

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Diet 400

<p>1. Agency Name & Address:</p> <p>Board of Licensed Dietitians c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 326-H:10, I and VI</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal <u>X</u></p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Continued Status**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a start statute for the first time:

The Board of Licensed Dietitians (Board) is proposing to adopt, readopt, readopt with amendment, or repeal all the rule in Chapter Diet 400 on continued status. Changes to (3) through (13) and (17) are due to legislative changes in 2023 effective 10/1/2023 amending the rulemaking authority of the Board in RSA 328-H:10. All changes are as follows:

- (1) Readopt Diet 401.01 and repeal Diet 401.02 providing the definitions of “Activity” and “Commission on Dietetic Registration (CDR)” respectively;**
- (2) Readopt and renumber Diet 401.03 through Diet 401.06 as Diet 401.02 through Diet 401.05 providing the following definitions:**
 - **“Peer-reviewed professional publication”;**
 - **“Quarterly course;**
 - **“Semester-long course”;** and
 - **“Trimester course;**
- (3) Readopt with amendment Diet 402.01 describing the procedure for renewing a license and amending to point to OPLC’s process as the process to be used to renew a license and OPLC’s fees table, require the use of the “Universal Application for License Renewal” and the addendum to the universal application, and indicate that OPLC is the entity who renews and issues a license;**
- (4) Repeal Diet 402.02 describing the Board’s application for license renewal process. This change is due to legislative changes in 2023, 313:14, I, effective 10/1/2023 amending the rulemaking authority of the Board in RSA 328-H:10;**
- (5) Readopt with amendment Diet 402.03 renumbered as Diet 402.02 describing the renewal application forms. The rulemaking is being amended to require the “Universal Application for License Renewal” be used along with the addendum to the universal application and to specify what information is required to be submitted on the addendum;**

- (6) Readopt with amendment Diet 402.04 renumbered as Diet 402.03 describing what the criteria are for denying a renewal of a license. The rulemaking is being amended to point to OPLC's fee table, remove revoked license and failed to meet the qualification criteria, and point to where the yes or no questions on the renewal form are located;**
- (7) Readopt with amendment Diet 403.01 describing licenses subject to reinstatement. The rulemaking is being amended to remove lapsed license per Diet 302.01(h) and require reinstatement for licenses lapsed for no more than 1 year;**
- (8) Readopt with amendment Diet 403.02 describing the procedure for processing the reinstatement application. The rulemaking is being amended to remove the description and point to the OPLC's rules for the processing procedure;**
- (9) Repeal Diet 403.03 describing the reinstatement of licenses lapsed for no more than 90 days;**
- (10) Readopt with amendment Diet 403.04 renumbered as Diet 403.03 describing the requirements for reinstatement for license lapsed for no more than one year. The rulemaking is being amended to change the section from applying for reinstatement before 90 days to reinstatement less than one year and require a resume;**
- (11) Readopt with amendment Diet 403.05 renumbered as Diet 403.04 describing the reinstatement application form. The rulemaking is being amended to remove the description of the current form and require the use of the "Universal Application for License Renewal" and an addendum to the form providing a description of the information to be provided on the addendum;**
- (12) Readopt with amendment Diet 403.06 renumbered as Diet 403.05 describing the material required to be submitted in support of the application for reinstatement to make various editorial changes;**
- (13) Adopt Diet 403.06 and Diet 403.07 describing the activation of a license lapsed for more than one year and the reinstatement of suspended licenses;**
- (14) Change the PART heading for Diet 404 from "Revocation, Suspension and Other Sanctions" to "Disciplinary Matters";**
- (15) Repeal Diet 404.01 through Diet 404.05 describing license revocation, license suspension, reinstatement of license following suspension and revocation, and sanctions in lieu of suspension;**
- (16) Adopt Diet 404.01 through Diet 404.06 providing the definition of "sexual misconduct" and describing what misconduct shall be, what sanctions for misconduct are, the procedure for imposing sanctions, how sanctions are determined, the standards to be applied when imposing sanctions, and the non-disciplinary substance abuse program;**
- (17) Readopt with amendment Diet 405.01 describing continuing education requirements to require that the license use CE Broker and remove the description of continuing education requirements for those licenses expired after revocation or suspension, after a license lapsed, and the description of the restriction on using a course more than once during a renewal period;**

(18) Adopt Diet 405.02 through Diet 405.06 describing courses approved by the Commission on Dietetic Registration, credit for college and university courses, credit for other types of activities, documentation of continuing education, and the continuing education audit procedure;

(19) Repeal Diet 406.01 through 406.03 describing ongoing educational requirements, supporting materials and Board verification of compliance with professional education, and retention of records by the licensee; and

(20) Readopt with amendment Diet 406.04 and renumber as Diet 406.01 describing administrative obligations of licensees. The rule is being amended to require reporting of home and business phone numbers and require that all notifications of change be reported to OPLC.

