that their qualifications, including where applicable the qualifications prescribed by

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1 RSA 309-B:5, are in accordance with the requirements of this section. The holder of a certificate
2 issued under this section may provide attest services as defined in RSA 309-B:3, I(a), and
3 compilation services as defined in RSA 309-B:3, III-a, only in a CPA firm that holds a permit issued
4 under RSA 309-B:8.

5 II. Certificates shall be initially issued, and renewed as required by RSA 310:8.

6 III. For renewal of a certificate under this section each licensee shall participate in a
7 program of learning designed to ensure continuing professional competence. The requirements
8 established by the board shall specify any reasonable approach to meeting this requirement,
9 including but not limited to, the setting of hours and the conducting of random audits of reports
10 submitted to the board. The approach to meeting this requirement specified by the board shall be
11 comparable to guidelines specified in the Statement on Standards for Continuing Professional
12 Education (CPE) Programs jointly approved by the National Association of State Boards of
13 Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The
14 board may by rule create an exception to this requirement for licensees who do not perform or offer
15 to perform for the public one or more kinds of services involving the use of accounting or auditing
16 skills, including issuance of reports on financial statements or of one or more kinds of management
17 advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing
18 of advice on tax matters. Licensees granted such an exception by the board shall place the word
19 "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other
20 document or device, with the exception of their CPA certificate or PA registration, on which the CPA
21 or PA title appears.

22 IV. The office shall charge a fee for each application for initial issuance or renewal of a
23 certificate under this section in an amount prescribed by the office by rule.

24 V. Applicants for initial issuance or renewal of certificates under this section shall in their
25 applications list all states in which they have applied for or hold certificates, licenses, or permits and
26 list any past denial, revocation, or suspension of a certificate, license, or permit, and each holder of
27 or applicant for a certificate under this section shall notify the board in writing, within 30 days after
28 its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by
29 another state.

30 VI. The office shall issue a certificate to a holder of a substantially equivalent foreign
31 designation, granted in a foreign country, provided that:

32 (a) The foreign authority which granted the designation makes similar provision to allow
33 a person who holds a valid certificate issued by this state to obtain such foreign authority's
34 comparable designation; and

35 (b) The foreign designation:

36 (1) Was duly issued by a foreign authority that regulates the practice of public
37 accountancy and the foreign designation has not expired or been revoked or suspended;

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1 (2) Entitles the holder to issue reports upon financial statements; and

2 (3) Was issued upon the basis of educational, examination, and experience
3 requirements established by the foreign authority or by law; and

4 (c) The applicant:

5 (1) Received the designation, based on educational and examination standards
6 substantially equivalent to those in effect in this state, at the time the foreign designation was
7 granted;

8 (2) Completed an experience requirement, substantially equivalent to the
9 requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or
10 has completed at least 4 years of professional experience in this state; or meets equivalent
11 requirements prescribed by the board by rule, within the 10 years immediately preceding the
12 application; and

13 (3) Passed a uniform qualifying examination in national standards acceptable to the
14 board.

15 VII. An applicant under paragraph VI shall in the application list all jurisdictions, foreign
16 and domestic, in which the applicant has applied for or holds a designation to practice public
17 accountancy, and each holder of a certificate issued under this paragraph shall notify the board in
18 writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a
19 designation or commencement of a disciplinary or enforcement action by any jurisdiction.

20 VIII. The board shall by rule require as a condition for renewal of a certificate under this
21 section, by any certificate holder who issues compilation reports for the public other than through a
22 CPA firm, that such individual undergo, no more frequently than once every 3 years, a peer review
23 conducted in such manner as the board shall by rule specify, and such review shall include
24 verification that such individual has met the competency requirements set out in professional
25 standards for such services.

26 IX. The office of professional licensure and certification may contract with the NASBA
27 Qualification Appraisal Service to assess any applications made under this section.

28 161 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
29 Review. Amend RSA 309-B:8, I-III to read as follows:

30 I. The ~~board~~ **office** shall grant or renew permits to practice as a CPA firm to applicants
31 that demonstrate their qualifications therefor in accordance with this section.

32 (a) The following are required to hold a permit issued under this section:

33 (1) Any firm with an office in this state performing attest services as defined in RSA
34 309-B:3, I, or compilation services under RSA 309-B:3, III-a;

35 (2) Any firm with an office in this state that uses the designation "CPAs" or "CPA
36 firm"; or

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1 (3) Any firm that does not have an office in this state but offers or renders attest
2 services as described in RSA 309-B:3 for a client having its home office in this state, unless it meets
3 each of the following requirements:

4 (A) It has the qualifications described in paragraphs III and VIII of this section;

5 (B) It performs such services through an individual with practice privileges
6 under RSA 309-B:6 **and RSA 310:17**; and

7 (C) It can lawfully do so in the state where said individuals with practice
8 privilege have their principal place of business.

9 (b) A firm which is not subject to the requirements of subparagraphs (a)(3) or (b) of this
10 paragraph may perform other professional services while using the title "CPA" or "CPA firm" in the
11 state without a license issued under this section only if:

12 (1) It performs such services through an individual with practice privileges under
13 RSA 309-B:6 **and RSA 310:17**; and

14 (2) It can lawfully do so in the state where said individuals with practice privileges
15 have their principal place of business.

16 II. Permits shall be initially issued and renewed for periods **in accordance with RSA**
17 **310:8.** ~~[of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning~~
18 ~~on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in~~
19 ~~such form and in the case of applications for renewal, between such dates, as the board shall by rule~~
20 ~~specify. A permit shall remain valid for the period of time that the board requires to act on the~~
21 ~~application for renewal, provided that the renewal was submitted in accordance with the rules~~
22 ~~adopted by the board. The board shall grant or deny any application no later than 90 days after the~~
23 ~~application is filed in proper form. In any case where the applicant seeks the opportunity to show~~
24 ~~that issuance or renewal of a permit was mistakenly denied or where the board is not able to~~
25 ~~determine whether it should be granted or denied, the board may issue to the applicant a provisional~~
26 ~~permit, which shall expire 90 days after its issuance or when the board determines whether or not to~~
27 ~~issue or renew the permit for which application was made, whichever shall first occur.]~~

28 III. An applicant for initial issuance or renewal of a permit to practice under this section
29 shall be required to show that:

30 (a) Notwithstanding any other provision of law, at least a simple majority of the
31 ownership of the firm, in terms of financial interests and voting rights of all partners, officers,
32 shareholders, members or managers, belongs to holders of a certificate who are licensed in some
33 state of the United States and such partners, officers, shareholders, members, or managers, whose
34 principal place of business is in this state, and who perform professional services in this state, hold a
35 valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public
36 accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and
37 its ownership shall comply with rules adopted by the board. For firms of public accountants, at least

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1 a simple majority of the ownership of the firm, in terms of financial interests and voting rights, shall
2 belong to holders of registration under RSA 309-B:9. [~~An individual who has practice privileges~~
3 ~~under RSA 309-B:6 and who performs services for which a firm permit is required under RSA 309-~~
4 ~~B:6, IV shall not be required to obtain a certificate from this state pursuant to RSA 309-B:5.]~~

5 (b) Any CPA or PA firm may include non-licensee owners provided that:

6 (1) The firm designates a licensee of this state~~, or in the case of a firm which must~~
7 ~~have a permit pursuant to RSA 309-B:6, IV a licensee of another state who meets the requirements~~
8 ~~in RSA 309-B:6, I,]~~ who is responsible for the proper registration of the firm and identifies that
9 individual to the [~~board]~~ **office**.

10 (2) All non-licensee owners are of good moral character and are active individual
11 participants in the CPA or PA firm or affiliated entities.

12 (3) The firm complies with such other requirements as the board may impose by
13 rule.

14 (c) Any individual licensee and any individual qualifying for practice privileges under
15 RSA 309-B:6 **and RSA 310:17** who is responsible for supervising attest services, and signs or
16 authorizes someone to sign the accountant's report on behalf of the firm, shall meet the appropriate
17 experience requirements for such services as required by professional standards for such services.

18 (d) Any individual licensee and any individual qualifying for practice privileges under
19 RSA 309-B:6 **and RSA 310:17** who signs or authorizes someone to sign the accountant's report on
20 behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

21 162 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
22 Review. Amend RSA 309-B:8, VI to read as follows:

23 VI. Applicants for initial issuance or renewal of permits under this section shall in their
24 application list all states in which they have applied for or hold permits as CPA firms and list any
25 past denial, revocation, or suspension of a license or permit by any other state, and each holder of or
26 applicant for a permit under this section shall notify the [~~board]~~ **office** in writing, within 30 days
27 after its occurrence, of any change in the identities of partners, officers, shareholders, members, or
28 managers whose principal place of business is in this state, any change in the number or location of
29 offices within the state, any change in the identity of the persons in charge of such offices, and any
30 issuance, denial, revocation, or suspension of license or permit by any other state.

31 163 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
32 Review. Amend RSA 309-B:8, VIII(d) to read as follows:

33 (d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that
34 the peer review processes be operated, and documents maintained in a manner designed to preserve
35 confidentiality, and that neither the board nor any third party, other than the peer review oversight
36 body, shall have access to documents furnished or generated in the course of such peer review. This
37 subparagraph shall not [~~be construed to limit the board's subpoena power under RSA 309-B:11, I;~~

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1 ~~nor shall it]~~ be construed to prevent the board from obtaining from the applicant, its peer review
2 report, the related letter of comment, and the related letter of response.

3 164 New Hampshire Accountancy Act; Enforcement Against Holders of Certificates, Permits,
4 and Registrations. Amend RSA 309-B:10, I-a(c) to read as follows:

5 (c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under
6 RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for
7 issuance or renewal of such certificate, permit, or registration or to report changes [~~to the board~~] **as**
8 **required** under RSA 309-B:7[~~,VI~~] and 309-B:8, VI.

9 165 New Hampshire Accountancy Act; Unlawful Acts. Amend RSA 309-B:14 to read as follows:
10 309-B:14 Unlawful Acts.

11 I. Only licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA**
12 **310:17**, and firms exempt from the permit requirement under RSA 309-B:8, may issue a report on
13 financial statements of any other person, firm, organization, or governmental unit or otherwise offer
14 to render or render any attest service. This restriction shall not prohibit any act of a public official
15 or public employee in the performance of that person's duties as such; or prohibit the performance by
16 any person from the use of accounting skills, or analyzing and preparing projections of financial data
17 in the performance of management advisory services, financial advisory services, consulting services,
18 the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does
19 not apply to non-licensees who may prepare financial statements and issue reports thereon which do
20 not purport to be in compliance with the Statements on Standards for Accounting and Review
21 Services (SSARS).

22 II. Licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA 310:17**,
23 and firms exempt from the permit requirement under RSA 309-B:8, performing attest services shall
24 provide those services pursuant to statements on standards relating to those services adopted by
25 reference or directly by the board.

26 III. No person not holding a valid certificate or a practice privilege under RSA 309-B:6 **and**
27 **RSA 310:17** shall use or assume the title or designation "certified public accountant," or the
28 abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device
29 tending to indicate that such person is a certified public accountant.

30 IV. No firm shall provide attest services or assume or use the title or designation "certified
31 public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters,
32 abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless [(4)] the
33 firm holds a valid permit issued under RSA 309-B:8 or is in compliance with a valid exemption from
34 the permit requirement pursuant to RSA 309-B:8.

35 V. No person shall assume or use the title or designation "public accountant," or the
36 abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device

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1 tending to indicate that such person is a public accountant unless such person holds a valid
2 registration issued under RSA 309-B:9.

3 VI. No person or firm not holding a valid certificate, permit, or registration issued under
4 RSA 309-B:7, 309-B:8, or 309-B:9, unless they qualify for a practice privilege under RSA 309-B:6
5 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-B:8, shall provide
6 attest services or assume or use the title or designation "public accountant," the abbreviation "PA,"
7 or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate
8 that such firm is composed of public accountants.

9 VII. No person or firm not holding a valid certificate, permit, or registration issued under
10 RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA**
11 **310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use the
12 title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed
13 accountant," "registered accountant," "accredited accountant," or any other title or designation likely
14 to be confused with the titles "certified public accountant" or "public accountant," or use any of the
15 abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the
16 abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so
17 designated by the Internal Revenue Service.

18 VIII. Persons not licensed under this chapter, unless they qualify for a practice privilege
19 under RSA 309-B:6 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-
20 B:8, shall not use language in any statement relating to the affairs of a person or entity which is
21 conventionally used by licensees in reports on financial statements or any attest service. In this
22 regard, the board shall issue safe harbor language that persons not licensed under this chapter, or
23 not qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or not exempt from the
24 permit requirement under RSA 309-B:8 may use in connection with such financial information.
25 Such disclaimer language shall include the following:

26 "I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period)
27 for the (period) then ended. This presentation is limited to preparing in the form of financial
28 statements information that is the representation of management (owners).

29 I (we) have not audited or reviewed the accompanying financial statements and accordingly do not
30 express an opinion or any form of assurance on them."

31 IX. No person or firm not holding a valid certificate, permit, or registration issued under
32 RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA**
33 **310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use any
34 title or designation that includes the words "accountant," "auditor," or "accounting," in connection
35 with any other language, including the language of a report, that implies that such person or firm
36 holds such a certificate, permit, or registration or has special competence as an accountant or
37 auditor. This paragraph shall not prohibit any officer, partner, or employee of any firm or

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1 organization from affixing a signature to any statement in reference to the financial affairs of such
2 firm or organization with any wording designating the position, title, or office that person holds, nor
3 shall it prohibit any act of a public official or employee in the performance of that person's duties.
4 Nothing in this chapter shall prohibit non-licensees who perform services involving the use of
5 accounting skills from describing such services as "bookkeeping", "tax preparation" or "general
6 accounting" services, or describing themselves as "accountants."

