

CHAPTER 327
HB 1095 - FINAL VERSION

28Mar2024... 1212h
05/15/2024 1738s
13Jun2024... 2340EBA

2024 SESSION

24-2453
11/05

HOUSE BILL ***1095***

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

SPONSORS: Rep. Gallager, Merr. 20

COMMITTEE: Executive Departments and Administration

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.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

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

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 327:1 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, IV to read as
2 follows:

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

6 327:2 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, XIII-XV to read
7 as follows:

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

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

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

17 327:3 Alcohol and Other Drug Use Professionals; Advisory Committees. Amend RSA 330-C:6, II to
18 read as follows:

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

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

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

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

28 327:4 Alcohol and Other Drug Use Professionals; Rulemaking Authority. RSA 330-C:9 is repealed
29 and reenacted to read as follows:

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1 330-C:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative
2 to the following:

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

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

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

8 II. Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary
9 action.

10 III. Eligibility requirements, training requirements, and other criteria for the issuance of
11 certification, renewal of certification, and reinstatement of certification for certified recovery support
12 workers and certified recovery support worker supervisors.

13 IV. The criteria for approval of education programs for the continuing education requirements of
14 this chapter and providers of such programs, and the criteria for approval of providers engaged in clinical
15 supervision.

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

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

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

21 VIII. Continuing education requirements for license renewal and continuing education
22 requirements for renewal of certification.

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

25 X. The criteria for required examinations.

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

28 XII. Standards for the waiver of a felony conviction under RSA 330-C:27, III(f), and for
29 determinations of whether an applicant has made sufficient restitution or been rehabilitated under RSA
30 330-C:15, I(e).

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

33 327:5 Licensed Alcohol and Other Drug Use Professionals; Completion of Survey; Rulemaking.
34 Amend RSA 330-C:9-a to read as follows:

35 330-C:9-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A,
36 requiring, as part of the *criteria for* license renewal [p̄r̄ēēs̄s], completion by licensees of a survey or opt-
37 out form provided by the office of rural health, department of health and human services, for the purpose
38 of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission

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1 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written
2 notice of his or her opportunity to opt-out from participation in the survey.

3 327:6 Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C:14-a to read as
4 follows:

5 330-C:14-a Telemedicine. Persons licensed [by the board] ***under this chapter*** shall be permitted to
6 provide services through the use of [telemedicine] ***"telemedicine," as defined in RSA 310:7.***
7 [~~"Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis,~~
8 ~~consultation, or treatment.~~]

9 327:7 Alcohol and Other Drug Use Professionals; Licensure and Certification; Applicants. Amend
10 RSA 330-C:15, I(e) through II to read as follows:

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

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

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

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

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

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

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

26 (7) False or misleading advertising;

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

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

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

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

38 327:8 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-V to
39 read as follows:

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

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

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

16 IV. Meet other criteria as established by the board.

17 V. If the applicant does not meet the requirements of paragraphs I-IV, the board shall not issue a
18 MLADC license but shall, if the individual meets all requirements for licensure as a LADC, issue a LADC
19 license to the individual. ***In such circumstances, the OPLC shall not require the applicant to submit a***
20 ***separate application and fee.***

21 327:9 Alcohol and Other Drug Use Professionals; Certified Recovery Support Worker; Initial
22 Certification. Amend RSA 330-C:19, I to read as follows:

23 I. Submit a completed application and fees established by the ~~[board]~~ ***office of professional***
24 ***licensure and certification,***

25 327:10 Alcohol and Other Drug Use Professionals; Criminal Record Checks. Amend RSA 330-C:20
26 to read as follows:

27 330-C:20 Criminal Record Checks.

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

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

38 III. The ~~[board]~~ ***office*** shall submit the criminal history record release form and fingerprint form to
39 the division of state police which shall conduct a criminal history record check through its records and

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1 through the Federal Bureau of Investigation. Upon completion of the record check, the division of state
2 police shall release copies of the criminal history record to the [board] *office*.

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

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

7 327:11 Alcohol and Other Drug Use Professionals; Continuing Education. Amend RSA 330-C:24, I to
8 read as follows:

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

12 327:12 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

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

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

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

18 IV. RSA 330-C:21, relative to applicants from other states.

19 V. RSA 330-C:22, relative to renewals.

20 VI. RSA 330-C:23, relative to reinstatement.

21 327:13 Athletic Trainers; Eligibility for Initial Licensure. Amend RSA 326-G:4, I to read as follows:

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

26 327:14 Barbering, Cosmetology, and Esthetics; Definitions. Amend the introductory paragraph of
27 RSA 313-A:1, II-a to read as follows:

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

30 327:15 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, XI-a to read as
31 follows:

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

37 327:16 Barbering, Cosmetology, and Esthetics; Maintenance of Records. Amend RSA 313-A:4 to
38 read as follows:

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1 313-A:4 Maintenance of Records. The [board] *office* shall maintain a record containing the names
2 and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this
3 chapter in accordance with the retention policy established by the office of professional licensure and
4 certification. The [board] *office of professional licensure and certification* shall issue all notices, license,
5 and registration certificates. The record shall include the date of issuance, renewal, suspension, or
6 revocation of all licenses. This record shall be open to public inspection at all reasonable times.

7 327:17 Barbering, Cosmetology, and Esthetics; Duties. RSA 313-A:7 is repealed and reenacted to
8 read as follows:

9 313-A:7 Duties.

10 I. The board shall:

11 (a) Prescribe the duties of its officers;

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

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

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

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

20 327:18 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. RSA 313-A:8 is repealed and
21 reenacted to read as follows:

22 313-A:8 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

23 I. The qualifications of applicants for licensure, including the qualifications for satisfactory
24 evidence of:

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

26 (b) Good professional character;

27 II. Criteria for examination of applicants;

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

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

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

34 VI. The regulation of tanning facilities including:

35 (a) Sanitation and hygiene standards to be met and maintained by tanning facilities;

36 (b) Standards for approving the training curricula and programs used for training tanning
37 device operators;

38 (c) Registering tanning facilities;

39 (d) Standards for the inspection of tanning devices;

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- 1 (e) Standards for the consumer consent form required under RSA 313-A:30, IV.
2 VII. Criteria for licensing and approval of schools and their curriculum;
3 VIII. Criteria for licensing and approval of instructors;
4 IX. Criteria for licensing and approval of mobile barbershops;
5 X. The occasional performance of services at locations other than the principal place of business
6 by persons licensed under this chapter;
7 XI. The criteria for office of professional licensure and certification consideration of an applicant's
8 "good professional character";
9 XII. The criteria for granting exemptions under RSA 313-A:10, II; 313-A:11, II; and 313-A:12, II;
10 XIII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22, III(e)
11 and (f); and
12 XIV. Conditions and standards for operation under a shop license, including health and safety
13 standards.

14 327:19 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10 to
15 read as follows:

16 313-A:10 Qualifications; Barbers.

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

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

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

25 (2) A minimum of 1,600 hours distributed over a period of at least 12 months under a
26 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 of professional licensure and certification*.

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

32 III. In order to be issued a master barber's license by the [board] *office of professional licensure*
33 *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:

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

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

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

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

5 327:20 Barbering, Cosmetology, and Esthetics; Qualifications; Cosmetologists. Amend RSA 313-
6 A:11 to read as follows:

7 313-A:11 Qualifications; Cosmetologists.