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

The groups affected by these rules changes are licensed dietitians.

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

Rule	Specific State Statute which the Rule Implements
Diet 401	RSA 541-A:7
Diet 401.02 (repeal)	RSA 541-A:7
Diet 401.02 (formerly Diet 401.03)	RSA 541-A:7
Diet 401.03 (formerly Diet 401.04)	RSA 541-A:7
Diet 401.04 (formerly Diet 401.05)	RSA 541-A:7
Diet 401.05 (formerly Diet 401.06)	RSA 541-A:7
Diet 402.01	RSA 326-H:10, I; RSA 326-H:14 II
Diet 402.02 (repeal)	RSA 541-A:16, I(b); RSA 326-H:14,, III
Diet 402.02 (formerly Diet 402.03)	RSA 541-A:16, I(b); RSA 326-H:14,, III
Diet 402.03 (formerly Diet 402.04)	RSA 326-H:10, I (b); RSA 326-H:12; RSA 326-H:14, I; RSA 541-A:16, I (b);
Diet 403.01	RSA 326-H: 10, I; RSA 326-H:14
Diet 403.02	RSA 541-A:16, I(b)
Diet 403.03(repeal)	RSA 326-H:10, I; RSA 326-H:14, I
Diet 403.03 (formerly Diet 403.04)	RSA 326-H:10, I; RSA 326-H:14, I
Diet 403.04 (formerly Diet 403.05)	RSA 326-H:10, I; RSA 326-H:14, I
Diet 403.05 (formerly Diet 403.06)	RSA 326-H:10, I; RSA 326-H:14, I
Diet 403.06	RSA 326-H:10, I; RSA 326-H:14, I
Diet 403.07	RSA 326-H:10, I; RSA 326-H:16
Diet 404.01 (repeal)	RSA 326-H:16; RSA 326-H:19
Diet 404.02 (repeal)	RSA 326-H:16; RSA 326-H:19
Diet 404.03 (repeal)	RSA 326-H:16; RSA 326-H:19
Diet 404.04 (repeal)	RSA 326-H:16; RSA 326-H:19
Diet 404.05 (repeal)	RSA 326-H:16; RSA 326-H:19
Diet 404.01	RSA 541-A:7
Diet 404.02	RSA 326-H:16; RSA 326-H:19
Diet 404.03	RSA 326-H:16; RSA 326-H:19
Diet 404.04	RSA 326-H:16; RSA 326-H:19

Rule	Specific State Statute which the Rule Implements
Diet 404.05	RSA 326-H:16; RSA 326-H:19
Diet 404.06	RSA 326-H:16; RSA 326-H:19
Diet 404.07	RSA 326-H:16; RSA 326-H:19
Diet 405.01	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 405.02	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 405.03	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 405.04	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 405.05	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 405.06	RSA 326-H:10, VI; RSA 326-H:12, IV; RSA 326-H:15
Diet 406.01 (repeal)	RSA 326-H:10, IV
Diet 406.02 (repeal)	RSA 326-H:10, VI; RSA 326-H:15
Diet 406.03 (repeal)	RSA 326-H:10, VI; RSA 326-H:15
Diet 406.01 (formerly Diet 406.04)	RSA 541-A:16, I(b)

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

Name: **Tina M. Kelley** Title: **Rules Coordinator**
Mailing Address: **Office of Professional Licensure & Certification** Phone #: **(603) 271-5247**
7 Eagle Square Fax#: **None**
Concord, NH 03301 E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, December 23, 2024 at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, December 13, 2024 at 9:15 a.m.**

Physical Location: **Office of Professional Licensure and Certification**
7 Eagle Square
Concord, NH 03301

Electronic Access (if applicable): **n/a**

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

FIS # 24:211, dated 10/3/2024

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

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to Diet 403.06, Diet 403.07, Diet 404.01 through Diet 404.06, and Diet 405.02 through Diet 405.06, which are new rules.

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

No federal mandate, no impact on state funds.

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

The proposed rules have no costs or benefits to State funds, State citizens, political subdivisions or independently owned businesses. However, there is a change involving the removal of certain fee references in Diet 304.01, with the new references being Plc 1001.08 and Plc 1002.12. The fees outlined in Plc 1001.08 and Plc 1002.12 have been assessed by the Office of Professional Licensure and Certification since August 2023.

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

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

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.