7 X. No persons holding a certificate or registration, individual qualifying for a practice
8 privilege under RSA 309-B:6 **and RSA 310:17**, or firm holding a permit under this chapter or an
9 exemption from the permit requirement under RSA 309-B:8, shall use a professional or firm name or
10 designation that is misleading about the legal form of the firm, or about the persons or number of
11 persons who are partners, officers, members, managers, or shareholders of the firm, or about any
12 other matter; provided, however, that names of one or more of the former partners, members,
13 managers or shareholders may be included in the name of a firm or its successor.

14 XI. No provision of this section shall have any application to a person holding a certification,
15 designation, degree, license, or permit granted in a foreign country entitling the holder to engage in
16 the practice of public accountancy or its equivalent in such country, whose activities in this state are
17 limited to the provision of professional services to persons or firms who are residents of,
18 governments of, or business entities of the country in which the person holds such entitlement, who
19 performs no attest services as defined, and who issues no reports with respect to the information of
20 any other persons, firms, or governmental units in this state, and who does not use in this state any
21 title or designation other than the one under which that person practices in such country, followed
22 by a translation of such title or designation into English, if it is in a different language, and by the
23 name of such country.

24 XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA
25 309-B:9 shall perform attest services described in RSA 309-B:3, I(a) or compilation services described
26 in RSA 309-B:3, III-a in any firm that does not hold a valid permit issued under RSA 309-B:8.

27 XIII.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and**
28 **RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, shall not for a
29 commission recommend or refer to a client any product or service, or for a commission recommend or
30 refer any product or service to be supplied by a client, or receive a commission, when the licensee,
31 individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt
32 from the permit requirement under RSA 309-B:8, also performs for that client an attest service as
33 defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual
34 qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the
35 permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will
36 use the financial statement and the compilation report does not disclose a lack of independence.

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1 (b) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA**
2 **310:17**, or firm exempt from the permit requirement under RSA 309-B:8, who is not prohibited by
3 this section from performing services for or receiving a commission and who is paid or expects to be
4 paid a commission shall disclose that fact to any person or entity to whom the licensee, individual
5 qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the
6 permit requirement under RSA 309-B:8, recommends or refers a product or service to which the
7 commission relates.

8 (c) Any licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and**
9 **RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, who accepts a referral
10 fee for recommending or referring any service of a licensee, individual qualifying for a practice
11 privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under
12 RSA 309-B:8, to any person or entity or who pays a referral fee to obtain a client shall disclose such
13 acceptance or payment to the client.

14 XIV.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and**
15 **RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, shall not:

16 (1) Perform for a contingent fee any professional services for, or receive such a fee
17 from a client for whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6
18 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, or the licensee's
19 firm or firm of the individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**
20 performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement
21 when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA**
22 **310:17**, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably
23 might expect, that a third party will use the financial statement and the compilation report does not
24 disclose a lack of independence; or

25 (2) Prepare an original or amended tax return or claim for a tax refund for a
26 contingent fee for any client; provided however that a licensee, individual qualifying for a practice
27 privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under
28 RSA 309-B:8, may prepare an amended return or claim for refund for a contingent fee if that
29 licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm
30 exempt from the permit requirement under RSA 309-B:8, has a reasonable expectation that the
31 amended return or claim for refund will be the subject of substantive review by the taxing authority.

32 (b) The prohibition in subparagraph (a) applies during the period in which the licensee,
33 individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt
34 from the permit requirement under RSA 309-B:8, is engaged to perform any of the services listed in
35 subparagraph (a) and the period covered by any historical financial statements involved in any such
36 listed services.

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1 (c) Except as otherwise provided in this subparagraph, a contingent fee is a fee
2 established for the performance of any service pursuant to an arrangement in which no fee will be
3 charged unless a specified finding or result is attained, or in which the amount of the fee is
4 otherwise dependent upon the finding or result of such service. Solely for purposes of this section,
5 fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax
6 matters, if determined based on the results of judicial proceedings or the findings of governmental
7 agencies. The fees of a licensee, individual qualifying for a practice privilege under RSA 309-B:6
8 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, may vary
9 depending, for example, on the complexity of services rendered.

10 XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from
11 preparing or presenting records or documents customarily prepared by an attorney or firm of
12 attorneys in connection with the attorney's professional work in the practice of law, or from billing a
13 client or receiving a fee from a client in conformity with the professional conduct rules that govern
14 the practice of law by such attorney or firm of attorneys.

15 XVI. Notwithstanding any provision of this section, it shall not be a violation of this section
16 for a firm which does not hold a valid permit under RSA 309-B:8 and which does not have an office
17 in this state to provide its professional services in this state if it complies with the requirements of
18 ~~[RSA 309-B:8, I(b) or (c)]~~ **RSA 309-B:8, I(a)(3) or I(b)**, whichever is applicable.

19 166 New Hampshire Accountancy Act; Single Act as Evidence of Practice. Amend RSA 309-B:17
20 to read as follows:

21 309-B:17 Single Act as Evidence of Practice. In any action brought under ~~[RSA 309-B:12, RSA~~
22 ~~309-B:15, or]~~ RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter
23 shall be sufficient to justify the imposition of a ~~[penalty, injunction, restraining order, or]~~ conviction,
24 ~~[respectively,]~~ without evidence of a general course of conduct.

25 167 New Hampshire Accountancy Act; Confidential Communications. Amend RSA 309-B:18 to
26 read as follows:

27 309-B:18 Confidential Communications. Except by permission of the client for whom a licensee
28 performs services, or the heirs, successors, or personal representatives of such client, a licensee or
29 any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily
30 disclose information communicated to such person by the client relating to and in connection with
31 services rendered to the client by the licensee. Such information shall be deemed confidential,
32 provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of
33 information required to be disclosed by the standards of the public accounting profession in reporting
34 on the examination of financial statements or as prohibiting disclosures in court proceedings or
35 administrative proceedings before governmental agencies in instances where a subpoena or
36 summons has been issued, in investigations or proceedings under ~~[RSA 309-B:11 or RSA 309-B:12]~~
37 **RSA 310**, in ethical investigations conducted by private professional organizations, or in the course

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1 of peer reviews, or to other persons active in the organization performing services for that client on a
2 need to know basis or to persons in such professional organization, peer review entity, or
3 organization performing services for that client who need this information for the sole purpose of
4 assuring quality control.

5 168 Repeal; Accountancy. The following are repealed:

6 I. RSA 309-B:4, VI(e), relative to rules on substantial equivalency.

7 II. RSA 309-B:8, V, relative to fees for application for initial issuance or renewal of a permit.

8 III. RSA 309-B:12, relative to hearings by the board.

9 IV. RSA 309-B:15, relative to injunctions against unlawful acts.

10 V. RSA 309-B:16, I, relative to board investigations.

11 169 Architects; Definitions. Amend RSA 310-A:28, I to read as follows:

12 I. "Architect" means a person who, by reason of having acquired through professional
13 education and practical experience an advanced training in building construction and architectural
14 design and an extensive knowledge of building standards created to safeguard the public from
15 hazards such as fire, panic, structural failure, and unsanitary conditions, is technically and legally
16 qualified to practice architecture and who is licensed by the ~~[board]~~ **office of professional**
17 **licensure and certification** or otherwise authorized by this subdivision to engage in the practice of
18 architecture.

19 170 Architects; Preliminary Requirements for Licensure as an Architect. Amend RSA 310-A:38
20 to read as follows:

21 310-A:38 Preliminary Requirements for Licensure as an Architect.

22 I. The following preliminary requirements shall be considered as minimum evidence
23 satisfactory to the ~~[board]~~ **office of professional licensure and certification** that an applicant is
24 qualified for licensure to practice architecture in this state:

25 (a) Applicant shall be at least 21 years of age and shall have graduated from an
26 approved high school or its equivalent; and

27 (b) Applicant shall hold a professional degree in architecture from an accredited school
28 and have had such diversified practical experience, including academic training, as the board shall
29 deem appropriate; or

30 (c) In lieu of a professional degree in architecture, the ~~[board]~~ **office** may accept
31 evidence of additional diversified practical experience, including academic training, as the board
32 shall deem appropriate.

33 II. The ~~[board]~~ **office** shall have the discretion to reject an applicant who is not of good
34 professional character, as evidenced by:

35 (a) Conviction for commission of a felony;

36 (b) Misstatement of facts by the applicant in connection with the application;

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1 (c) Violation of any of the standards of conduct required of architects as they are set
2 forth in this subdivision or in rules adopted by the board; or

3 (d) Practicing architecture without being licensed in violation of laws of the jurisdiction
4 in which the practice took place.

5 III. Upon complying with the preliminary requirements set forth in this section, the
6 applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-
7 A:43~~[, except as otherwise provided in RSA 310-A:45]~~.

8 171 Architects; Applications. Amend RSA 310-A:42 to read as follows:

9 310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by
10 the ~~[board]~~ **office of professional licensure and certification**, ~~[shall contain statements made~~
11 ~~under oath,]~~ showing the applicant's education and a detailed summary of the applicant's technical
12 work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects
13 having personal knowledge of the applicant's professional experience. ~~[The board shall establish fees~~
14 ~~for application and any examination required under this subdivision.]~~ Should the ~~[board]~~ **office**
15 deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an
16 application fee.

17 172 Architects; Certificates for Business Organizations. Amend RSA 310-A:42-a to read as
18 follows:

19 310-A:42-a Certificates for Business Organizations.

20 I. The practice of, or offer to practice, architecture for others by individual architects,
21 licensed under this subdivision, through a business organization as officers, partners, associates,
22 employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

23 (a) One or more of the corporate officers of a corporation or one or more general partners
24 or associates is designated as being responsible for the architectural activities and architectural
25 decisions of the business organization and is a licensed architect under this subdivision.

26 (b) All personnel of the business organization who act in its behalf as architects are
27 licensed under this subdivision.

28 (c) The business organization has been issued a certificate of authorization by the
29 ~~[board]~~ **office of professional licensure and certification**, as provided in this section.

30 II. The requirements of this subdivision shall not affect a business organization or its
31 employees in performing services for such business organization or its subsidiary or affiliated
32 business organizations. All final drawings, specifications, plans, reports, or other architectural
33 papers or documents involving the practice of architecture, when issued or filed for public record,
34 shall be dated, and bear the signature and seal of the architect who prepared them or under whose
35 direct supervisory control they were prepared.

36 III. A business organization desiring a certificate of authorization shall file with the ~~[board]~~
37 **office** an application, using a form provided by the ~~[board]~~ **office**, listing the names and addresses of

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1 all officers and board members, general and limited partners, associates, and any individuals duly
2 licensed to practice architecture in this state who shall be in responsible charge of the practice of
3 architecture in this state through the business organization, and any other information required by
4 the board. The same form, giving the same information, shall accompany the ~~[annual]~~ renewal fee.
5 If there is a change in any of these persons during the year, such change shall be designated on the
6 same form and filed with the ~~[board]~~ **office** within 30 days after the effective date of such change. If
7 all requirements of this section are met, the ~~[board]~~ **office** shall issue a certificate of authorization to
8 such business organization, and such business organization shall be authorized to contract for and to
9 collect fees for furnishing architectural services.

10 IV. No business organization shall be relieved of responsibility for the conduct or acts of its
11 agents, employees, officers, or partners, by reason of its compliance with the provisions of this
12 section, nor shall any individual practicing architecture be relieved of responsibility for architectural
13 services performed by reason of such individual's employment by or relationship with such business
14 organization.

15 V. The secretary of state shall not issue a certificate of incorporation to an applicant for
16 incorporation or for registration as a foreign business organization which includes the words
17 Architect, Architectural, or Architecture or any modification or derivative thereof in its corporate or
18 business name or which includes the practice of architecture among the objects for which it is
19 established unless the ~~[board]~~ **office** shall have issued, with respect to such applicant, a certificate of
20 authorization or eligibility for authorization, a copy of which shall have been presented to the
21 secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline
22 to register any trade name or service mark which includes such words or modifications or derivatives
23 thereof in its firm or business name except to partnerships, sole proprietorships and associations
24 holding certificates of authorization issued under the provisions of this subdivision, a copy of which
25 shall have been presented to the secretary of state.

26 VI. An architect who renders occasional, part-time, or consulting architectural services to or
27 for a business organization may not, for the purposes of this section, be designated as being
28 responsible for the architectural activities and decisions of such business organization.

29 173 Architects; Examinations. Amend RSA 310-A:43 to read as follows:

30 310-A:43 Examinations. Examinations in architecture shall be held as the ~~[board]~~ **office of**
31 **professional licensure and certification** shall determine. The applicant shall be permitted to
32 take the examination upon fulfilling the requirements established by the board. The board shall
33 prescribe ~~[the methods of procedure and]~~ the scope of the examination which shall include the
34 following subjects: pre-design, general structures, lateral forces, mechanical and electrical systems,
35 materials and methods, construction documents and services, site planning, building planning, and
36 building technology.