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

10 (a) Be of good professional character;

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

12 (c) Have received training of:

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

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

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

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

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

23 327:21 Barbering, Cosmetology, and Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to
24 read as follows:

25 313-A:12 Qualifications; Manicurists. A person, to be issued a manicurist's license by the [board]
26 *office of professional licensure and certification*, shall, in addition to satisfying the requirements of RSA
27 313-A:11, I(a), (b), and (e):

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

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

33 327:22 Barbering, Cosmetology, and Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13
34 to read as follows:

35 313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the [board] *office of*
36 *professional licensure and certification*, an applicant shall, in addition to satisfying the requirements of
37 RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of training in a school
38 approved by the board and have passed an examination [~~conducted by the board~~]. An apprenticeship
39 approved by the board may [~~substitute~~] *be substituted* for the required training. Estheticians who have

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1 practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have
2 satisfied the requirements of RSA 313-A:11, I(a), (b), and (e) and the training requirements of this section
3 shall not be required to take the examination provided for in this section to be eligible for licensure under
4 this chapter. Credit towards the hours requirement for esthetician training may be given to a licensed
5 cosmetologist or barber for equivalent training in the cosmetology or barber program in a school approved
6 by the board upon certification of the training by the school. Credit towards the hours requirement for
7 esthetician training may be given to a licensed massage therapist for massage therapy training deemed
8 equivalent by the board. Cosmetologists licensed ~~[by the board]~~ ***under this chapter*** may obtain the
9 training hours in subjects required by the board in increments at separate schools, but must present
10 certifications to the ~~[board]~~ ***office*** for all required hours and curriculum subjects.

11 327:23 Barbering, Cosmetology, And Esthetics; Examinations. Amend RSA 313-A:15 to read as
12 follows:

13 313-A:15 Examinations. The ~~[board]~~ ***office of professional licensure and certification*** shall hold
14 examinations in barbering, cosmetology, manicuring, and esthetics at least once every 6 months in such
15 towns throughout the state as it may deem convenient for applicants and at such additional times as it
16 may from time to time determine. The scope and content of the examinations shall be established by the
17 board. The ~~[board]~~ ***office*** shall notify all applicants at least 10 days in advance as to the place, date, and
18 time of examinations.

19 327:24 Barbering, Cosmetology, and Esthetics; Applications. Amend RSA 313-A:16 to read as
20 follows:

21 313-A:16 Applications. Applicants shall make written application to the ~~[board]~~ ***office of professional***
22 ***licensure and certification*** on a form prescribed and supplied by the office ~~[of professional licensure and~~
23 ~~certification]~~ which shall contain satisfactory evidence of the qualifications required of the applicant; and
24 the applicant shall also pay the examination fee ***established by the office***.

25 327:25 Barbering, Cosmetology, and Esthetics; Temporary Permit. Amend RSA 313-A:18 to read as
26 follows:

27 313-A:18 Temporary Permit.

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

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

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1 327:26 Barbering, Cosmetology, and Esthetics; Expiration and Renewal of Licenses and Certificates.
2 RSA 313-A:20 is repealed and reenacted to read as follows:

3 313-A:20 Expiration and Renewal of Licenses. All licenses established under this chapter shall
4 expire in accordance with RSA 310:8.

5 327:27 Barbering, Cosmetology, and Esthetics; Apprentice Registration and Certificates. Amend
6 RSA 313-A:24, I-IV to read as follows:

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

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

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

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

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

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

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

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

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

27 327:28 Barbering, Cosmetology, and Esthetics; Compliance with Law. Amend RSA 313-A:27, II to
28 read as follows:

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

32 327:29 Barbering, Cosmetology, and Esthetics; Registration of Tanning Facility. Amend RSA 313-
33 A:28, II to read as follows:

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

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

7 327:30 Repeal. The following are repealed:

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

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

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

11 327:31 Body Art; License Required; Fees. Amend RSA 314-A:2, III to read as follows:

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

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

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

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

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

21 327:32 Body Art; Exemptions. Amend RSA 313-A:4, I to read as follows:

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

25 327:33 Body Art; Renewal of License; Continuing Education Requirement. Amend RSA 314-A:5 to
26 read as follows:

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

31 327:34 Body Art; License Revocation or Suspension. Amend the introductory paragraph of RSA 314-
32 A:9 to read as follows:

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

36 327:35 Repeal. RSA 314-A:10, relative to administrative fines, is repealed.

37 327:36 Chiropractic; Rulemaking Authority and Practices. Amend RSA 316-A:3, IV-V to read as
38 follows:

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

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

7 327:37 Chiropractic; Fees; Qualifications. Amend RSA 316-A:11, I to read as follows:

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

11 327:38 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

12 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a
13 minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license
14 from the ~~[board]~~ **office of professional licensure and certification** as a chiropractor permitted to practice in
15 New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and
16 a license renewal. The initial license and license renewals shall be valid for the terms established under
17 ~~[RSA 310]~~ **RSA 310:8**.

18 327:39 Chiropractic; Effect. Amend RSA 316-A:15 to read as follows:

19 316-A:15 Effect. Any chiropractor who has received and holds a certificate or license issued by the
20 board **or office of professional licensure and certification** may practice chiropractic as defined in RSA 316-
21 A:1 but shall not prescribe for, or administer to, any person any medicine or drugs now or hereafter
22 included in materia medica, practice major or minor surgery, obstetrics or any branch of medicine or
23 osteopathy.

24 327:40 Chiropractic; National Examination. Amend RSA 316-A:17 to read as follows:

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

35 327:41 Chiropractic; Renewal. Amend RSA 316-A:20 to read as follows:

36 316-A:20 Renewal.

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

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

8 327:42 Chiropractic; Inactive List. Amend RSA 316-A:21 to read as follows:

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

17 327:43 Repeal. The following are repealed:

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

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

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

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

22 327:44 Board of Dental Examiners; Duties. RSA 317-A:4, I is repealed and reenacted to read as
23 follows:

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

26 327:45 Dentistry and Dental Hygiene; License Required. Amend RSA 317-A:7 to read as follows:

27 317-A:7 License Required. No person shall begin the practice of dentistry, or dental hygiene, without
28 first obtaining a license for such purpose from the [~~board~~] *office of professional licensure and certification*.

29 327:46 Dentistry and Dental Hygiene; Telemedicine. Amend RSA 317-A:7-b to read as follows:

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

33 327:47 Dentistry and Dental Hygiene; Applications. Amend RSA 317-A:8 to read as follows:

34 317-A:8 Applications.

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

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

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

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

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

17 327:48 Dentistry and Dental Hygiene; Criminal History Record Checks. Amend RSA 317-A:8-a to
18 read as follows:

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

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

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

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

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

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

39 327:49 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:9 to read as follows:

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1 317-A:9 Examinations. Applicants for a license to practice dentistry or dental hygiene shall ~~[be~~
2 examined] *pass an examination as determined* by the board or have successfully passed a national or
3 regional test ~~[accepted]~~ *approved* by the board. Examinations may be oral, clinical, written, or any
4 combination at the discretion of the board and shall be of such character as to test the qualifications of the
5 applicant to practice dentistry or dental hygiene. No license shall be granted to any applicant who shall
6 not pass such examination.

7 327:50 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, III and IV to
8 read as follows:

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

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

- 12 (a) ~~[Time and place of examination;~~
- 13 ~~(b)]~~ The subjects to be tested;
- 14 ~~[(c)]~~ *(b)* Passing grade; and
- 15 ~~[(d)]~~ *(c)* Disposition of examination papers;

16 327:51 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, XII and XII-a to
17 read as follows:

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

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

21 (a) Required credentials.

22 (b) Application.

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

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

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

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

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

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

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

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

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

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

15 327:52 Dentistry and Dental Hygiene; Completion of a Survey; Rulemaking. Amend RSA 317-A:12-a
16 to read as follows:

17 317-A:12-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A,
18 requiring, as part of the *criteria for* license renewal [p̄r̄ōc̄ēēs̄s], completion by licensees of a survey or opt-
19 out form provided by the office of rural health, department of health and human services, for the purpose
20 of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission
21 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written
22 notice of his or her opportunity to opt-out from participation in the survey.

23 327:53 Dentistry and Dental Hygiene; License Renewal. RSA 317-A:13 is repealed and reenacted to
24 read as follows:

25 317-A:13 License Renewal.