37 174 Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:

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1 310-A:44 Certificates; Seals. The ~~[board]~~ **office of professional licensure and certification**
2 shall issue a license upon payment of the registration fee established by the office ~~[of professional~~
3 ~~licensure and certification]~~, to any applicant who ~~[, in the opinion of the board,]~~ has satisfactorily
4 met all the requirements of this subdivision. Licenses shall show the full name of the licensee and
5 have a serial number. The issuance of a license by the ~~[board]~~ **office** shall be prima facie evidence
6 that the person named in the license is entitled to all the rights and privileges of a licensed architect
7 while the license remains valid. Each licensee shall upon licensure obtain a seal of the design
8 authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All
9 papers or documents involving the practice of a profession under this subdivision, when issued or
10 filed for public record, shall be dated, and bear the signature and seal of the licensed professional
11 who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the
12 licensee to stamp or seal any documents with such seal after the license of the licensee has expired
13 or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

14 175 Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

15 310-A:46 Expiration and Renewals. All licenses issued by the ~~[board shall expire on the last day~~
16 ~~of the month of the licensee's birth in the year 2 years following the year of issuance. The board~~
17 ~~shall cause notification of the impending license expiration to be sent to each licensee at least one~~
18 ~~month prior to the expiration date of the license. If the renewal fee is not submitted within 12~~
19 ~~months after the expiration date of the license, the licensee's name shall be removed from the~~
20 ~~mailing list. An application for reinstatement shall be required to return to active status. The office~~
21 ~~of professional licensure and certification shall charge up to a 20 percent late fee for each month or~~
22 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee]~~ **office of**
23 **professional licensure and certification shall expire in accordance with RSA 310:8.**

24 176 Architects; Continuing Education Required. Amend RSA 310-A:46-a to read as follows:

25 310-A:46-a Continuing Education Required. Any person holding a license shall be required to
26 complete 12 units of continuing education each year in the area of health, safety, and welfare. Each
27 person shall be responsible for maintaining evidence of his or her continuing education units and
28 shall submit such evidence of continuing education units to the ~~[board]~~ **office** biennially upon
29 renewal of his or her license.

30 177 Repeal; Architects. The following are repealed:

- 31 I. RSA 310-A:33, relative to fees.
32 II. RSA 310-A:45, relative to reciprocal licensure.
33 III. RSA 310-A:49, relative to reissuance of licenses.

34 178 Auctioneers; Definitions. Amend RSA 311-B:1, IV to read as follows:

35 IV. "Authorized business organization" means any entity organized for gain or profit and
36 carrying on any business activity within the state of New Hampshire which is:

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1 (a) A corporation or business association having at least one officer holding a valid
2 license issued by the ~~[board]~~ **office of professional licensure and certification**;

3 (b) A partnership in which at least one partner holds a valid license issued by the
4 ~~[board]~~ **office**;

5 (c) A limited liability company in which the managing member holds a valid license
6 issued by the ~~[board]~~ **office**;

7 (d) A sole proprietorship or sole-shareholder corporation in which the sole proprietor or
8 sole shareholder holds a valid license issued by the ~~[board]~~ **office**; or

9 (e) A trust in which at least one trustee holds a valid license issued by the ~~[board]~~ **office**.

10 179 Auctioneers; Use of Name by Business Organization. Amend RSA 311-B:4, III to read as
11 follows:

12 III. The secretary of state shall not issue a certificate of incorporation to an applicant for
13 incorporation or for registration as a foreign business organization which includes the words
14 "auction," "auctioneer," or "auctioneering" or any modification or derivative thereof in its corporate or
15 business name or which includes the practice of auctioneering among the objectives for which it is
16 established unless the ~~[board]~~ **office** shall have issued, with respect to such applicant, a certificate of
17 authorization, a copy of which shall have been presented to the secretary of state. The ~~[board]~~ **office**
18 shall issue such a certificate only to an authorized business organization. The secretary of state
19 shall decline to register any trade name or service mark which includes such words or modifications
20 or derivatives thereof in its firm or business name except for trade names and service marks of
21 business entities which have presented to the secretary of state proof that they qualify as authorized
22 business organizations under this chapter.

23 180 Electricians. Amend RSA 319-C:1 to read as follows:

24 319-C:1 Electricians. No electrician installation shall be made for compensation, unless made
25 by an electrician or other person licensed by the ~~[electrician's board]~~ **office of professional**
26 **licensure and certification**, except as provided in this chapter.

27 181 Electricians; Definitions. Amend RSA 319-C:2, IV to read as follows:

28 IV. "Journeyman electrician" means a person doing work of installing electrical wires,
29 conduits, apparatus, fixtures, and other electrical equipment. A journeyman electrician shall be
30 employed by a **New Hampshire licensed** master electrician **or entity licensed pursuant to RSA**
31 **319-C:10**. ~~[Each journeyman electrician shall work under the direction and supervision of a master~~
32 ~~electrician.]~~

33 182 Electricians; Exceptions. Amend RSA 319-C:3, IX-a to read as follows:

34 IX-a. Any electrical installations in residential or commercial buildings performed by
35 students enrolled in a high school vocational electrical program, college vocational electrical
36 program, and apprenticeship training program, approved by the department of education, provided
37 such work is performed under the supervision of either a teacher holding an electrician's license or

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1 by a licensed electrician who is a supervisor of students in cooperative education placements from
2 such programs; and in those cases where the installation is in a new building being constructed as a
3 part of the vocational program, that the installation will be inspected and approved by an individual
4 or group of individuals chosen by the local school districts from persons nominated by the state board
5 of electricians. Any person nominated by the state board shall hold a master's license issued by the
6 ~~board~~ **office of professional licensure and certification.**

7 183 Electricians; Third Party Electrical Inspections. Amend RSA 319-C:5-a, I to read as follows:

8 I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person
9 who conducts residential electrical inspections for up to 4 contiguous units, which shall be
10 considered a level 1 inspector, or a person who conducts all types of electrical inspections, which
11 shall be considered a level 2 inspector, who is conducting third-party electrical inspections of
12 electrical installations in this state to have the person conducting the inspection be approved by the
13 ~~board~~ **office of professional licensure and certification in accordance with criteria**
14 **established by the board.** The board shall determine the qualifications necessary for approval as a
15 level 1 or level 2 electrical inspector. The ~~board~~ **office of professional licensure and**
16 **certification** shall maintain and make available a list of such persons approved for level 1 or level 2
17 third-party electrical inspections. The approval of a person to conduct either level of third-party
18 electrical inspections shall not prohibit a city or town that has established inspections under RSA
19 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical
20 inspections.

21 184 Electricians; Continuing Education; NFPA 70 Changes. Amend RSA 319-C:6-c to read as
22 follows:

23 319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to
24 continuing education applicable to all licensees for training and compliance with the latest published
25 edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection
26 Association. Each licensee shall show proof of completion of continuing education requirements
27 adopted under this section within 12 months from the January 1 following the publication date of
28 the latest version of the NFPA 70. Proof of completion shall be furnished to the ~~board~~ **office** by the
29 continuing education provider. Failure to complete the continuing education shall render the
30 electrician's license invalid until the licensee demonstrates to the board that he or she has completed
31 the requisite number of continuing education hours.

32 185 Electricians; Licensing Requirements. Amend RSA 319-C:7 to read as follows:

33 319-C:7 Licensing Requirements.

34 I. [Repealed.]

35 II. The ~~board~~ **office** shall issue a license as a master or journeyman electrician to any
36 person who files an application and meets the following qualifications:

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1 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may
2 give credit toward such service for the satisfactory completion of a course of instruction in the field
3 at a school recognized by the board or experience in the field received in military service, in
4 accordance with rules adopted by RSA 541-A; and

5 (b) Satisfactory passing of an examination approved by said board as provided in RSA
6 319-C:8 to determine the person's fitness to receive such license.

7 II-a. The ~~[board]~~ **office** shall issue a license as a high/medium voltage electrician to any
8 person who files an application and meets the following qualifications:

9 (a) Shows proof of successfully completing a state, national, or employer certification
10 program approved by the board or;

11 (b) Prior to January 1, 2003, shows proof of having been employed for a minimum of 5
12 years as a high/medium voltage electrician working for a company with an approved training
13 program.

14 III. All persons licensed by the ~~[board]~~ **office** shall receive a certificate which must be
15 publicly displayed at the principal place of business of said electrician, or, if no such place of
16 business, must be carried on his or her person and displayed at any time upon request to any
17 electrical inspector appointed by the board under this chapter, as long as said person continues in
18 the business as herein defined. The certificate shall specify the name of the person licensed who, in
19 the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of
20 its officers or employees passing the examination. In the case of a firm or corporation, the license
21 shall be void upon the death of or the severance from the company of said person.

22 IV. Apprentice electricians shall register with the ~~[board]~~ **office**.

23 186 Electricians; Examinations for License. Amend RSA 319-C:8 to read as follows:

24 319-C:8 Examinations for License. Each applicant for licensure shall present to the ~~[board]~~
25 **office**, ~~[on forms furnished by the board,]~~ a written application for examination and license,
26 containing such information as the board may require, accompanied by the required application fee
27 established by the ~~[board]~~ **office**. Proctored examinations shall be written, written and oral, oral, or
28 computerized as approved by the board, and shall be of a thorough and practical character. They
29 shall include such provisions of the National Electrical Code as the board may deem appropriate.
30 Any person failing to pass his or her first examination may be reexamined ~~[at any subsequent~~
31 ~~examination meeting of the board or]~~ by an examination entity approved by the board, and
32 thereafter may be examined as often as he or she may desire upon submitting the written
33 application for examination and license and payment of the required application fee as set forth in
34 this chapter.

35 187 Electricians; Corporations and Partnerships. Amend RSA 319-C:10 to read as follows:

36 319-C:10 Corporations and Partnerships.

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1 I. The ~~board~~ **office** may issue a license to corporations and partnerships engaged in the
2 business of making electrical installations, provided that one or more officers or employees of any
3 such corporation directly in charge of the business affairs of such corporation, or a member of such
4 partnership directly in charge of its business affairs, is a licensed master electrician.

5 II. The ~~board~~ **office** may issue a license to corporations or partnerships engaged in the
6 business of making electrical installations on high or medium voltage distribution systems operating
7 over 600 volts, provided that one or more officers or employees of any such corporation directly in
8 charge of the electrical business affairs of such corporation, or a member of a partnership directly in
9 charge of its business affairs, is a licensed master electrician or a licensed high/medium voltage
10 electrician.

11 188 Foresters; Rulemaking. Amend RSA 310-A:102, III to read as follows:

12 III. Examination ~~procedures~~ **requirements.**

13 189 Foresters; Qualifications for License. Amend RSA 310-A:104 to read as follows:

14 310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under
15 one of the following categories:

16 I. Possession of a 4-year forestry degree and 2 years' experience of a nature satisfactory to
17 the board **in accordance with rules adopted under RSA 541-A.** The board may ~~require~~ **adopt**
18 **rules requiring** an applicant to pass an ~~oral or written~~ examination~~, or otherwise meet the~~
19 ~~approval of the board~~].

20 II. Possession of a 2-year forestry degree and 4 years' experience of a nature satisfactory to
21 the board **in accordance with rules adopted under RSA 541-A.** The board may ~~require~~ **adopt**
22 **rules requiring** an applicant to pass an ~~oral or written~~ examination~~, or otherwise meet the~~
23 ~~approval of the board~~].

24 III. Possession of a 4-year degree in a related field and 4 years' experience of a nature
25 satisfactory to the board **in accordance with rules adopted under RSA 541-A.** The board may
26 ~~require~~ **adopt rules requiring** an applicant to pass an ~~oral or written~~ examination~~, or otherwise~~
27 ~~meet the approval of the board~~].

28 IV. Possession of a 2-year degree in a related field and 6 years' experience of a nature
29 satisfactory to the board **in accordance with rules adopted under RSA 541-A.** The board may
30 ~~require~~ **adopt rules requiring** an applicant to pass an ~~oral or written~~ examination~~, or otherwise~~
31 ~~meet the approval of the board~~].

32 V. There shall be no minimum educational requirement for licensure as a forester for
33 applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the
34 board **in accordance with rules adopted under RSA 541-A.** The board may ~~require~~ **adopt**
35 **rules requiring** an applicant to pass an ~~oral or written~~ examination~~, or otherwise meet the~~
36 ~~approval of the board~~].

37 190 Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

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1 310-A:105 Applications; Fees. Applications for licensing shall ~~[be made on forms prescribed and~~
2 ~~furnished by the board, and shall]~~ contain statements made under oath as to citizenship, residence,
3 the applicant's education, a detailed summary of the applicant's technical experience, and shall
4 contain the names of not less than 5 references, 3 or more of whom shall be individuals having
5 personal or professional knowledge of the applicant's forestry experience. The fee for a license as a
6 forester shall be fixed by the ~~[board]~~ **office pursuant to RSA 541-A**. ~~[One-half of the fee shall~~
7 ~~accompany the application, the balance to be paid before the issuance of the license. Should the~~
8 ~~applicant fail to remit the remaining balance within 30 days after being notified by certified mail,~~
9 ~~return receipt requested, that the application has been accepted, the applicant shall forfeit the right~~
10 ~~to have the license issued and the applicant may be required to again submit an original application~~
11 ~~and pay an original fee on such application. Should the board deny the issuance of a license to any~~
12 ~~applicant, the fee deposited shall be retained by the board as an application fee.]~~

13 191 Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read to as follows:

14 310-A:106 Examination; Re-Examination; Fee. **The requirements for examination, if any,**
15 ~~[The methods and procedure for written and oral examinations]~~ shall be prescribed by the board. ~~[A~~
16 ~~candidate failing an examination may apply for re-examination at the expiration of 6 months and~~
17 ~~shall be entitled to one re-examination without payment of an additional fee. Subsequent re-~~
18 ~~examinations may be granted upon payment of a fee to be fixed by the board.]~~

19 192 Foresters; Issuance of License; Endorsement of Documents. Amend RSA 310-A:107 to read
20 as follows:

21 310-A:107 Issuance of License; Endorsement of Documents. The ~~[board]~~ **office of professional**
22 **licensure and certification** shall issue a license upon payment of the fee as provided in this
23 subdivision to any applicant, who~~[, in the opinion of the board,]~~ has satisfactorily met all the
24 requirements of this subdivision. Licenses shall show the full name of the licensee and shall have a
25 serial number. The issuance of a license by the ~~[board]~~ **office of professional licensure and**
26 **certification** shall be evidence that the person named in the license is entitled to all rights and
27 privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps,
28 and reports issued by the licensee shall be endorsed with the licensee's name and license number
29 during the life of the license. It shall be a class B misdemeanor for anyone to endorse any document
30 with such name and license number after the license of the named licensee has expired or has been
31 revoked, unless said license has been renewed or reissued. It shall be a class B misdemeanor for any
32 licensed forester to endorse any plan, map, or report unless the licensed forester shall have actually
33 prepared such plan, map, or report, or shall have been in the actual charge of the preparation of the
34 same.

35 193 Foresters; Expiration. Amend RSA 310-A:108 to read as follows:

36 310-A:108 Expiration. All licenses issued by the board shall expire ~~[on the last day of the month~~
37 ~~of the licensee's birth in the year 2 years following the year of issuance]~~ **as set forth in RSA 310:8**.

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1 194 Foresters; License Renewal. Amend RSA 310-A:109 to read as follows:

2 310-A:109 License Renewal. Licenses may be renewed ~~[by written application prior to the~~
3 ~~expiration date and by payment of the prescribed renewal fee]~~ **every two years in accordance**
4 **with RSA 310:8.** ~~[The secretary shall notify each forester one month prior to the expiration of such~~
5 ~~certificate.]~~ The applicant shall ~~[submit proof of completion of]~~ **have completed** 20 hours of
6 continuing education approved by the board at the time of license renewal, ~~[together with a]~~ **and**
7 **shall submit a** record of any legal action brought against the applicant for services as a forester.

8 195 Foresters; Repeals. The following are repealed:

9 I. RSA 310-A:101, relative to procedures.

10 II. RSA 310-A:110, relative to failure to renew.

11 III. RSA 310-A:111, relative to reciprocity.

12 IV. RSA 310-A:113-a, relative to additional powers.

13 V. RSA 310-A:115, relative to injunctions.

14 VI. RSA 310-A:116, relative to administrative costs.

15 196 Professional Geologists; Definitions. Amend RSA 310-A:118, IV to read as follows:

16 IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge
17 of geology and the supporting physical and life sciences, acquired by education and experience, is
18 technically and legally qualified to engage in the practice of geology as defined in this section and
19 has successfully passed the examination as may be required in this subdivision and who is licensed
20 by the ~~[board]~~ **office** or otherwise authorized by this subdivision to engage in the practice of the
21 profession of geology.

22 197 Professional Geologists; Rulemaking; Fees. Amend RSA 310-A:121, I to read as follows:

23 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

24 (a) ~~[Repealed.]~~

25 (b) The qualifications of applicants in accordance with applicable statutes, and the
26 ethical standards required for licensure;

27 (c) The examination ~~[procedures]~~ **criteria** in accordance with applicable statutes;

28 (d) License renewal, including requirements for continuing education;

29 (e) Ethical and professional standards required to be met by each holder of a license
30 under this subdivision and how disciplinary actions by the board shall be implemented for violations
31 of these standards;

32 (f) ~~[Repealed.]~~

33 (g) The design of an official seal;

34 (h) What constitutes geology experience for the purposes of RSA 310-A:125; **and**

35 (i) ~~[Procedures]~~ **Requirements** for a waiver of the fundamentals of geology examination
36 under RSA 310-A:129~~]; and~~

37 ~~(j) Interstate licensure and temporary permits under RSA 310-A:131].~~

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1 198 Professional Geologists; Licensure. Amend RSA 310-A:124 to read as follows:

2 310-A:124 Licensure. No person shall practice professional geology or represent oneself as a
3 professional geologist who is not licensed by the ~~board~~ **office** or whose license expired, or was
4 canceled, suspended, or revoked, except as otherwise provided in this subdivision. Licensure to
5 practice geology shall not be required until after the one-year period set forth in RSA 310-A:125, II
6 has ended.

7 199 Professional Geologists; Requirements for Licensure as a Professional Geologist. Amend
8 RSA 310-A:125 to read as follows:

9 310-A:125 Requirements for Licensure as a Professional Geologist.

10 I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set
11 forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II.
12 In addition, each applicant shall have a bachelor's degree in geology or a bachelor's degree in a
13 related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year
14 college, or a master's or doctoral degree from an accredited graduate program in geology, including
15 but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics,
16 groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology,
17 paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water
18 resources studies; and shall present evidence suitable to the board of at least 5 years of experience in
19 the practice of geology, of which at least 3 years must have been under the supervision of a licensed
20 professional geologist or a geologist who otherwise meets the requirements of a licensed professional
21 geologist as determined by the board. Applicants meeting these ethics, education and experience
22 requirements shall be eligible to sit for an examination ~~[to be administered by the board]~~. Unless
23 otherwise provided, applicants shall take the examination and receive a passing score.

24 (b) Experience in the practice of geology, obtained before the expiration of the period
25 described in paragraph II of this section, may count towards the experience in the practice of geology
26 under the supervision of a professional geologist required in subparagraph I(a) of this section if the
27 supervising geologist met the education and experience qualifications of paragraph II at the time of
28 the relevant experience. For purposes of this section, experience in the practice of geology does not
29 include routine sampling, laboratory work or geological drafting.

30 (c) A completed academic year of graduate study in geology may be applied either
31 towards a year of the experience requirement of this section up to a total maximum of 2 years, or to
32 the education requirement of this section, but not both.

33 (d) A completed academic year of college or graduate level teaching in geology may be
34 applied towards a year of the experience requirement of this section.

35 II. Following the effective date of the initial adoption by the board of rules under RSA 541-A,
36 the ~~board~~ **office** may issue licenses without examination to applicants whose applications for
37 licensure have been received during a one-year period following the effective date of adoption of rules

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1 and who either meet the education and experience requirements of subparagraph I(a) of this section,
2 or who provide evidence satisfactory to the board of knowledge and experience equivalent to such
3 requirements.

4 III. Whenever information presented in an application for licensure or renewal is
5 determined by the ~~[board]~~ **office** to be incomplete or insufficient, the ~~[board]~~ **office** may require
6 additional information as necessary to determine if the application requirements of this section have
7 been met.

8 200 Professional Geologists; Continuing Education. Amend RSA 310-A:127 to read as follows:

9 310-A:127 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
10 biennial renewal period of a minimum of 24 hours of continuing education shall be required for
11 license renewal. The board shall identify the types of educational courses and activities that would
12 further the professional competence of licensees. In general, the continuing education credits shall
13 be determined on the basis of one credit for each contact hour of course instruction or professional
14 development activity actually attended by a licensee.

15 I. Applications for licensure shall be made using the method prescribed and furnished by the
16 office of professional licensure and certification. Applications shall contain statements made under
17 oath, showing the applicant's education and a detailed summary of the applicant's technical work,
18 and shall contain not less than 5 references, of whom at least 3 shall be professional geologists
19 having personal knowledge of the applicant's professional experience.

20 II. References relating to experience in the practice of geology performed prior to the
21 effective date of this subdivision may be provided by either a professional geologist or a person
22 determined by the board **according to rules** to be of equivalent ethical standards, education, and
23 experience who may or may not have been licensed.

24 III. If the ~~[board]~~ **office** denies the issuance of a license or a temporary permit to any
25 applicant, any initial fee deposited shall be retained as an application fee.

26 201 Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

27 310-A:129 Examinations. ~~[Written technical examinations in geology shall be held at least~~
28 ~~annually as the board shall determine.]~~ The scope of the technical and professional examination and
29 the methods of procedure shall be prescribed by the board. ~~[A candidate failing an examination may~~
30 ~~apply for reexamination upon payment of an additional fee determined by the board and shall be~~
31 ~~reexamined on the next regularly scheduled examination date. A candidate failing the examination~~
32 ~~3 consecutive times shall be required to furnish evidence of additional experience, study, or~~
33 ~~education credits acceptable to the board before being allowed to proceed with the examination.]~~

34 202 Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

35 310-A:130 Certificates; Seals. The ~~[board]~~ **office** shall issue a license, upon payment of the
36 licensing fee established by the office of professional licensure and certification, to any applicant who
37 has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of

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1 the licensee and have a serial number. The issuance of a license by the board shall be prima facie
2 evidence that the person named in the license is entitled to all the rights and privileges of a licensed
3 professional geologist while the license remains valid. Each licensee shall upon licensure obtain a
4 seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed
5 Professional Geologist." All papers or documents involving the practice of geology affecting public
6 health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be
7 dated, and bear the signature and seal of the licensed professional geologist who prepared or had
8 responsibility for and approved them.

9 203 Professional Geologists; License Renewals. RSA 310-A:132 is repealed and reenacted to
10 read as follows:

11 310-A:132 License Expiration and Renewals. All licenses issued by the board shall expire in
12 accordance with RSA 310:8. Licensees in good standing may renew their licenses by paying the
13 renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the
14 board of completion of the continuing education requirements established by the board. If properly
15 renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or
16 revoked by the board for just cause.

17 204 Professional Geologists; Repeals. The following are repealed:

- 18 I. RSA 310-A:122, relative to immunity.
- 19 II. RSA 310-A:131, relative to interstate licensure.
- 20 III. RSA 310-A:134, relative to enforcement.
- 21 IV. RSA 310-A:136, relative to reissuance of licenses.
- 22 V. RSA 310-A:138, relative to restraint of violations.

23 205 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187 to read as follows:

24 310-A:187 Rulemaking Authority.

25 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

26 (a) The qualifications of applicants in addition to requirements of this subdivision, and
27 including the qualifications for satisfactory evidence of good professional character.

28 (b) The criteria for a license to be renewed or reinstated, including any requirements for
29 continuing education.

30 (c) [Repealed.]

31 (d) [Repealed.]

32 (e) [~~Procedures for approving education courses for eligibility for licensure and for a~~
33 ~~continuing education program.~~]

34 [(f)] How an applicant shall be examined, including the form of the examination.

35 [(g)] (f) The design of an official seal.

36 [(h)] (g) The establishment of administrative fines which may be levied in the
37 administration of this subdivision.

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1 II. The board shall adopt one eligibility examination required for licensure that is an
2 independent nationally recognized proctored examination.

3 ~~[III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board~~
4 ~~shall furnish a copy of any proposed rules of or amendments thereto, to all affected professionals~~
5 ~~licensed by the board.]~~

6 206 Home Inspector Licensure Requirements. Amend RSA 310-A:190 to read as follows:

7 310-A:190 Eligibility Requirements for Licensure as a Home Inspector.

8 I. Each applicant for licensure as a home inspector shall meet the following minimum
9 requirements:

10 (a) Completion of no less than 80 hours of board-approved education covering all of the
11 following core components of a residential building of 4 units or less:

12 (1) Heating system.

13 (2) Cooling system.

14 (3) Plumbing system.

15 (4) Electrical system.

16 (5) Structural components.

17 (6) Foundation.

18 (7) Roof covering.

19 (8) Exterior and interior components.

20 (9) Site aspects as they affect the building.

21 (b) Have successfully completed high school or its equivalent.

22 (c) Proof of passing the board-adopted examination required for licensure.

23 (d) Be at least 18 years of age.

24 (e) Submit to the ~~[board]~~ **office of professional licensure and certification** a public
25 criminal history record information authorization form as provided by the New Hampshire state
26 police, which authorizes the release of the applicant's public criminal history record information, if
27 any. The applicant shall bear the cost of the public criminal history record information check.

28 II. A person who was actively engaged in the business of home inspection in this state as a
29 means of his or her livelihood for at least 12 months preceding the effective date of this subdivision
30 shall be eligible for licensure by the ~~[board]~~ **office of professional licensure and certification**
31 without completion of the requirements of subparagraph I(a). An applicant under this paragraph
32 shall be issued a license by providing evidence satisfactory to the board of the knowledge and
33 experience equivalent to the requirements of subparagraph I(a). All applicants shall meet the
34 requirements of subparagraphs I(b) through (e), pay an initial fee, and fulfill all other license
35 application requirements.

36 III. The board shall approve all education programs under subparagraph I(a) of
37 organizations or education institutions providing acceptable education and training.

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1 IV. The board shall have the discretion to reject an applicant who is not of good professional
2 character, as evidenced by:

3 (a) Conviction for commission of a felony;

4 (b) Misstatement of facts by the applicant in connection with the application;

5 (c) Violation of any of the standards of practice or code of ethics as they are set forth in
6 this subdivision or in rules adopted by the board; or

7 (d) Practicing home inspections without being licensed in violation of laws of the
8 jurisdiction in which the practice took place.

9 207 Home Inspectors; Continuing Education. Amend RSA 310-A:192 to read as follows:

10 310-A:192 Continuing Education. [~~Evidence satisfactory to the board of the~~] Completion in each
11 2-year renewal period of a minimum of 20 hours of continuing education shall be required for license
12 renewal, provided that one hour of the 20 required hours shall be from a board-approved course on
13 appropriate building regulations including any recent revisions to regulations. The board shall
14 approve educational courses and activities that would further the professional competence of
15 licensees. The continuing education credits shall be determined on the basis of one credit for each
16 contact hour of course instruction or professional development activity actually attended by a
17 licensee.