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

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

30 327:54 Dentistry and Dental Hygiene; Inactive List. Amend RSA 317-A:16 to read as follows:

31 317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not actively
32 engage in such practice in New Hampshire within 2 years of his or her previous biennial registration shall
33 have the licensee's name transferred to an inactive list and shall be required to register biennially and pay
34 the inactive registration fee as long as the licensee remains inactive. Any dentist or dental hygienist
35 holding an inactive license shall be restored to active status by the [b̄ōār̄d] *office of professional licensure*
36 *and certification* upon the filing of a written request with the [b̄ōār̄d] *office* and the furnishing of evidence of
37 continuing professional character and continuing education and upon payment of the full registration fee
38 established in rules adopted by the [b̄ōār̄d] *office*. A licensee on inactive status who has been practicing
39 in another state shall provide a letter of good standing from that state. A person's right to maintain a

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1 license with active status shall not be affected by any absence from active practice in New Hampshire
2 while serving on active duty in the armed forces of the United States.

3 327:55 Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

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

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

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

11 327:56 Dentistry and Dental Hygiene; Licensure. Amend RSA 317-A:21, II to read as follows:

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

18 327:57 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:21-a to read as follows:

19 317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined [by the
20 board] *in accordance with RSA 310:4, II(c)*. The examinations may be oral, clinical, written or a
21 combination *thereof*, at the discretion of the board, and shall be of such character as to test the
22 qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any
23 applicant who shall not pass such examination satisfactorily. The [board] *office of professional licensure*
24 *and certification* shall have the authority to grant a license in dental hygiene to applicants who have
25 successfully passed the requirements of any national or regional testing agency acceptable to the board.

26 327:58 Practice of Dental Hygiene. Amend RSA 317-A:21-c, IV to read as follows:

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

33 327:59 Certified Public Health Dental Hygienist. Amend the introductory paragraph of RSA 317-
34 A:21-e, I to read as follows:

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

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1 327:60 Dentistry and Dental Hygiene; Expanded Function Dental Auxiliary. Amend RSA 317-A:21-g,
2 I to read as follows:

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

7 327:61 Dentistry and Dental Hygiene; Repeal. The following are repealed:

- 8 I. RSA 317-A:7-a, relative to license by endorsement.
- 9 II. RSA 317-A:15, relative to penalties for failure to register.
- 10 III. RSA 317-A:17-a, relative to immunity from civil action.
- 11 IV. RSA 317-A:24, relative to applications from other states.
- 12 V. RSA 317-A:25, relative to certificates of good standing.
- 13 VI. RSA 317-A:34, relative to petitions for injunction filed by the board.

14 327:62 Dietitians; License Required. Amend RSA 326-H:5, I to read as follows:

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

18 327:63 Dietitians; Rulemaking. RSA 326-H:10 is repealed and reenacted to read as follows:

19 326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- 20 I. The eligibility requirements for licensure or temporary licensure to practice as a licensed
21 dietitian in this state.
- 22 II. Criteria for the renewal, suspension, revocation, and reinstatement of licenses.
- 23 III. Educational qualifications for licensure.
- 24 IV. Continuing education requirements.

25 327:64 Dietitians; Issuance, Expiration, and Renewal of License. RSA 326-H:14 is repealed and
26 reenacted to read as follows:

27 326-H:14 Issuance, Expiration, and Renewal of License.

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

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

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

36 327:65 Dietitians; Suspension and Revocation of License. RSA 326-H:16 is repealed and reenacted
37 to read as follows:

38 326-H:16 Suspension and Revocation of License. Misconduct sufficient to support disciplinary
39 proceedings under this chapter includes:

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- 1 I. Obtaining a license by fraudulent or deceitful means.
- 2 II. Conviction of a class A felony or a finding of malpractice or gross misconduct in practice as a
3 dietitian.
- 4 III. Engaging in actions inconsistent with the health of the person or persons under the care of the
5 licensee through negligence, neglect, willful action, or other causes.
- 6 IV. Other violations of this chapter, and the rules and code of ethics adopted by the board.

7 327:66 Licensed Dieticians; Repeal. The following are repealed:

- 8 I. RSA 326-H:11, relative to immunity from civil action.
- 9 II. RSA 326-H:13, relative to reciprocity.
- 10 III. RSA 326-H:18, relative to reinstatement.

11 327:67 Board of Electrologists; Powers and Duties of the Executive Director. Amend RSA 314:2 to
12 read as follows:

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

- 15 I. Licensure of individuals to practice electrology~~[, in accordance with RSA 314:3].~~
- 16 II. Renewal of licenses~~[, in accordance with RSA 314:5].~~
- 17 III. Denial, suspension, or revocation of licenses~~[, in accordance with RSA 314:6].~~
- 18 IV. The conduct of hearings ~~[relative to administrative fines and the denial, suspension or~~
19 ~~revocation of licenses].~~
- 20 V. Conducting investigations ~~[in accordance with RSA 314:9].~~
- 21 VI. Adopting rules~~[, in accordance with RSA 314:8].~~
- 22 VII. Assessing administrative fines~~[, in accordance with RSA 314:13]~~ ***and other sanctions, as***
23 ***appropriate.***

24 327:68 Electrologists; Licensure. Amend RSA 314:3 to read as follows:

25 314:3 Licensure.

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

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

30 III. Licenses shall be issued to any person:

- 31 (a) Upon application on a form prescribed by the executive director;
- 32 (b) Upon payment of ***required*** fees ~~[required under RSA 314:10];~~
- 33 (c) Who is a high school graduate and has had training of at least 1,100 hours in a school of
34 electrology approved by the executive director;
- 35 (d) Who satisfies any other condition for licensure, including passing a competency
36 examination, pursuant to rules adopted under RSA 314:8, III; and
- 37 (e) Who demonstrates good professional character.

38 ~~[IV. The executive director may grant a license to an individual who has been registered or~~
39 ~~licensed as an electrologist under the laws of another state which, in the opinion of the executive director,~~

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1 ~~maintains standards substantially equivalent to those of this state. Such licensure shall not preclude~~
2 ~~completion of an application and payment of appropriate fees.~~

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

5 327:69 Electrologists; Renewal of License; Reinstatement; Continuing Education Requirement.
6 Amend RSA 314:5 to read as follows:

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

13 327:70 Electrologists; Denial, Suspension, or Revocation of License. Amend RSA 314:6 to read as
14 follows:

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

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

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

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

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

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

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

29 327:71 Electrology; Rulemaking. Amend RSA 314:8 to read as follows:

30 314:8 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

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

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

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

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

36 V. [~~Reciprocity.~~

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

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

39 VIII. ~~Offices, including structures, equipment, and sanitation including required testing.~~

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1 ~~[IX. The conduct of investigations, in accordance with RSA 314:9.~~
2 ~~X.] VII.~~ A schedule of administrative fines pursuant to RSA 314:13 for the violation of the
3 provisions of this chapter or rules adopted pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

18 327:72 Electrologists; Administrative Fines. Amend RSA 314:13 to read as follows:

19 314:13 Administrative Fines.

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

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

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

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

30 327:73 Electrologists; Repeal. The following are repealed:

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

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

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

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

35 327:74 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, III to read as follows:

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

38 327:75 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, VI to read as follows:

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

4 327:76 Embalmers; Qualifications. Amend RSA 325:13, V-VII to read as follows:

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

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

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

11 327:77 Funeral Directors; Qualifications. Amend RSA 325:14 to read as follows:

12 325:14 Funeral Directors; Qualifications. No person shall engage or hold himself **or herself** out as
13 engaged in funeral directing, unless ~~[he]~~ **the person.**

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

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

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

19 327:78 Funeral Directors and Embalmers; Inspection. Amend RSA 325:17 to read as follows:

20 325:17 Inspection. The ~~[board]~~ **office of professional licensure and certification** may inspect all
21 places where funeral directing is conducted or where embalming is practiced. No such place shall be
22 inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of
23 repeated complaints exists.