18 208 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

19 310-A:193 Issuance of Licenses. The [~~board~~] *office* shall issue a license upon payment of the
20 license fee established by the office of professional licensure and certification, to any applicant who[
21 ~~in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses
22 shall show the full name of the licensee and have a serial number. The issuance of a license [~~by the~~
23 ~~board~~] shall be prima facie evidence that the person named in the license is entitled to all the rights
24 and privileges of a licensed home inspector while the license remains valid. It shall be a class B
25 misdemeanor for the licensee to perform home inspections after the license of the licensee has
26 expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

27 209 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

28 310-A:195 Expiration and Renewals.

29 I. [~~The board shall send, by mail or otherwise, notification of the impending license~~
30 ~~expiration to each licensee at least one month prior to the expiration of the license, along with a~~
31 ~~request for payment of a renewal fee.~~] Licensees in good standing may renew their licenses [~~by~~
32 ~~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]~~ **every two years in**
34 **accordance with RSA 310:8.** If properly renewed, a license shall remain in effect continuously
35 from the date of issuance, unless suspended or revoked by the board for just cause.

36 II. [~~All licenses issued by the board shall expire on the last day of the licensee's month of~~
37 ~~birth in the second year following the year of issuance, or upon such other biennial date as the board~~

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1 ~~may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the~~
2 ~~licensee's name shall be removed from current status, and application for reinstatement shall be~~
3 ~~required to return to current status. The board shall charge a 20 percent late fee for each month or~~
4 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal~~
5 ~~application received 12 months after the expiration date shall be rejected, unless accompanied by~~
6 ~~proof of successful completion of the examination required by the board.] A licensed home inspector~~
7 shall complete at least 20 hours of board-approved continuing education during each license period
8 in order to maintain his or her license. ~~[If a licensee fails to renew such license within the 12~~
9 ~~months after the date of expiration, it shall become null and void and the licensee shall be required~~
10 ~~to reapply and to be re-examined for licensure.~~

11 ~~III. Licensees who have been activated by the military shall be exempt from any penalties or~~
12 ~~fees for renewal or reinstatement due to their absence, as approved by the board.]~~

13 210 Office of Professional Licensure and Certification; Repeals. The following provisions of RSA
14 310-A are repealed:

15 I. RSA 310-A:188, relative to fees.

16 II. RSA 310-A:194, relative to reciprocity.

17 III. RSA 310-A:198, relative to re-issuance of licenses.

18 IV. RSA 310-A:200 relative to restraint of violations.

19 211 Land Surveyors; General Provisions. Amend RSA 310-A:53, IV and V to read as follows:

20 IV. The practice of or the offer to practice land surveying in this state by individual licensed
21 land surveyors as a business organization, a material part of the business which includes land
22 surveying, is permitted provided certain personnel of such entity who shall act in its behalf are
23 licensed land surveyors under the provisions of this subdivision and provided such entity has been
24 issued a certificate of authorization by the ~~[board]~~ **office** as provided in this subdivision. Any entity
25 issued a certificate under this section shall be required to comply with all of the provisions of this
26 subdivision.

27 V. Each such entity shall file with the ~~[board]~~ **office** of licensure a designation of an
28 individual or individuals licensed to practice land surveying in this state who shall be in charge of
29 land surveying by such entity in this state. The person designated shall be a full-time officer,
30 partner, owner, or full-time employee of that entity. Such entity shall notify the ~~[board]~~ **office** of
31 licensure of any change in the entity's designation within 30 days after such change becomes
32 effective.

33 212 Land Surveyors; Definitions. Amend RSA 310-A:54, I-b to read as follows:

34 I-b. "Certificate of authorization" means any certificate issued by the ~~[board]~~ **office** to a
35 business organization to engage in the practice of land surveying.

36 213 Land Surveyors, Licensure. RSA 310-A:63 is repealed and reenacted to read as follows:

37 310-A:63 Licensure.

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1 I. As minimum evidence satisfactory to the board according to rules adopted under 541-A
2 that a person is qualified for licensure as a land surveyor, such person shall have a specific record of
3 6 years or more accumulated experience in land surveying work indicating that such person is
4 competent to practice land surveying and has passed a proctored examination, prescribed by the
5 board.

6 II. A year of accumulated experience for the purpose of paragraph I shall include, but not be
7 limited to:

8 (a) Any year during which the applicant was enrolled at an institution of higher learning
9 pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the
10 applicant completed at least one course in land surveying during the said enrollment; provided such
11 education credits towards accumulated experience shall not exceed 4 years of accumulated
12 experience;

13 (b) Any year during which the applicant was actively engaged in land surveying work as
14 a land surveyor-in-training under the supervision of a licensed land surveyor; or

15 (c) Any substantial period of time, even if less than a full calendar year, during which
16 the applicant, in the discretion of the board, was considered to be actively engaged in land surveying
17 work.

18 214 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

19 310-A:65 Application. Applications for licensure [~~shall be on forms prescribed and furnished by~~
20 ~~the board,~~] shall contain statements made under oath, showing the applicant's education and
21 detailed summary of the applicant's technical work, and shall contain not less than 5 references, of
22 whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying
23 experience. All applications shall be accompanied by a fee established by the [board] *office*.

24 215 Land Surveyors; Application for Certificate of Authorization. Amend RSA 310-A:65-a to
25 read as follows:

26 310-A:65-a Application for Certificate of Authorization. The [board] *office* shall issue a
27 certificate of authorization to any business organization in accordance with the following:

28 I. As a requirement of the issuance of any certificate of authorization or any renewal of
29 certificate to any proprietorship under this subdivision, the proprietorship shall file with the [board]
30 *office* an application on a form [~~provided by the board~~], which specifies:

31 (a) The name and address of the owner of the proprietorship.

32 (b) Any person licensed under this subdivision and designated to engage in the practice
33 of land surveying for the proprietorship.

34 (c) Any other information required by the board relevant to the practice of land
35 surveying.

36 II. As a requirement of the issuance of any certificate of authorization or any renewal of
37 certificate to any corporation under this subdivision, a business organization, other than a

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1 proprietorship or partnership, shall file with the ~~board~~ **office** an application on a form ~~provided by~~
2 ~~the board~~], which specifies:

3 (a) The names and addresses of all officers and board members of the business
4 organization.

5 (b) Any person licensed under this subdivision and designated to engage in the practice
6 of land surveying for the business organization.

7 (c) Any other information required by the board relevant to the practice of land
8 surveying.

9 III. As a requirement of the issuance of any certificate of authorization or renewal of any
10 certificate to any partnership under this subdivision, the partnership shall file with the ~~board~~
11 **office** an application on a form ~~provided by the board~~], which specifies:

12 (a) The names and addresses of all general and limited partners.

13 (b) Any person licensed under this subdivision and designated to engage in the practice
14 of land surveying for the partnership.

15 (c) Any other information required by the board relevant to the practice of land
16 surveying.

17 IV. Any change in any of the information reported to the ~~board~~ **office** by a business
18 organization under paragraphs I, II and III shall be reported to the ~~board~~ **office** within 30 days of
19 the change.

20 216 Land Surveyors; Examinations. RSA 310-A:66 is repealed and reenacted to read as follows:

21 310-A:66 Examinations. The board shall prescribe the examination requirements in rules
22 adopted pursuant to RSA 541-A.

23 217 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

24 I. The ~~board~~ **office** shall issue a license upon payment of the required fee to any applicant
25 who, in the opinion of the board, has satisfactorily met all the requirements for such license. This
26 license shall authorize the practice of land surveying. The issuance of a license ~~by the board~~ shall
27 be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land
28 surveyor while the license remains valid.

29 218 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

30 310-A:68 Expiration and Renewals. All licenses issued ~~by the board~~ shall expire ~~on the last~~
31 ~~day of the month of the licensee's birth in the year 2 years following the year of issuance. The~~
32 ~~secretary of the board shall notify every licensee of the date of the expiration of the license and the~~
33 ~~amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at~~
34 ~~least one month in advance of the date of expiration] in accordance with RSA 310:8. Renewal~~
35 may be effected at any time during the month of expiration by the payment of the fee ~~established by~~
36 ~~the board~~] and submission of evidence satisfactory to the board showing fulfillment of continuing
37 education requirements. ~~[The failure on the part of any licensee to renew the license in the month of~~

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1 ~~expiration as required above shall not deprive such person of the right of renewal, provided that the~~
2 ~~board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal~~
3 ~~is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it~~
4 ~~shall become null and void and the licensee shall be required to reapply and to be reexamined for~~
5 ~~licensure as required in this section.]~~

6 219 Land Surveyors; Nonresidents. RSA 310-A:69 is repealed and reenacted to read as follows:

7 310-A:69 Nonresidents. The secretary of state shall not issue a certificate of incorporation to
8 any applicant for incorporation or for registration as a foreign business organization which includes
9 the words "surveyor" or "surveying" or any modification or derivative thereof in its business name, or
10 which includes the practice of land surveying among the objects for which it is established, unless
11 the office shall have issued, with respect to such applicant, a certificate of authorization or eligibility
12 for authorization under this subdivision, a copy of which shall have been presented to the secretary
13 of state. The secretary of state, after a reasonable transition period, shall decline to register any
14 trade name or service mark which includes such words or modifications or derivatives thereof in its
15 firm or business name except to business organizations holding certificates of authorization issued
16 under the provisions of this subdivision, a copy of which shall have been presented to the secretary of
17 state.

18 220 Land Surveyors; Violations and Penalties. Amend RSA 310-A:72, II to read as follows:

19 II. The ~~board~~ **office** may investigate any actual, alleged, or suspected unlicensed activity
20 and report the findings of such investigations to the attorney general for prosecution.

21 221 Land Surveyors; Repeals. The following provisions are repealed:

22 I. RSA 310-A:59, relative to relative to additional powers.

23 II. RSA 310-A:60, relative to fees.

24 III. RSA 310-A:64, relative to surveyors in training.

25 IV. RSA 310-A:73, relative to injunctions.

26 222 Landscape Architects; Applications. Amend RSA 310-A:149 to read as follows:

27 310-A:149 Applications.

28 I. Applications for licensure shall ~~[be on forms prescribed and furnished by the board, shall]~~
29 contain statements made under oath, showing the applicant's education and a detailed summary of
30 the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall
31 be licensed landscape architects having personal knowledge of the applicant's professional
32 experience. ~~[The board shall establish fees for application and any examination required under this~~
33 ~~subdivision. Should the board deny the issuance of a license to any applicant, any initial fee~~
34 ~~deposited shall be retained as an application fee.]~~

35 II. References relating to experience in the practice of landscape architecture performed
36 prior to the effective date of this subdivision may be provided by either a landscape architect or a

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1 person determined by the board *in rules adopted pursuant to RSA 541-A* to be of equivalent
2 ethical standards, education, and experience who may or may not have been licensed.

3 223 Landscape Architects; Continuing Education. Amend RSA 310-A:150 to read as follows:

4 310-A:150 Continuing Education. [~~Evidence satisfactory to the board of the~~] Completion in each
5 biennial renewal period of a minimum of 30 hours of continuing education shall be required for
6 license renewal. The board shall identify the types of educational courses and activities that would
7 further the professional competence of licensees. In general, the continuing education credits shall
8 be determined on the basis of one credit for each contact hour of course instruction or professional
9 development activity actually attended by a licensee.

10 224 Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

11 310-A:151 Examinations. [~~Written technical examination in landscape architecture shall be~~
12 ~~held at least annually as the board shall determine.~~] The scope of the technical and professional
13 examination and the methods of procedure shall be prescribed by the board. [~~A candidate failing an~~
14 ~~examination may apply for reexamination upon payment of an additional fee determined by the~~
15 ~~board and shall be reexamined on the next regularly scheduled examination date.~~]

16 225 Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

17 310-A:152 Certificates; Seals. The [~~board~~] *office* shall issue a license upon payment of the
18 license fee established by the office of professional licensure and certification, to any applicant who[
19 ~~in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses
20 shall show the full name of the licensee and have a serial number. The issuance of a license [~~by the~~
21 ~~board~~] shall be prima facie evidence that the person named in the license is entitled to all the rights
22 and privileges of a licensed landscape architect while the license remains valid. Each licensee shall
23 upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and
24 the legend, "licensed landscape architect." All papers or documents involving the practice of
25 landscape architecture under this subdivision, when issued or filed for public record, shall be dated,
26 and bear the signature and seal of the licensed professional who prepared or had responsibility for
27 and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any
28 documents with such seal after the license of the licensee has expired or has been revoked, unless
29 such license shall have been renewed, reinstated, or reissued.

30 226 Landscape Architects; Expiration and Renewals. RSA 310-A:154 is repealed and reenacted
31 to read as follows:

32 310-A:154 Expiration. All licenses shall expire in accordance with RSA 310:8.

33 227 Landscape Architects; Repeals. The following provisions are repealed:

34 I. RSA 310-A:143, II, relative to rulemaking authority.

35 II. RSA 310-A:144, relative to fees.

36 III. RSA 310-A:153, relative to interstate licensure.

37 IV. RSA 310-A:157, relative to reissuance of licenses.

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1 V. RSA 310-A:159, relative to injunctions.

2 228 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29 to read as follows:
3 153:29 Examinations; Licenses.

4 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
5 appointed board members, [~~in consultation with the office of professional licensure and~~
6 ~~certification] and with the approval of the executive director of the office of professional licensure and
7 ~~certification,~~] shall establish, through rulemaking pursuant to RSA 541-A, the nature of the
8 examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of
9 such examinations and the methods of procedure shall be prescribed by the board. This may include
10 an outside organization approved by the board.~~

11 II. Each license issued by the [board] *office* shall identify which of the following special
12 licenses or license endorsements apply to the licensee:

- 13 (a) Hearth system installation and service technician.
14 (b) Fuel gas installation technician.
15 (c) Fuel gas service technician.
16 (d) Fuel gas piping installer.
17 (e) Fuel gas trainee.
18 (f) Domestic appliance technician.
19 (g) Master plumber.
20 (h) Journeyman plumber.
21 (i) Apprentice plumber.

22 III. No licensee shall engage in any activity not covered by his or her specialty license.

23 IV. The license issued shall be available for inspection on request. [~~The board shall issue a~~
24 ~~license suitable to be carried by the individual licensee.~~]

25 229 State Board of Fire Control; Mechanical License; Business Entities. Amend RSA 153:29-a
26 to read as follows:

27 153:29-a Mechanical License; Business Entities.

28 I. The [board] *office* may issue a business entity a license *in accordance with the rules*
29 *adopted by the board. The rules may permit licensure* without examination or continuing
30 education requirements to corporations, partnerships, or limited liability companies engaged in fuel
31 gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or
32 more members of the partnership, or designee, or one or more managing members of the limited
33 liability company, or designee, hold an active and current license as a domestic appliance technician,
34 hearth system installation and service technician, fuel gas piping installer, fuel gas installation
35 technician, fuel gas service technician, or master plumber for the appropriate mechanical business
36 entity license, or any combination thereof, provided that the licensee of record is properly licensed for
37 each of the business entities listed by the applicant under this subdivision. Within 30 days after the

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1 death or withdrawal of the licensed person as a corporate officer, or designee, or member of the
2 partnership, or designee, or one or more managing members of the limited liability company, or
3 designee, the licensed person, corporation, partnership, or limited liability company shall give notice
4 thereof to the board and, if no other officer, partner, manager or designee, is licensed as a domestic
5 appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel
6 gas installation technician, fuel gas service technician, or master plumber, the corporation, or
7 partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other
8 officer, member, or designee, has obtained a license as a domestic appliance technician, hearth
9 system installation and service technician, fuel gas piping installer, fuel gas installation technician,
10 fuel gas service technician, or master plumber. ~~[Notwithstanding any other provision of law, the
11 board shall not require a fee for a business entity engaged in fitting and/or plumbing where a
12 licensed domestic appliance technician, hearth system installation and service technician, fuel gas
13 piping installer, fuel gas installation technician, fuel gas service technician, or master plumber is the
14 sole individual holding the license of the business entity.]~~

15 II. All licenses issued under this section shall expire every 2 years ~~[on the last day of~~
16 ~~January]~~ **in accordance with RSA 310:8**. The ~~[board]~~ **office** shall renew a valid license issued
17 under this section on receipt of an application for renewal and the required fee before the expiration
18 date of the license.

19 III. ~~[Notwithstanding RSA 21-G:9,]~~ The board, with an affirmative vote of at least 4 of the
20 appointed board members, ~~[in consultation with the office of professional licensure and certification
21 and with the approval of the executive director of the office of professional licensure and
22 certification,]~~ shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal
23 ~~[procedure and any]~~ eligibility requirements in addition to those in this subdivision for a fuel gas
24 fitter license or plumber for business entities issued pursuant to this section.

25 ~~[IV. The board shall establish a fee structure for mechanical business entities by providing
26 the following:~~

27 ~~(a) Fees not to exceed \$250 for a business entity which employs no less than one
28 additional licensee and not more than 5 employees required to be licensed under this subdivision.~~

29 ~~(b) Fees not to exceed \$400 for a business entity employing not more than 20 employees
30 required to be licensed under this subdivision.~~

31 ~~(c) Fees not to exceed \$600 for a business employing 21 or more employees required to be
32 licensed under this subdivision.~~

33 ~~(d) Application, renewal, late renewal and re-instatement fees.]~~

34 ~~[V.] IV.~~ A licensed business entity may apply for and receive a permit from any municipality
35 within the state.

36 ~~[VI.] V.~~ All business entities shall provide proof of good standing with the secretary of state
37 and proof of liability insurance prior to issuance and renewal of a business entity license.

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1 230 Natural Scientists; Definitions. Amend RSA 310-A:76, II and II-a to read as follows:

2 II. "Certified soil scientist" means a person who, by reason of special knowledge of
3 pedological principles acquired by professional education and practical experience, as specified by
4 RSA 310-A:84, I and II, is qualified to identify, classify, and prepare soil maps according to the
5 standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire
6 department of environmental services, or standards adopted by the board, and who has been duly
7 certified by the ~~board~~ **office**.

8 II-a. "Certified wetland scientist" means a person who, by reason of his or her special
9 knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work
10 and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland
11 boundaries and to prepare wetland maps; to classify wetlands; to prepare wetland function and
12 value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor
13 wetlands functions and values; and to prepare associated reports, all in accordance with standards
14 for identification of wetlands adopted by the New Hampshire department of environmental services
15 or the United States Army Corps of Engineers or their successors, and who has been duly certified
16 by the ~~board~~ **office**.

17 231 Natural Scientists; Qualifications for Certification. Amend RSA 310-A:84, II-b and III to
18 read as follows:

19 II-b.(a) Experience in the practice of wetland science shall be of a quality and character that
20 indicates ~~[to the board]~~ that the applicant is competent to practice as a wetland scientist.
21 Experience shall be defined as one or more of the following:

22 (1) Teaching wetland science courses or performing research in wetland science at
23 an accredited college, university, or institution offering an approved wetland science or wetland
24 ecology curriculum.

25 (2) Actual field experience gained in an acceptable apprenticeship program.

26 (3) Actual field mapping experience, defined as the delineation of wetland
27 boundaries and the preparation of wetland maps; the classification of wetlands; the preparation of
28 wetland function and value assessments; the design of wetland mitigation; the implementation of
29 wetland mitigation; the monitoring of wetlands functions and values; and preparation of associated
30 reports, all in accordance with standards for the identification of wetlands adopted by the
31 department of environmental services or the United States Army Corps of Engineers or their
32 successors.

33 (b) For the purposes of this paragraph, educational training shall not be considered as
34 experience; summer employment shall be considered experience.

35 (c) For the purposes of this paragraph, each advanced degree in a related field may be
36 counted as one year of experience, however, a minimum of one year of actual field experience shall be
37 required for all candidates.

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1 III. A candidate failing an examination may apply for a re-examination upon payment of an
2 additional fee ~~[as determined by the board in its rules and shall be re-examined on the next~~
3 ~~regularly scheduled semi-annual examination date]~~. A candidate failing the examination 3
4 consecutive times shall be required to furnish **to the office of professional licensure and**
5 **certification** evidence of additional experience, study, or education credits ~~[acceptable to]~~
6 **established by** the board before being allowed to proceed with the examination.

7 232 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

8 I. Application for certification ~~[shall be on forms prescribed and furnished by the board.~~
9 ~~Such forms]~~ shall include the applicant's educational background, including transcripts from
10 educational institutions attended, a detailed work experience history, and such other information as
11 the board may by rule require. All applications shall be signed under oath by the applicant.

12 233 Natural Scientists; Expiration of Certification. Amend RSA 310-A:88 to read as follows:

13 310-A:88 Expiration. A certification shall expire **in accordance with RSA 310:8**. ~~[on the last~~
14 ~~day of the certificate holder's month of birth in the year 2 years following the year of issuance.]~~

15 234 Natural Scientists; Certificate Renewal. Amend RSA 310-A:89 to read as follows:

16 310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the
17 expiration date and by payment of the prescribed renewal fee. ~~[The secretary shall notify each~~
18 ~~certified individual one month prior to expiration of such certificate.]~~

19 235 Repeal; Natural Scientists. The following are repealed:

- 20 I. RSA 310-A:80, relative to reciprocity.
- 21 II. RSA 310-A:83, relative to additional powers.
- 22 III. RSA 310-A:90, relative to failure to renew.
- 23 IV. RSA 310-A:92, relative to fees.
- 24 V. RSA 310-A:96, relative to injunctions.

25 236 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
26 Adherence to Standards. Amend RSA 310-B:12-j, I and II to read as follows:

27 I. Each appraisal management company seeking to be registered in this state shall certify to
28 the ~~[board]~~ **office** on an annual basis that it requires appraisers completing appraisals at its request
29 to comply with the Uniform Standards of Professional Appraisal Practice including the requirements
30 for geographic and product competence.

31 II. Each appraisal management company seeking to be registered in this state shall certify
32 to the ~~[board]~~ **office** on an annual basis that it has a system in place to require that appraisals are
33 conducted independently and free from inappropriate influence and coercion as required by the
34 appraisal independence standards established under section 129E of the Truth in Lending Act,
35 including the requirement that fee appraisers be compensated at a customary and reasonable rate
36 when the appraisal management company is providing services for a consumer credit transaction
37 secured by the principal dwelling of a consumer.

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1 237 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
2 Recordkeeping. Amend RSA 310-B:12-k to read as follows:

3 310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management
4 company seeking to be registered in this state shall certify to the [board] *office* on an annual basis
5 that it maintains a detailed record of each service request that it receives and the appraiser that
6 performs the appraisal for the appraisal management company. Such records must be retained for a
7 period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial
8 proceeding related to the assignment, whichever period expires later.

9 238 State Licensed or Certified Real Estate Appraisers; Principal Place of Business. Amend
10 RSA 310-B:15 to read as follows:

11 310-B:15 Principal Place of Business.

12 I. Each licensed or certified real estate appraiser shall advise the [board] *office* of the
13 address of his principal place of business and all other addresses at which he is currently engaged in
14 the business of preparing real estate appraisal reports.

15 II. Whenever a licensed or certified real estate appraiser changes a place of business, he
16 shall, within 10 days of such change, give written notification of the change to the [board] *office* and
17 apply for an amended license or certificate.

18 III. Every licensed or certified real estate appraiser shall notify the [board] *office* of his or
19 her current residence address and electronic address. Residence addresses and electronic addresses
20 on file with the board are exempt from disclosure as public records.

21 239 State Licensed or Certified Real Estate Appraisers; Appraisal Management Companies.
22 Amend RSA 310-B:16-a, I and II to read as follows:

23 I. The board shall adopt rules under RSA 541-A which shall establish minimum
24 requirements for the annual registration of appraisal management companies. Such minimum
25 requirements shall include that such companies:

26 (a) Register with the [board] *office* by each January 1 and be subject to supervision by
27 the New Hampshire real estate appraiser board;

28 (b) Verify that only licensed or certified appraisers are used for federally related
29 transactions;

30 (c) Comply with the Uniform Standards of Professional Appraisal Practice in
31 coordinating appraisals; and

32 (d) Conduct appraisals independently and free from inappropriate influence and coercion
33 pursuant to the appraisal independence standards established under section 129E of the federal
34 Truth in Lending Act.

35 II. An appraisal management company shall not be registered by the [board] *office* or
36 included on the national registry if such company, in whole or in part, directly or indirectly, is owned
37 by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered

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1 in lieu of revocation, or revoked in any state. Additionally, each person that owns more than 10
2 percent of an appraisal management company shall be of good moral character, as determined by the
3 board, and shall submit to a background investigation carried out by the board.

4 240 New Hampshire Real Estate Practice Act; Commission; Duty. Amend RSA 331-A:5, VI to
5 read as follows:

6 VI. The commission shall annually elect, from among its members, a chairperson, and a
7 clerk. [~~Each member of the commission shall receive \$50 for each day actually engaged in the duties~~
8 ~~of the office, and shall be reimbursed for actual travel expenses while performing official duties.~~]

9 241 New Hampshire Real Estate Practice Act; Qualifications for Licensure. Amend RSA 331-
10 A:10 to read as follows:

11 331-A:10 Qualifications for Licensure.

12 I. The [~~commission, or designee,~~] **office** shall issue a salesperson's license to any applicant
13 who:

14 (a) Has attained the age of 18;

15 (b) Has successfully completed an examination administered or approved by the
16 commission which demonstrates satisfactory knowledge and understanding of the principles of real
17 estate practice. The executive director shall only accept for licensure, an applicant who shows proof
18 of completion of 40 hours of approved study which shall have been completed prior to the date of the
19 applicant's examination;

20 (c) Demonstrates no record of unprofessional conduct;

21 (d) Furnishes any evidence required by the commission relative to good reputation for
22 honesty, trustworthiness, and integrity; and

23 (e) Complies with the criminal records check under RSA 331-A:10-a.

24 II. The [~~commission, or designee,~~] **office** shall issue a broker's license to any applicant who:

25 (a) Has attained the age of 18;

26 (b) Has successfully completed an examination administered or approved by the
27 commission which demonstrates satisfactory knowledge and understanding of the principles of real
28 estate practice. The [~~commission, or designee,~~] **office** shall only accept for licensure, an applicant
29 who shows proof of completion of 60 hours of approved study which shall have been completed prior
30 to the date of the applicant's examination;

31 (c)(1) Has been employed full time by an active principal broker for at least one year
32 within 5 years of the date of application; or

33 (2) Has at least 2,000 part-time hours as a licensed salesperson in this state within 5
34 years of the date of application; or

35 (3) Proves to the [~~commission,~~] **office, based on criteria provided by the**
36 **commission,** that the applicant has experience equivalent to the experience required by
37 subparagraph (c)(1) or (c)(2);

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1 (d) Demonstrates no record of unprofessional conduct;

2 (e) Furnishes any evidence required by the commission relative to good reputation for
3 honesty, trustworthiness, and integrity;

4 (f) For a broker acting as a principal broker or a managing broker, but excluding
5 associate brokers or a corporation, partnership, limited liability company, or association, files a
6 surety bond with the ~~[commission]~~ **office** which shall be held in accordance with RSA 331-A:14;

7 (g) Submits evidence ~~[acceptable to the commission]~~ of at least 6 separate real estate
8 transactions in which the applicant was actively involved and was compensated or proves to the
9 ~~[commission]~~ **office, based on criteria set by the commission**, that the applicant has equivalent
10 experience **in accordance with rules adopted pursuant to 541-A**; and

11 (h) Complies with the criminal records check under RSA 331-A:10-a.