24 327:79 Funeral Directors and Embalmers; Examinations. Amend RSA 325:18 to read as follows:

25 325:18 Examinations. Examinations of applicants for licensure shall be held at least annually. Any
26 person who desires to engage in funeral directing or embalming shall submit ~~[in writing to the board on~~
27 ~~forms provided by it]~~ an application for licensure accompanied by a fee established by the ~~[board]~~ **office of**
28 **professional licensure and certification.** The ~~[board]~~ **office** shall require the applicant to submit to such
29 examinations as ~~[it may deem proper]~~ **established in rule.**

30 327:80 Funeral Directors and Embalmers; Licensure. Amend RSA 325:20 to read as follows:

31 325:20 Licensure. The ~~[board]~~ **office of professional licensure and certification** shall issue to each
32 applicant successfully passing the examination, where an examination is required, and who otherwise
33 satisfies the ~~[board of her or his qualifications]~~ **necessary requirements**, a license, entitling her or him to
34 practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may
35 be.

36 327:81 Funeral Directors and Embalmers; Renewal of Licenses. Amend RSA 325:25 to read as
37 follows:

38 325:25 Renewal of Licenses.

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

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

8 327:82 Funeral Directors and Embalmers; Continuing Education Requirement. Amend RSA 325:28-
9 a to read as follows:

10 325:28-a Continuing Education Requirement. As a condition of license renewal, [~~the board shall~~
11 ~~require~~] each licensee [~~to~~] **shall** attain a minimum number of continuing education credits every 2 years as
12 specified in the rules adopted by the board.

13 327:83 Funeral Directors and Embalmers; Apprentice Licenses. Amend RSA 325:29 to read as
14 follows:

15 325:29 Apprentice Licenses. No person shall assist in the embalming of dead human bodies for
16 burial or cremation in any manner unless [~~he~~] **the person** holds a license as an apprentice.

17 327:84 Funeral Directors and Embalmers; Issuance; Term; Renewal. RSA 325:30 is repealed and
18 reenacted to read as follows:

19 325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period established by
20 RSA 310:8. The fees for an apprentice license shall be established by the office of professional licensure
21 and certification.

22 327:85 Funeral Directors and Embalmers; Repeals. The following are repealed:

- 23 I. RSA 325:12-a, relative to fees.
- 24 II. RSA 325:19, relative to alternatives to the board's examination.
- 25 III. RSA 325:22, relative to nonresidents.
- 26 IV. RSA 325:22-a, relative to interstate agreements.
- 27 V. RSA 325:23, relative to expiration.
- 28 VI. RSA 325:24, relative to notices of expiration.
- 29 VII. RSA 325:34-a, relative to license suspension.
- 30 VIII. RSA 325:35, relative to immunity from civil action.
- 31 IX. RSA 325:36, relative to reinstatement applications.

32 327:86 Cremation of Human Remains; Crematory; License Required. Amend RSA 325-A:2 to read
33 as follows:

34 325-A:2 Crematory; License Required. A crematory shall not be established, operated, or
35 maintained in this state except by a crematory authority licensed by the **office of professional licensure**
36 **and certification in accordance with rules promulgated by the** board under this chapter. The [board] **office**
37 shall issue a license to a crematory authority that satisfies the requirements for licensure under the
38 chapter. Human remains shall not be cremated in this state except at a crematory operated by a
39 crematory authority licensed under this chapter.

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1 327:87 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 to
2 read as follows:

3 325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a
4 crematory authority shall file a written application with the ~~[board]~~ **office**. The application shall be
5 accompanied by the license fee ~~[required under RSA 325-A:7]~~ and a certificate confirming that the
6 crematory operator has attended, prior to issuance of the license, a training course provided by the
7 Cremation Association of North America or by the manufacturer of the cremation chamber maintained and
8 operated by the crematory authority and shall set forth the full name and address of the applicant, the
9 address and location of the crematory, the name of the crematory operator, the name and address of the
10 owner of the crematory, and additional information as required by the board, including affirmative
11 evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall
12 include the applicant's social security number if the applicant is an individual. The social security number
13 shall not be public record and shall only be used for administrative purposes.

14 327:88 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 to
15 read as follows:

16 325-A:6 Change in Location, Ownership, or Name.

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

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

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

28 327:89 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments.
29 Amend 325-A:8 to read as follows:

30 325-A:8 Inspection; Board; Duties; Authority for Appointments.

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

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

38 III. If the board determines, after such review, that the evidence supports a finding of
39 noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted

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1 under this chapter, the board may send a letter to the crematory authority requesting a statement of
2 compliance. The letter shall include a description of each alleged violation, a request that the crematory
3 authority submit a statement of compliance within 10 working days, and a notice that the board may take
4 further action if the statement of compliance is not submitted. The statement of compliance shall indicate
5 any actions by the crematory authority which have been or will be taken and the period of time estimated
6 to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement
7 of compliance or fails to make a good faith effort to correct the alleged violations, the board may take
8 further action as provided in this chapter *and RSA 310*.

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

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

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

20 327:90 Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

21 325-A:11 Deny or Refuse to Renew License; Grounds. The [board] *office of professional licensure*
22 *and certification* may deny or refuse to renew a license under this chapter or take disciplinary action
23 against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the
24 following grounds:

25 I. Violation of this chapter or rules adopted and pursuant to this chapter;

26 ~~[II. Conviction of any crime involving moral turpitude;]~~

27 ~~[III.] II. Conviction of a misdemeanor or felony under state law, federal law, or the law of another~~
28 ~~jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and~~
29 ~~which has a rational connection with the fitness or capacity of the crematory authority to operate a~~
30 ~~crematory;~~

31 ~~[IV.] III. Conviction of a violation pursuant to RSA 325-A:15;~~

32 ~~[V.] IV. Obtaining a license as a crematory authority by false representation or fraud;~~

33 ~~[VI.] V. Misrepresentation or fraud in the operation of a crematory; or~~

34 ~~[VII.] VI. Failure to allow access by an agent or employee of the [board] *office* to a crematory~~
35 ~~operated by the crematory authority for the purposes of inspection, investigation, or other information~~
36 ~~collection activities necessary to carry out the duties of the *office or* board.~~

37 327:91 Cremation of Human Remains; Rulemaking. Amend RSA 325-A:28, I to read as follows:

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

39 327:92 Cremation of Human Remains; Repeals. The following are repealed:

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1 I. RSA 325-A:5, relative to license expiration.

2 II. RSA 325-A:7, relative to fees.

3 III. RSA 325-A:14, relative to license reinstatement.

4 IV. RSA 325-A:16, relative to injunctions.

5 V. RSA 325-A:28, II, relative to fees.

6 VI. RSA 325-A:28, VI, relative to inspection procedures.

7 327:93 Repeals; Medical Imaging and Radiation Therapy. The following are repealed:

8 I. RSA 328-J:15, II, relative to license renewal.

9 II. RSA 328-J:18, relative to hearings.

10 III. RSA 328-J:19, II-III, relative to penalties.

11 IV. RSA 328-J:21, relative to injunctive relief.

12 V. RSA 328-J:23, relative to investigative costs.

13 327:94 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as
14 follows:

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

18 327:95 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(a) to read as
19 follows:

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

22 327:96 Naturopathic Health Care Practice; Powers and Duties of Board. Amend RSA 328-E:8, I to
23 read as follows.

24 I. The board shall:

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

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

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

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

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

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

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

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

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

5 327:97 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to read
6 as follows:

7 328-E:9 Qualification for Licensure.

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

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

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

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

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

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

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

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

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

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

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

29 327:98 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-a
30 to read as follows:

31 328-E:9-a Criminal History Record Checks.

32 I. Every applicant for initial licensure shall submit to the ~~[board]~~ *office of the professional*
33 *licensure and certification* a criminal history record information authorization 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 information, 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 event
38 that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be
39 necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints

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1 is invalid due to insufficient pattern, the [board] *office* may, in lieu of the criminal history records check,
2 accept police clearances from every city, town, or county where the person has lived during the past 5
3 years.