12 242 New Hampshire Real Estate Practice Act; Examinations. RSA 331-A:11 is repealed and
13 reenacted to read as follows:

14 331-A:11 Examinations. Any applicant seeking a salesperson's or broker's license shall first
15 past a reasonable written examination approved by the board. Any person who has passed the
16 examination for broker or salesperson shall become licensed within 6 months of the date of the
17 examination. Any person who fails to become licensed within the 6-month period shall be required
18 to retake the examination.

19 243 New Hampshire Real Estate Practice Act; Supervision of Real Estate Office; Branch Offices.
20 Amend RSA 331-A:16, I to read as follows:

21 I. Every real estate office or real estate branch office, whether operated as a corporation,
22 partnership, or sole proprietorship, shall be directed, supervised, and managed by a licensed real
23 estate broker. The principal broker shall submit to the ~~[commission]~~ **office** a branch office
24 application form prior to the opening of any branch office. The principal broker shall designate a
25 managing broker for each branch office the principal broker opens. The principal broker shall notify
26 the ~~[commission]~~ **office** when any licensee associated with the principal broker transfers from one
27 branch office to another branch office within the same association.

28 244 New Hampshire Real Estate Practice Act; Programs of Study. Amend RSA 331-A:20 to read
29 as follows:

30 331-A:20 Programs of Study; Preparatory Education; Continuing Education.

31 I. An individual, institution, or organization seeking accreditation or renewal of
32 accreditation to ~~[offer]~~ **teach** a preparatory or continuing education program of study shall meet
33 criteria and submit documentation **to the office** as required by the commission prior to approval.

34 **I-a.** The commission shall require any individual, institution, or organization seeking
35 accreditation or renewal of accreditation of a real estate **preparatory or continuing education**
36 course to submit documents, statements, and forms prior to approval.

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1 II. ~~[In reviewing and approving an application for a continuing education course, the~~
2 ~~commission shall assess the content with the primary purpose of assuring that real estate licensees~~
3 ~~possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real~~
4 ~~estate business].~~ The subject matter of the **preparatory or continuing education** course must be
5 directly related to real estate practice in New Hampshire[-] **and satisfy all requirements**
6 **established by the commission pursuant to RSA 541-A.** Continuing education courses shall
7 consist of the following:

8 (a) Continuing education 3-hour core courses shall cover, but not be limited to, changes
9 in state and federal laws dealing with real estate brokerage, housing, financing of real property and
10 consumer protection as well as changes in state enabling laws dealing with zoning and subdivision
11 practices. The core courses shall be designed to assist the licensee in keeping abreast of changing
12 laws, rules and practices which will affect the interest of the licensee's clients or customers.

13 (b) Continuing education elective courses shall cover, but not be limited to, property
14 valuation, construction, contract and agency law, ethics, financing and investment, land use and
15 zoning, property management, taxation, environmental issues, and supervision and office
16 management. The elective courses shall be designed to assist the licensee in keeping abreast of
17 changing laws, rules, and practices which affect the interest of the licensee's clients or customers.

18 ~~[III. The commission shall establish a program of continuing education for license renewal to~~
19 ~~be administered in at least 5 geographical locations including, but not limited to, locations in or near~~
20 ~~Berlin, Concord, Keene, Nashua and Portsmouth, depending upon local requirements and the ability~~
21 ~~to engage accredited individuals, corporations or educational institutions.~~

22 ~~IV.]~~ **III.** The ~~[commission]~~ **office** may establish a fee for educational program evaluation.

23 ~~V.]~~ **IV.** Any **instructors accredited by the office to teach** ~~[individual, institution, or~~
24 ~~organization offering]~~ a preparatory or continuing education program who commits any of the
25 following acts, conduct, or practices shall, after a hearing under RSA 331-A:30, be subject to
26 disciplinary action as provided in RSA 331-A:28:

27 (a) Obtaining or attempting to obtain an accreditation or re-accreditation by means of
28 fraud, misrepresentation, or concealment.

29 (b) Violating any of the provisions of this chapter, or any rules adopted, or order issued
30 pursuant to this chapter.

31 (c) Advertising the availability of accredited courses in a false, misleading, or deceptive
32 manner.

33 (d) Failing to include in any advertisement the individual, institution, or organization's
34 legal name or reasonable derivative thereof accredited to teach the course.

35 (e) Offering or providing a course with curriculum or subject matter which is not the
36 curriculum or subject matter submitted for accreditation.

37 (f) Engaging in conduct which demonstrates incompetence.

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1 (g) Providing an affidavit of completion of an accredited course to a licensee or a
2 potential licensee who has not completed the required hours of such course.

3 (h) Providing outdated, inappropriate, or inaccurate teaching materials or information.

4 (i) Receiving poor student evaluations or commission audits.

5 (j) Failing to take corrective action toward unsatisfactory performance or issues
6 identified in commission audits.

7 (k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when
8 presenting a course to licensees or potential licensees, engaging in inappropriate conduct.

9 (l) Discriminating against an individual based on age, sex, race, creed, color, marital
10 status, physical or mental disability, religious creed, national origin, or sexual orientation.

11 (m) Offering or providing a course for credit that has not yet been accredited or whose
12 accreditation has expired.

13 (n) Failing to preserve, for at least 3 years from the beginning date of an accredited
14 course, attendance records, documentation, and materials relating to the course.

15 245 New Hampshire Real Estate Practice Act; Temporary Licenses. Amend RSA 331-A:21 to
16 read as follows:

17 331-A:21 Temporary Licenses. In the event of the death or total incapacity of a licensed real
18 estate principal broker of a real estate business, the ~~[commission]~~ **office** may, upon application by
19 the principal broker's legal representative, issue without examination a temporary license to such
20 legal representative or to an individual designated by the legal representative and approved by the
21 commission, and by the payment of the prescribed fee, which shall authorize such temporary licensee
22 to continue to transact real estate business for a period not to exceed one year from the date of death
23 or incapacitation.

24 246 New Paragraphs; New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-
25 A:25 by inserting after paragraph XV the following new paragraphs:

26 XVI. The supervision requirements for salespersons.

27 XVII. The accreditation of instructors of preparatory and continuing education courses.

28 XVIII. The requirements for accreditation of preparatory and continuing education courses.

29 247 Repeals; Real Estate Practice Act. The following are repealed:

30 I. RSA 331-A:5, VII, relative to an official seal.

31 II. RSA 331-A:12, I, relative to application forms.

32 III. RSA 331-A:24-a, relative to notice of rulemaking.

33 248 Cremation of Human Remains; Deny or Refuse to Renew License; Grounds. Amend RSA
34 325-A:11 to read as follows:

35 325-A:11 Deny or Refuse to Renew License; Grounds.

1 The ~~board~~ **office of professional licensure and certification** may deny or refuse to renew a
2 license under this chapter or take disciplinary action against a crematory authority licensed under
3 this chapter as provided in RSA 325-A:12 on any of the following grounds:

4 I. Violation of this chapter or rules adopted and pursuant to this chapter;

5 II. ~~Conviction of any crime involving moral turpitude;~~

6 III. Conviction of a misdemeanor or felony under state law, federal law, or the law of
7 another jurisdiction which, if committed within this state, would have constituted a misdemeanor or
8 felony and which has a rational connection with the fitness or capacity of the crematory authority to
9 operate a crematory;

10 IV. Conviction of a violation pursuant to RSA 325-A:15;

11 V. Obtaining a license as a crematory authority by false representation or fraud;

12 VI. Misrepresentation or fraud in the operation of a crematory; or

13 VII. Failure to allow access by an agent or employee of the ~~board~~ **office of professional**
14 **licensure and certification** to a crematory operated by the crematory authority for the purposes of
15 inspection, investigation, or other information collection activities necessary to carry out the duties
16 of the board **or office of professional licensure and certification**.

17 249 Physician Assistants; License Required. Amend RSA 328-D:2, I to read as follows:

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

20 250 Physician Assistants; Criminal History Records Check. Amend RSA 328-D:3-a to read as
21 follows:

22 328-D:3-a Criminal History Record Checks.

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

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

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

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1 ~~[board]~~ *office*.

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

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

6 251 Physicians Assistants; Renewal of License. Amend RSA 328-D:5 to read as follows:

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

14 252 Repeal. RSA 328-D:5-a, relative to physicians assistants failure to renew, is repealed.

15 253 Office of Professional Licensure and Certification; Complaints and Investigations. Amend
16 RSA 310:9, V(a) to read as follows:

17 V. To carry out investigations, the executive director is authorized to:

18 (a) Retain qualified experts according to criteria established by the relevant board. ***If
19 the board has not established criteria, or under extraordinary circumstances, the executive
20 director may retain qualified experts*** ~~[or]~~ who have sufficient knowledge on appropriate statutes
21 or professions and their practices.

22 254 Professional Engineers; Definitions. Amend RSA 310-A:2, II to read as follows:

23 II. "Professional engineer" means a person who by reason of advanced knowledge of
24 mathematics and the physical sciences, acquired by professional education and practical experience,
25 is technically and legally qualified to practice engineering, and who is licensed by the ~~[board]~~ *office*
26 or otherwise authorized by this subdivision to engage in the practice of engineering.

27 255 Professional Engineers; Receipts and Disbursements. RSA 310-A:8 is repealed and
28 reenacted to read as follows:

29 310-A:8 Disbursements.

30 The office may make expenditures for the reasonable expenses of the board's delegate to
31 meetings of, and membership dues to, the National Council of Examiners for Engineering and
32 Surveying (NCEES).

33 256 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

34 310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms
35 prescribed and furnished by the ~~[board]~~ *office*, shall contain statements made under oath, showing
36 the applicant's education and a detailed summary of the applicant's technical work, and shall
37 contain not less than 5 references, of whom at least 3 shall be licensed professional engineers having

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1 personal knowledge of the applicant's professional experience. ~~[The board shall establish fees for~~
2 ~~application and any examination required under this subdivision.]~~ If the [board] **office** denies the
3 issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be
4 retained as an application fee.

5 257 Professional Engineers; Examinations. Amend RSA 310-A:17 to read as follows:

6 310-A:17 Examinations. Proctored technical examinations in engineering shall be held at least
7 annually as the [board] **office of professional licensure and certification** shall determine. If
8 examinations are required on fundamental subjects, the applicant shall be permitted to take this
9 part of the examination upon completion of the requisite years of professional experience. The
10 [board] **office** may issue to each applicant, upon successfully passing the examination in
11 fundamental subjects, a certificate stating that the applicant has passed the examination. The scope
12 of the technical and professional examination ~~[and the methods of procedure]~~ shall be prescribed by
13 the board. A candidate failing an examination may apply for reexamination upon payment of an
14 additional fee determined by the [board] **office** and shall be reexamined on the next regularly
15 scheduled examination date. A candidate failing the examination 3 consecutive times shall be
16 required to furnish evidence of additional experience, study, or education credits acceptable to the
17 board before being allowed to proceed with the examination.

18 258 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

19 310-A:18 Certificates; Seals. The [board] **office** shall issue a license, upon payment of the
20 registration fee established by the office of professional licensure and certification, to any applicant
21 who ~~[in the opinion of the board,]~~ has satisfactorily met all the requirements of this subdivision.
22 ~~[Licenses shall show the full name of the licensee and have a serial number.]~~ The issuance of a
23 license by the [board] **office** shall be prima facie evidence that the person named in the license is
24 entitled to all the rights and privileges of a licensed professional engineer while the license remains
25 valid. Each licensee shall upon licensure obtain a seal of the design ~~[authorized]~~ **meeting the**
26 **criteria established** by the board, bearing the registrant's name and the legend, "Licensed
27 Professional Engineer." All papers or documents involving the practice of engineering under this
28 subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of
29 the licensed professional engineer who prepared or had responsibility for and approved them. It
30 shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after
31 the license of the licensee has expired or has been revoked, unless such license shall have been
32 renewed or reissued.

33 259 Professional Engineers; Interstate Licensure; Temporary Permit. Amend RSA 310-A:19, II-
34 III to read as follows:

35 II. Applicants who are certified by the National Council of Engineering Examiners (NCEE)
36 may apply for licensure by having their NCEE record sent to the [board] **office** and by furnishing
37 such other information on a standard application form as the [board] **office** may direct.

1 III. A person not a resident of and having no established place of business in this state who
2 wishes to practice or to offer to practice engineering in this state may make application to the
3 ~~board~~ **office** for a temporary permit. A temporary permit shall be limited to practice on a specific
4 project in this state for a period not to exceed 6 months in any one calendar year, provided such
5 person is a licensed professional engineer in a state or country where the requirements and
6 qualifications for obtaining a certificate of licensure are substantially equivalent to or higher than
7 those specified in this subdivision.

8 260 Professional Engineers; Engineering Certificates for Business Organizations. Amend RSA
9 310-A:20 to read as follows:

10 310-A:20 Engineering Certificates for Business Organizations.