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

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

10 327:99 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend RSA
11 328-E:13, I to read as follows:

12 I. The license to practice naturopathic medicine shall be renewed [biennially] ***every 2 years in***
13 ***accordance with RSA 310:8.*** [~~A fee in the amount of \$300 shall accompany the application for renewal.~~]

14 327:100 Repeal; Naturopathic Health Care. RSA 328-E:17, relative to severability, is repealed.

15 327:101 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and
16 reenacted to read as follows:

17 326-B:4 Powers and Duties of the Board. The board may:

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

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

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

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

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

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

35 327:102 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

36 326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative
37 to the following:

38 I. Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty
39 licenses, and certificates issued by the [board] *office of professional licensure and certification*, including

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1 the issuance of such licenses to applicants holding a currently valid license or other authorization to
2 practice in another jurisdiction.

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

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

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

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

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

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

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

20 IX. Continuing competence requirements.

21 X. Designations that may be used by persons regulated by the board and retired persons
22 regulated by the board.

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

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

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

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

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

38 327:103 Nurse Practice Act; Criminal History Records Checks. Amend RSA 326-B:15 as follows:

39 326-B:15 Criminal History Record Checks.

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1 I. Every applicant for initial licensure shall submit to the [board] *office of professional licensure*
2 *and certification* a criminal history record release form, as provided by the New Hampshire division of
3 state police, department of safety, which authorizes the release of his or her criminal history record, if any,
4 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. In the event
7 that the first 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 fingerprints
9 is invalid due to insufficient pattern, the [board] *office* may, in lieu of the criminal history records check,
10 accept police clearances from every city, town, or county where the person has lived during the past 5
11 years.

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

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

18 327:104 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I, to read as follows:

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

20 327:105 Nurse Practice Act; Registered Nurse and License Practical Nurse; Initial Licensure by
21 Examination. Amend RSA 326-B:17, II to read as follows:

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

26 327:106 Nurse Practice Act; License Renewals. Amend RSA 326-B:22 to read as follows:

27 326-B:22 License Renewal; All Licensees.

28 I. All license renewals shall be issued [biennially] *every 2 years in accordance with RSA 310:8*.

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

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

32 (b)] Report any pending criminal charges, criminal convictions, or plea arrangements in lieu
33 of convictions;

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

37 [(d)] (c) Meet continuing competence requirements as defined in rules adopted under RSA
38 541-A;

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1 ~~[(e)]~~ **(d)** For those licensees applying for renewal following disciplinary action, comply with all
2 board licensure requirements as well as any specific requirements set forth in the board's discipline order;
3 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 nursing~~
6 ~~activities in the state of New Hampshire.]~~

7 327:107 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** may
10 issue a modified license to an individual who has met licensure requirements and who is able to practice
11 without compromising public safety within a modified scope of practice or with accommodations or both as
12 specified by the board.

13 327:108 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 shall
16 comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and
17 1919 of the Social Security Act, and all provisions of this chapter.

18 327:109 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants.
19 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 who:

21 327:110 Continuing Education. Amend the introductory paragraph to RSA 326-B:31 to read as
22 follows:

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

25 327:111 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 determines
36 that the program meets the established standards. ~~[The board shall publish a list of approved programs.]~~

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

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

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

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

9 327:112 Nurse Practice Act; Repeals. The following are repealed:

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

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

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

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

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

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

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

17 327:113 Occupational Therapy; Repeal. RSA 326-C:5, III, relative to eligibility for licensure, is
18 repealed.

19 327:114 Ophthalmic Dispensing; Application for Registration. Amend the introductory paragraph of
20 RSA 327-A:3 to read as follows:

21 327-A:3 Application for Registration. An application for a certificate of registration for ophthalmic
22 dispensing under this chapter shall be filed with the ~~[department]~~ *office* in such form and detail as the
23 executive director shall require in accordance with rules adopted under RSA 541-A, shall be duly signed
24 ~~[and verified, shall be available for public inspection,]~~ and shall include, but not be limited to:

25 327:115 Ophthalmic Dispensing; Application for Registration; Application and Registration Fees.
26 Amend RSA 327-A:7 to read as follows:

27 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
28 ophthalmic dispensing shall be accompanied by a non-refundable registration fee. Upon approval of the
29 application by the ~~[executive director]~~ *office*, the applicant shall be issued a certificate of registration for
30 ophthalmic dispensing, which shall be renewed ~~[biennially on or before June 30 upon payment of the
31 renewal fee]~~ *every 2 years in accordance with RSA 310:8.*

32 327:116 Ophthalmic Dispensing; Telemedicine. Amend RSA 327-A:12-a to read as follows:

33 327-A:12-a Telemedicine. Registered ophthalmic dispensers shall be permitted to provide services
34 through the use of telemedicine, *as defined in RSA 310:7.* ~~["Telemedicine" means the use of audio, video,
35 or other electronic media for the purpose of diagnosis, consultation, or treatment.]~~

36 327:117 Ophthalmic Dispensing; Repeal. The following are repealed:

37 I. RSA 327-A:10, relative to return of certificate.

38 II. RSA 327-A:11, relative to procedure for complaints.

39 III. RSA 327-A:15, relative to an injunction.

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1 IV. RSA 327-A:17, relative to administrative fines.

2 327:118 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

3 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
4 practice optometry without a license. The ~~[board]~~ **office** shall not issue a license to any applicant until the
5 person has passed an examination approved by the board, and has presented satisfactory evidence in the
6 form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character,
7 has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or
8 college of optometry approved by the board, maintaining a minimum of 4 years in optometric training.
9 Persons who submit an application which demonstrates that they meet the eligibility requirements of this
10 chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the licensing fee, shall be
11 licensed by the ~~[board]~~ **office**.

12 327:119 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, V-VIII to read as
13 follows:

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

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

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

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

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

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

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

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

30 (6) Review the vaccine registry or other vaccination records before administering the
31 vaccination.

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

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

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

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

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

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

11 327:120 Optometry; Renewal of Licenses. RSA 327:13 is repealed and reenacted to read as follows:

12 327:13 Renewal of Licenses. All licenses issued under this chapter shall be renewed every two
13 years in accordance with RSA 310:8.

14 327:121 Optometry; Reinstatement. Amend RSA 327:13-a to read as follows:

15 327:13-a Reinstatement. Any person who has voluntarily surrendered a license, has allowed a
16 license to expire, or whose license has been revoked by the board, may request reinstatement of the
17 license by filing an application with the [board] *office*. The board ~~[pursuant to RSA 541-A]~~ shall establish
18 criteria in rules adopted ~~[by the board for]~~ *pursuant to RSA 541-A, relative to* reinstatement which include
19 reasonable professional character and ~~[competence]~~ *competency* requirements.

20 327:122 Optometry; Contact Lens Prescription to be Provided to Patent. Amend RSA 327:25-a, IV to
21 read as follows:

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

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

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

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

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

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

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

38 327:123 Optometry; Telemedicine. Amend RSA 327:25-c to read as follows:

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1 327:25-c Telemedicine. Persons licensed by the [board] *office of professional licensure and*
2 *certification* shall be permitted to provide services through the use of telemedicine, *as defined in RSA*
3 *310:7*.

4 327:124 Optometry; Rulemaking Authority. Amend RSA 327:31 to read as follows:

5 327:31 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

6 I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA
7 327:6-a;

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

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

10 ~~(b)] what constitutes a passing grade;~~

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

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

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

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

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

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

23 327:125 Optometry; Repeal. The following are repealed:

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

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

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

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

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

29 327:126 Pharmacy; Definitions. Amend RSA 318:1, XI-XI-aa to read as follows:

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

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

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

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

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

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

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

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

12 327:127 Pharmacy; Definitions. Amend RSA 318:1, XXXII-XXXIII to read as follows:

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

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

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

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

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

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

25 327:128 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IV to read as follows:

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

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

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

29 ~~[(c)]~~ **(b)** Passing grade; and

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

31 327:129 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, XX to read as follows:

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

33 327:130 Pharmacy; Examinations. Amend RSA 318:10 to read as follows:

34 318:10 Examinations.

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

39 327:131 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

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1 318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy
2 technician unless such person is either registered by the [board] *office of professional licensure and*
3 *certification* to perform certain functions or, upon completion of training, certified to perform certain
4 functions, and does so under standards of supervision established by rules of the board adopted pursuant
5 to RSA 541-A.

6 327:132 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as
7 follows:

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

12 327:133 Pharmacy; Unauthorized practice of Pharmacy. Amend RSA 318:40 to read as follows:

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

22 327:134 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to
23 read as follows:

24 318:51-a Licensing of Manufacturers and Wholesalers Required.

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

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

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

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

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

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

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

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

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

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

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

12 (4) [Repealed.]

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

17 327:135 Repeal; Pharmacy. RSA 318:47-h, III, relative to the price of filling prescriptions, is
18 repealed.

19 327:136 Cross Reference Removed; Complaints Relative to Pharmacy Benefit Managers. Amend
20 RSA 402-N:5, II to read as follows:

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

25 327:137 Cross Reference Removed; Price of Filling Prescriptions. Amend RSA 415:26, III to read as
26 follows:

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

31 327:138 Cross Reference Removed; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as
32 follows:

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

37 327:139 Physical Therapy; Powers and Duties of the Board. Amend RSA 328-A:3, I to read as
38 follows:

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

3 327:140 Physical Therapists; Rulemaking. RSA 328-A:4, VIII is repealed and reenacted to read as
4 follows:

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

7 327:141 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, I(d) to read as follows:

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

9 327:142 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, II(h) to read as follows:

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

11 327:143 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, IV(d) to read as follows:

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

13 327:144 Physical Therapy; Unlawful Practice; Penalties and Injunctive Relief. RSA 328-F:12 is
14 repealed and reenacted to read as follows:

15 328-F:12 Unlawful Practice; Penalties and Injunctive Relief.

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

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

29 327:145 Repeal; Physical Therapy. RSA 328-A:15, VII-VIII, relative to rights of consumers and
30 confidentiality, is repealed.

31 327:146 Speech-language Pathology and Hearing Care Providers; Definitions. Amend RSA 326-F:1,
32 XI to read as follows:

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

38 327:147 Speech-Language Pathology; Eligibility for an Initial License. Amend RSA 326-F:3, I(a) to
39 read as follows:

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

5 327:148 Speech-language Pathology; Eligibility for Initial License. Amend RSA 326-F:3, III(a) to read
6 as follows:

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

10 327:149 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 to read as follows:

11 326-F:4 Provisional License.

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

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

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

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

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

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

29 327:150 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5, VI-VIII to read as follows:

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

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

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

34 327:151 Renewal of Certification. Amend RSA 326-F:6-a to read as follows:

35 326-F:6-a Renewal of Certification. Certification shall be renewed [biennially] *every 2 years* in
36 accordance with *RSA 310:8 and the* rules adopted pursuant to RSA 541-A.

37 327:152 Speech-language Pathology; Professional Identification. Amend RSA 326-F:8, IV to read as
38 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 person
3 is certified by the [board] *office* pursuant to rules adopted under RSA 326-F:5, VI.

4 327:153 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 of
7 selling or offering for rent hearing aids unless such person is registered in accordance with this chapter
8 and unless the registration of such person is current and valid. [~~The fee for an initial registration under~~
9 ~~this section shall not exceed \$300.~~] This section includes the selling or renting of hearing aids by mail in
10 this state by a person outside the state. Registration certificates shall be renewed [~~biennially on or before~~
11 ~~June 30~~] ***every 2 years in accordance with RSA 310:8*** upon payment of a renewal fee.

12 327:154 Speech-language Pathology; Out-of-State Sales Regulated. Amend RSA 326-F:16 to read
13 as follows:

14 326-F:16 Out-of-State Sales Regulated.

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

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

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

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

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

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

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

29 327:155 Speech-language Pathology; Repeal. The following are repealed:

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

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

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

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

34 327:156 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII to read as
35 follows:

36 XVIII. "Substantial equivalency" is a determination by the [board] *office* or its designee that the
37 education, examination, and experience requirements contained in the statutes and administrative rules of
38 another jurisdiction are comparable to or exceed the education, examination, and experience
39 requirements contained in the Uniform Accountancy Act, or that the individual certified public accountant's

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1 education, examination, and experience qualifications are comparable to or exceed the education,
2 examination, and experience requirements contained in the Uniform Accountancy Act. In ascertaining
3 substantial equivalency as used in this statute, the [board] *office* shall take into account the qualifications
4 without regard to the sequence in which experience, education, or examination requirements were
5 attained.

6 327:157 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;
7 Rulemaking. Amend RSA 309-B:4, II(b) to read as follows:

8 (b) The board shall meet at such times and places as may be fixed by the board. Meetings of
9 the board shall be open to the public, except insofar as they are concerned with investigations [~~under RSA~~
10 ~~309-B:11~~] and except as may be necessary to protect information that is required to be kept confidential
11 by board rules or by the laws of this state. A majority of the board members then in office shall constitute
12 a quorum at any meeting duly called.

13 327:158 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public
14 Accountant. Amend RSA 309-B:5 to read as follows:

15 309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

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

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

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

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

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

34 (c) On or after July 1, 2014, at least 150 semester hours of college education including a
35 baccalaureate or higher degree conferred by a college or university acceptable to the board, the total
36 educational program to include an accounting concentration or equivalent as determined by board rule to
37 be appropriate; provided however, that candidates for a certificate may sit for the examination described
38 in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate
39 degree conferred by a college or university acceptable to the board the total educational program to

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1 include an accounting concentration or equivalent as determined by board rule to be appropriate. The
2 applicant's degree shall include 30 semester hours of accounting courses. The accounting credits shall
3 include coverage in financial accounting auditing, taxation, and management accounting. In addition, the
4 degree shall include, or be supplemented by, 24 semester hours of business courses other than
5 accounting courses. These business courses may include, but not be limited to, coverage in the areas of
6 business law, business information systems, finance, professional ethics, business organizations, and
7 economics.

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

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

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

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

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

33 IX. The experience requirement shall consist of public accounting experience in providing one or
34 more kinds of services involving the use of accounting or auditing skills, including the issuance of reports
35 on financial statements, or one or more kinds of management advisory, financial advisory, or consulting
36 services, or the preparation of tax returns or the furnishing of advice on tax matters, or the equivalent, all
37 of which was under the direction of a licensee in any state in practice as a certified public accountant or as
38 a public accountant, or in any state in employment as a staff accountant by a certified public accountant or

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1 anyone practicing public accounting, or a combination of either of such types of experience and for the
2 following periods of time:

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

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

7 X. Experience obtained in the employment of a governmental agency for the periods of time
8 provided in paragraph IX in the following areas shall be accepted by the [board] *office* as qualifying
9 experience under this section:

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

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

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

21 XI. [Repealed.]

22 327:159 Repeal. RSA 309-B:6, relative to substantial equivalency, is repealed.

23 327:160 New Hampshire Accountancy Act; Issuance and Renewal of Certificates; Maintenance of
24 Competency. RSA 309-B:7 is repealed and reenacted to read as follows:

25 309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

26 I. The office shall grant or renew certificates to persons who make application and demonstrate
27 that their qualifications, including where applicable the qualifications prescribed by RSA 309-B:5, are in
28 accordance with the requirements of this section. The holder of a certificate issued under this section
29 may provide attest services as defined in RSA 309-B:3, I(a), and compilation services as defined in RSA
30 309-B:3, III-a, only in a CPA firm that holds a permit issued under RSA 309-B:8.