11 I. The practice of or offer to practice professional engineering for others by individual
12 engineers licensed under this subdivision through a business organization as officers, partners,
13 associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided
14 that:

15 (a) One or more of the corporate officers, of a corporation or one or more general
16 partners, or associates is designated as being responsible for the engineering activities and
17 engineering decisions of the business organization, and is a licensed engineer under this subdivision.

18 (b) All personnel of the business organization who act in its behalf as professional
19 engineers are licensed under this subdivision.

20 (c) The business organization has been issued a certificate of authorization by the
21 ~~board~~ **office of professional licensure and certification**, as provided in this section.

22 II. The requirements of this subdivision shall not affect a business organization or its
23 employees in performing services for such business organization or its subsidiary or affiliated
24 business organizations. All final drawings, specifications, plans, reports, or other engineering
25 papers or documents involving the practice of engineering, when issued or filed for public record,
26 shall be dated, and bear the signature and seal of the professional engineer who prepared them or
27 under whose direct supervisory control they were prepared.

28 III. A business organization desiring a certificate of authorization shall file with the ~~board~~
29 **office of professional licensure and certification** an application, using a form provided by the
30 ~~board~~ **office of professional licensure and certification**, listing the names and addresses of all
31 officers and board members, general and limited partners, associates, and any individuals duly
32 licensed to practice engineering in this state who shall be in responsible charge of the practice of
33 engineering in this state through the business organization, and any other information required by
34 the board. The same form, giving the same information, must accompany the ~~annual~~ renewal fee.
35 If there is a change in any of these persons during the year, such change shall be designated on the
36 same form and filed with the ~~board~~ **office of professional licensure and certification** within 30
37 days after the effective date of such change. If all requirements of this section are met, the ~~board~~

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1 **office of professional licensure and certification** shall issue a certificate of authorization to
2 such business organization, and such business organization shall be authorized to contract for and to
3 collect fees for furnishing engineering services.

4 IV. No business organization shall be relieved of responsibility for the conduct or acts of its
5 agents, employees, officers, or partners, by reason of its compliance with the provisions of this
6 section, nor shall any individual practicing engineering be relieved of responsibility for engineering
7 services performed by reason of such individual's employment by or relationship with such business
8 organization.

9 V. The secretary of state shall not issue a certificate of incorporation to an applicant for
10 incorporation or for registration as a foreign business organization which includes the words
11 "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business
12 name or which includes the practice of engineering among the objects for which it is established
13 unless the ~~[board]~~ **office** shall have issued, with respect to such applicant, a certificate of
14 authorization or eligibility for authorization, a copy of which shall have been presented to the
15 secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline
16 to register any trade name or service mark which includes such words or modifications or derivatives
17 thereof in its firm or business name except to partnerships, sole proprietorships and associations
18 holding certificates of registration or authorization issued under the provisions of this subdivision, a
19 copy of which shall likewise have been presented to the secretary of state. However, the
20 requirements of this subdivision shall not apply to any business formed and registered with the
21 secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any
22 modification or derivative thereof in its corporate or business name, and which does not perform or
23 require the services of a professional engineer.

24 VI. A professional engineer who renders occasional, part-time or consulting engineering
25 services to or for a business organization may not, for the purposes of this subdivision, be designated
26 as being responsible for the engineering activities and decisions of such business organization.

27 261 Professional Engineers; Investigations and Disciplinary Proceedings. Amend RSA 310-A:22,
28 II(k) to read as follows:

29 (k) Failure to provide, within 30 calendar days of receipt of notice by certified mail,
30 return receipt requested, information requested by the ~~[board]~~ **office** as a result of any formal
31 complaint to the ~~[board]~~ **office** alleging a violation of this subdivision.

32 262 Repeal. The following are repealed:

33 I. RSA 310-A:5-a, relative to notice of rulemaking proceedings.

34 II. RSA 310-A:6, I(o), relative to rulemaking authority on interstate licensure and temporary
35 permits.

36 III. RSA 310-A:6, I(p), relative to rulemaking authority on waiver of certain renewal fees.

37 IV. RSA 310-A:6, I(q), relative to rulemaking authority on civil penalties.

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1 V. RSA 310-A:6, III, relative to notice of proposed rules of professional conduct.

2 VI. RSA 310-A:6-a, relative to immunity from civil liability.

3 VII. RSA 310-A:7, relative to fees.

4 VIII. RSA 310-A:11, relative to licensure required.

5 IX. RSA 310-A:19, I, relative to interstate licensure.

6 X. RSA 310-A:21, relative to license expiration and renewals.

7 XI. RSA 310-A:23, relative to hearings, appeals, and penalties.

8 XII. RSA 310-A:24, relative to reissuances of licenses.

9 XIII. RSA 310-A:25, II, relative to attorney general as a legal advisor.

10 263 New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend the
11 introductory paragraph of RSA 332-B:2 to read as follows:

12 Except as provided in RSA 332-B:9, no person may practice veterinary medicine in the state who
13 is not a licensed veterinarian, or the holder of a valid temporary permit issued by the ~~board~~ **office**
14 **of professional licensure and certification**. This chapter shall not be construed to prohibit:

15 264 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read
16 as follows:

17 332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place
18 fixed by rule of the board. Other necessary meetings may be called by the president of the board by
19 giving notice as may be required by rule. The quorum and the actions of the board shall be in
20 accordance with RSA 91-A. At its annual meeting, the board shall organize by electing a president
21 and such other officers as may be prescribed by rule. Officers of the board serve for terms of one
22 year and until a successor is elected, without limitation on the number of terms an officer may serve.
23 The president shall preside at board meetings ~~[and serve as administrative head of the board]~~.
24 Records shall be kept pursuant to RSA 91-A:3 and in accordance with the retention policy
25 established by the office of professional licensure and certification.

26 265 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7, I to
27 read as follows:

28 I. ~~[Examine and]~~ Determine **the criteria for examinations and** the qualifications and
29 fitness of applicants for a license to practice veterinary medicine in this state.

30 266 New Hampshire Veterinary Practice Act; Rulemaking Authority. Amend RSA 332-B:7-a,
31 XII to read as follows:

32 XII. Establishing ~~[and enforcing]~~ standards for veterinary facilities; and

33 267 New Hampshire Veterinary Practice Act; Application for License; Qualifications. Amend
34 RSA 332-B:9 to read as follows:

35 332-B:9 Application for License; Qualifications. Any person desiring a license to practice
36 veterinary medicine in this state shall make written application to the ~~board~~ **office of**
37 **professional licensure and certification**. The application shall show that the applicant is 18

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1 years of age or more, a graduate of an AVMA accredited school of veterinary medicine or other
2 veterinary school acceptable to the board, or the holder of an ECFVG certificate or a PAVE
3 certificate, a person of good professional character, and such other information and proof as the
4 board may require by rule. The application shall be accompanied by ~~a~~ **the requisite** fee ~~in the~~
5 ~~amount established and published by the board~~].

6 268 New Hampshire Veterinary Practice Act; Examinations. Amend RSA 332-B:10 to read as
7 follows:

8 332-B:10 Examinations. The ~~board~~ **office of professional licensure and certification** shall
9 hold at least one examination during each year and may hold such additional examinations as are
10 necessary. The ~~board~~ **office** shall give public notice of the time and place for each examination at
11 least 90 days in advance of the date set for the examination. A person desiring to take an
12 examination shall make application at least 30 days before the date of the examination. The
13 preparation~~[-administration,]~~ and grading of examinations shall be governed by rules prescribed by
14 the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in
15 the subjects and techniques commonly taught in veterinary schools and familiarity with the law and
16 rules governing veterinary medicine in this state. To pass the examination, the examinee must
17 demonstrate scientific and practical knowledge sufficient to prove that he or she is a competent
18 person to practice veterinary medicine in ~~[the judgment of]~~ **accordance with criteria established**
19 **by** the board. All examinees shall be tested by a written examination, supplemented by such oral
20 interviews and practical demonstrations as the board may deem necessary. The board may adopt
21 and use a national examination as adopted in rules of the board. For purposes of licensure~~[-except~~
22 ~~by reciprocity,]~~ an individual's results from a national examination shall be valid for 5 years from
23 the date of the examination. After each examination, the ~~board~~ **office** shall notify each examinee
24 of the results of the examination~~[-and the board shall issue licenses to the persons successfully~~
25 ~~completing the examination]~~. The ~~board~~ **office** shall record the new licenses and issue a certificate
26 of registration to the new licensees. Any person failing an examination shall be admitted to any
27 subsequent examination on payment of the application fee.

28 269 New Hampshire Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as
29 follows:

30 II. Applicants who are not graduates of schools of veterinary medicine accredited by the
31 AVMA~~[-other than those described in paragraph I,]~~ shall possess a certificate issued by the ECFVG,
32 PAVE, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association,
33 unless at the time such applicant became licensed in the state, province, or U.S. territory from which
34 they are applying, an ECFVG certificate or a PAVE certificate was not required by this state.

35 270 New Hampshire Veterinary Practice Act; Temporary Permit. Amend RSA 332-B:12 to read
36 as follows:

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1 332-B:12 Temporary Permit. The ~~[board]~~ ***office of professional licensure and certification***
2 may issue without examination a temporary permit to practice veterinary medicine in this state to
3 any person who is a graduate of a veterinary college recognized as provided for in RSA 332-B:9 for a
4 period not to exceed one year, providing that the person write the next available set of examinations
5 and also providing said person is employed by and practices the profession under the supervision of a
6 duly licensed veterinarian practicing in the state. ~~[A temporary permit may be summarily revoked~~
7 ~~by a majority vote of the board.]~~

8 271 New Hampshire Veterinary Practice Act; License Renewal and Lapse. Amend RSA 332-
9 B:13 to read as follows:

10 332-B:13 License Renewal and Lapse.

11 I. ~~[The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-~~
12 ~~h. Persons previously licensed who allow their license to lapse shall be required to file a~~
13 ~~reinstatement application containing such information as required by the board. Persons who have~~
14 ~~allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in~~
15 ~~accordance with RSA 332-B:17.]~~ ***All licenses established under this chapter shall be renewed***
16 ***in accordance with RSA 310:8.***

17 ~~[II. The board may by rule waive the payment of the renewal fee of a licensed veterinarian~~
18 ~~during the period when the person is on active duty with any branch of the armed services of the~~
19 ~~United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.]~~

20 ~~[III.]~~ ***II.*** As a condition of renewal of license, each licensed veterinarian shall be required to
21 show proof that he or she has attended an approved educational program or programs totaling at
22 least 24 hours in the 2-year period preceding each renewal date. Approved educational programs
23 shall be ~~[at the discretion of the board,]~~ in accordance with rules adopted by the board. The board
24 may excuse a licensee from all or a portion of the educational requirement upon the filing of a
25 petition establishing good cause for the waiver as set forth in rules adopted by the board.

26 272 New Hampshire Veterinary Practice Act; Enforcement. Amend RSA 332-B:19 to read as
27 follows:

28 332-B:19 Enforcement.

29 I. Any person who shall practice veterinary medicine without a currently valid license or
30 temporary permit shall be guilty of a misdemeanor, and each act of such unlawful practice shall
31 constitute a distinct and separate offense.

32 II. No person who shall practice veterinary medicine without a currently valid license or
33 temporary permit may receive any compensation for services so rendered.

34 ~~[III. The board or any citizen of this state may bring an action to enjoin any person from~~
35 ~~practicing veterinary medicine without a currently valid license or temporary permit. If the court~~
36 ~~finds that the person is violating, or is threatening to violate, the provisions of this chapter, it shall~~
37 ~~enter an injunction restraining the person from such unlawful acts.~~

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1 ~~IV. The successful maintenance of an action based on any one of the remedies set forth in~~
2 ~~this section shall in no way prejudice the prosecution of an action based on any other of the~~
3 ~~remedies.~~

4 ~~V. In addition to other penalties imposed by this section, a person who practices veterinary~~
5 ~~medicine without a currently valid license or temporary permit shall be subject to civil penalties~~
6 ~~assessed by the board in the amount of \$2,000 per violation, or, in the case of continuing violations,~~
7 ~~\$200 for each day the violation continues, whichever is greater. A person who disputes such an~~
8 ~~assessment may request a hearing by the board, and any final disposition rendered by the board~~
9 ~~shall be enforceable as any other civil judgement.]~~

10 273 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend
11 RSA 332-B:20, I to read as follows:

12 I. Any physical therapist practicing physical therapy on any animal shall meet the
13 requirements of this section and any additional requirements set by the board of veterinarians
14 pursuant to RSA 332-B:7-a, XIV and shall be certified by the [~~board of veterinary medicine~~] **office of**
15 **professional licensure and certification.**

16 274 Repeal. The following are repealed:

17 I. RSA 332-B:6, relative to revenues.

18 II. RSA 332-B:7, II, relative to board power relevant to licenses and temporary permits.

19 III. RSA 332-B:7, VI, relative to board employment and office space.

20 IV. RSA 332-B:7-a, IV(a), relative to rulemaking authority regarding the time and place of
21 examination.

22 V. RSA 332-B:7-a, XIII, relative to rulemaking authority regarding civil penalties.

23 VI. RSA 332-B:11, I, relative to interstate reciprocity.

24 VII. RSA 332-B:17, relative to reinstatement applications.

25 275 Mental Health Practice; Clinical Social Workers. Amend the section heading of RSA 330-
26 A:18 to read as follows:

27 330-A:18 **Licensed Independent** Clinical Social Workers (**LICSW**).

28 276 Mental Health Practice; Social Work; Conditional License. Amend the introductory
29 paragraph of RSA 330-A:18-d, I(a) to read as follows:

30 (a) **Licensed Independent** Clinical Social Worker:

31 277 Effective Date. This act shall take effect July 1, 2024.

2024-1212h

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.