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

32 III. For renewal of a certificate under this section each licensee shall participate in a program of
33 learning designed to ensure continuing professional competence. The requirements established by the
34 board shall specify any reasonable approach to meeting this requirement, including but not limited to, the
35 setting of hours and the conducting of random audits of reports submitted to the board. The approach to
36 meeting this requirement specified by the board shall be comparable to guidelines specified in the
37 Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the
38 National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified
39 Public Accountants (AICPA). The board may by rule create an exception to this requirement for licensees

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1 who do not perform or offer to perform for the public one or more kinds of services involving the use of
2 accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds
3 of management advisory, financial advisory or consulting services, or the preparation of tax returns or the
4 furnishing of advice on tax matters. Licensees granted such an exception by the board shall place the
5 word "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other
6 document or device, with the exception of their CPA certificate or PA registration, on which the CPA or PA
7 title appears.

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

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

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

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

21 (b) The foreign designation:

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

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

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

27 (c) The applicant:

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

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

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

36 VII. An applicant under paragraph VI shall in the application list all jurisdictions, foreign and
37 domestic, in which the applicant has applied for or holds a designation to practice public accountancy, and
38 each holder of a certificate issued under this paragraph shall notify the board in writing, within 30 days

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1 after its occurrence, of any issuance, denial, revocation, or suspension of a designation or
2 commencement of a disciplinary or enforcement action by any jurisdiction.

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

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

10 327:161 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
11 Review. Amend RSA 309-B:8, I-III to read as follows:

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

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

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

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

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

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

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

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

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

29 (1) It performs such services through an individual with practice privileges under RSA
30 309-B:6 **and RSA 310:17**; and

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

33 II. Permits shall be initially issued and renewed for periods **in accordance with RSA 310:8**. ~~[of not~~
34 ~~more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and~~
35 ~~ending on the subsequent June 30. Applications for such permits shall be made in such form and in the~~
36 ~~case of applications for renewal, between such dates, as the board shall by rule specify. A permit shall~~
37 ~~remain valid for the period of time that the board requires to act on the application for renewal, provided~~
38 ~~that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant~~
39 ~~or deny any application no later than 90 days after the application is filed in proper form. In any case~~

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1 ~~where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly~~
2 ~~denied or where the board is not able to determine whether it should be granted or denied, the board may~~
3 ~~issue to the applicant a provisional permit, which shall expire 90 days after its issuance or when the board~~
4 ~~determines whether or not to issue or renew the permit for which application was made, whichever shall~~
5 ~~first occur.]~~

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

8 (a) Notwithstanding any other provision of law, at least a simple majority of the ownership of
9 the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or
10 managers, belongs to holders of a certificate who are licensed in some state of the United States and
11 such partners, officers, shareholders, members, or managers, whose principal place of business is in this
12 state, and who perform professional services in this state, hold a valid certificate issued under RSA 309-
13 B:5 or the corresponding provisions of prior law or are public accountants licensed under RSA 309-B:9.
14 Firms may include non-licensee owners but the firm and its ownership shall comply with rules adopted by
15 the board. For firms of public accountants, at least a simple majority of the ownership of the firm, in terms
16 of financial interests and voting rights, shall belong to holders of registration under RSA 309-B:9. ~~[An~~
17 ~~individual who has practice privileges under RSA 309-B:6 and who performs services for which a firm~~
18 ~~permit is required under RSA 309-B:6, IV shall not be required to obtain a certificate from this state~~
19 ~~pursuant to RSA 309-B:5.]~~

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

21 (1) The firm designates a licensee of this state~~, or in the case of a firm which must have~~
22 ~~a permit pursuant to RSA 309-B:6, IV a licensee of another state who meets the requirements in RSA~~
23 ~~309-B:6, I,]~~ who is responsible for the proper registration of the firm and identifies that individual to the
24 ~~[board]~~ *office*.

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

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

28 (c) Any individual licensee and any individual qualifying for practice privileges under RSA
29 309-B:6 *and RSA 310:17* who is responsible for supervising attest services, and signs or authorizes
30 someone to sign the accountant's report on behalf of the firm, shall meet the appropriate experience
31 requirements for such services as required by professional standards for such services.

32 (d) Any individual licensee and any individual qualifying for practice privileges under RSA
33 309-B:6 *and RSA 310:17* who signs or authorizes someone to sign the accountant's report on behalf of
34 the firm shall meet the experience requirement of RSA 309-B:8, III(c).

35 327:162 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
36 Review. Amend RSA 309-B:8, VI to read as follows:

37 VI. Applicants for initial issuance or renewal of permits under this section shall in their application
38 list all states in which they have applied for or hold permits as CPA firms and list any past denial,
39 revocation, or suspension of a license or permit by any other state, and each holder of or applicant for a

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1 permit under this section shall notify the ~~[board]~~ **office** in writing, within 30 days after its occurrence, of any
2 change in the identities of partners, officers, shareholders, members, or managers whose principal place
3 of business is in this state, any change in the number or location of offices within the state, any change in
4 the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension
5 of license or permit by any other state.

6 327:163 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer
7 Review. Amend RSA 309-B:8, VIII(d) to read as follows:

8 (d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that the
9 peer review processes be operated, and documents maintained in a manner designed to preserve
10 confidentiality, and that neither the board nor any third party, other than the peer review oversight body,
11 shall have access to documents furnished or generated in the course of such peer review. This
12 subparagraph shall not ~~[be construed to limit the board's subpoena power under RSA 309-B:11, I; nor~~
13 ~~shall it]~~ be construed to prevent the board from obtaining from the applicant, its peer review report, the
14 related letter of comment, and the related letter of response.

15 327:164 New Hampshire Accountancy Act; Enforcement Against Holders of Certificates, Permits,
16 and Registrations. Amend RSA 309-B:10, I-a(c) to read as follows:

17 (c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under RSA
18 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for issuance or
19 renewal of such certificate, permit, or registration or to report changes ~~[to the board]~~ **as required** under
20 RSA 309-B:7~~[, VI]~~ and 309-B:8, VI.

21 327:165 New Hampshire Accountancy Act; Unlawful Acts. Amend RSA 309-B:14 to read as follows:
22 309-B:14 Unlawful Acts.

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

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

37 III. No person not holding a valid certificate or a practice privilege under RSA 309-B:6 **and RSA**
38 **310:17** shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA"

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1 or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that
2 such person is a certified public accountant.

3 IV. No firm shall provide attest services or assume or use the title or designation "certified public
4 accountants," or the abbreviation "CPAs," or any other title, designation, words, letters, abbreviation, sign,
5 card, or device tending to indicate that such firm is a CPA firm unless [(1)] the firm holds a valid permit
6 issued under RSA 309-B:8 or is in compliance with a valid exemption from the permit requirement
7 pursuant to RSA 309-B:8.

8 V. No person shall assume or use the title or designation "public accountant," or the abbreviation
9 "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate
10 that such person is a public accountant unless such person holds a valid registration issued under RSA
11 309-B:9.

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

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

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

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

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

38 IX. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-
39 B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or an

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1 exemption from the permit requirement under RSA 309-B:8, shall assume or use any title or designation
2 that includes the words "accountant," "auditor," or "accounting," in connection with any other language,
3 including the language of a report, that implies that such person or firm holds such a certificate, permit, or
4 registration or has special competence as an accountant or auditor. This paragraph shall not prohibit any
5 officer, partner, or employee of any firm or organization from affixing a signature to any statement in
6 reference to the financial affairs of such firm or organization with any wording designating the position,
7 title, or office that person holds, nor shall it prohibit any act of a public official or employee in the
8 performance of that person's duties. Nothing in this chapter shall prohibit non-licensees who perform
9 services involving the use of accounting skills from describing such services as "bookkeeping", "tax
10 preparation" or "general accounting" services, or describing themselves as "accountants."

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

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

27 XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA 309-
28 B:9 shall perform attest services described in RSA 309-B:3, I(a) or compilation services described in RSA
29 309-B:3, III-a in any firm that does not hold a valid permit issued under RSA 309-B:8.

30 XIII.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 *and RSA*
31 *310:17*, or firm exempt from the permit requirement under RSA 309-B:8, shall not for a commission
32 recommend or refer to a client any product or service, or for a commission recommend or refer any
33 product or service to be supplied by a client, or receive a commission, when the licensee, individual
34 qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit
35 requirement under RSA 309-B:8, also performs for that client an attest service as defined in RSA 309-B:3,
36 I or a compilation of a financial statement when the licensee, individual qualifying for a practice privilege
37 under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit requirement under RSA 309-B:8,
38 expects, or reasonably might expect, that a third party will use the financial statement and the compilation
39 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 this
3 section from performing services for or receiving a commission and who is paid or expects to be paid a
4 commission shall disclose that fact to any person or entity to whom the licensee, individual qualifying for a
5 practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit requirement under
6 RSA 309-B:8, recommends or refers a product or service to which the commission relates.

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

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

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

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

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

34 (c) Except as otherwise provided in this subparagraph, a contingent fee is a fee established
35 for the performance of any service pursuant to an arrangement in which no fee will be charged unless a
36 specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the
37 finding or result of such service. Solely for purposes of this section, fees are not regarded as being
38 contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the
39 results of judicial proceedings or the findings of governmental agencies. The fees of a licensee, individual

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1 qualifying for a practice privilege under RSA 309-B:6 *and RSA 310:17*, or firm exempt from the permit
2 requirement under RSA 309-B:8, may vary depending, for example, on the complexity of services
3 rendered.

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

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

13 327:166 New Hampshire Accountancy Act; Single Act as Evidence of Practice. Amend RSA 309-
14 B:17 to read as follows:

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

19 327:167 New Hampshire Accountancy Act; Confidential Communications. Amend RSA 309-B:18 to
20 read as follows:

21 309-B:18 Confidential Communications. Except by permission of the client for whom a licensee
22 performs services, or the heirs, successors, or personal representatives of such client, a licensee or any
23 partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily disclose
24 information communicated to such person by the client relating to and in connection with services
25 rendered to the client by the licensee. Such information shall be deemed confidential, provided, however,
26 that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be
27 disclosed by the standards of the public accounting profession in reporting on the examination of financial
28 statements or as prohibiting disclosures in court proceedings or administrative proceedings before
29 governmental agencies in instances where a subpoena or summons has been issued, in investigations or
30 proceedings under ~~[RSA 309-B:11 or RSA 309-B:12]~~ ***RSA 310***, in ethical investigations conducted by
31 private professional organizations, or in the course of peer reviews, or to other persons active in the
32 organization performing services for that client on a need to know basis or to persons in such professional
33 organization, peer review entity, or organization performing services for that client who need this
34 information for the sole purpose of assuring quality control.

35 327:168 Repeal; Accountancy. The following are repealed:

- 36 I. RSA 309-B:4, VI(e), relative to rules on substantial equivalency.
- 37 II. RSA 309-B:8, V, relative to fees for application for initial issuance or renewal of a permit.
- 38 III. RSA 309-B:12, relative to hearings by the board.
- 39 IV. RSA 309-B:15, relative to injunctions against unlawful acts.

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

2 327:169 Architects; Definitions. Amend RSA 310-A:28, I to read as follows:

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

9 327:170 Architects; Preliminary Requirements for Licensure as an Architect. Amend RSA 310-A:38
10 to read as follows:

11 310-A:38 Preliminary Requirements for Licensure as an Architect.

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

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

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

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

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

25 (a) Conviction for commission of a felony;

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

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

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

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

34 327:171 Architects; Applications. Amend RSA 310-A:42 to read as follows:

35 310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by the
36 [board] *office of professional licensure and certification*, ~~[shall contain statements made under oath,]~~
37 showing the applicant's education and a detailed summary of the applicant's technical work, and shall
38 contain not less than 5 references, of whom at least 3 shall be licensed architects having personal
39 knowledge of the applicant's professional experience. ~~[The board shall establish fees for application and~~

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1 ~~any examination required under this subdivision.]~~ Should the [board] *office* deny the issuance of a license
2 to any applicant, any initial fee deposited shall be retained as an application fee.

3 327:172 Architects; Certificates for Business Organizations. Amend RSA 310-A:42-a to read as
4 follows:

5 310-A:42-a Certificates for Business Organizations.

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

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

12 (b) All personnel of the business organization who act in its behalf as architects are licensed
13 under this subdivision.

14 (c) The business organization has been issued a certificate of authorization by the [board]
15 *office of professional licensure and certification*, as provided in this section.

16 II. The requirements of this subdivision shall not affect a business organization or its employees
17 in performing services for such business organization or its subsidiary or affiliated business organizations.
18 All final drawings, specifications, plans, reports, or other architectural papers or documents involving the
19 practice of architecture, when issued or filed for public record, shall be dated, and bear the signature and
20 seal of the architect who prepared them or under whose direct supervisory control they were prepared.

21 III. A business organization desiring a certificate of authorization shall file with the [board] *office*
22 an application, using a form provided by the [board] *office*, listing the names and addresses of all officers
23 and board members, general and limited partners, associates, and any individuals duly licensed to
24 practice architecture in this state who shall be in responsible charge of the practice of architecture in this
25 state through the business organization, and any other information required by the board. The same
26 form, giving the same information, shall accompany the [annual] renewal fee. If there is a change in any
27 of these persons during the year, such change shall be designated on the same form and filed with the
28 [board] *office* within 30 days after the effective date of such change. If all requirements of this section are
29 met, the [board] *office* shall issue a certificate of authorization to such business organization, and such
30 business organization shall be authorized to contract for and to collect fees for furnishing architectural
31 services.

32 IV. No business organization shall be relieved of responsibility for the conduct or acts of its
33 agents, employees, officers, or partners, by reason of its compliance with the provisions of this section,
34 nor shall any individual practicing architecture be relieved of responsibility for architectural services
35 performed by reason of such individual's employment by or relationship with such business organization.

36 V. The secretary of state shall not issue a certificate of incorporation to an applicant for
37 incorporation or for registration as a foreign business organization which includes the words Architect,
38 Architectural, or Architecture or any modification or derivative thereof in its corporate or business name or
39 which includes the practice of architecture among the objects for which it is established unless the [board]

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1 *office* shall have issued, with respect to such applicant, a certificate of authorization or eligibility for
2 authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary
3 of state, after a reasonable transition period, shall decline to register any trade name or service mark
4 which includes such words or modifications or derivatives thereof in its firm or business name except to
5 partnerships, sole proprietorships and associations holding certificates of authorization issued under the
6 provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

7 VI. An architect who renders occasional, part-time, or consulting architectural services to or for a
8 business organization may not, for the purposes of this section, be designated as being responsible for
9 the architectural activities and decisions of such business organization.

10 327:173 Architects; Examinations. Amend RSA 310-A:43 to read as follows:

11 310-A:43 Examinations. Examinations in architecture shall be held as the [board] *office of*
12 *professional licensure and certification* shall determine. The applicant shall be permitted to take the
13 examination upon fulfilling the requirements established by the board. The board shall prescribe [the
14 ~~methods of procedure and~~] the scope of the examination which shall include the following subjects: pre-
15 design, general structures, lateral forces, mechanical and electrical systems, materials and methods,
16 construction documents and services, site planning, building planning, and building technology.

17 327:174 Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:

18 310-A:44 Certificates; Seals. The [board] *office of professional licensure and certification* shall issue
19 a license upon payment of the registration fee established by the office [~~of professional licensure and~~
20 ~~certification~~], to any applicant who [~~in the opinion of the board,~~] has satisfactorily met all the
21 requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial
22 number. The issuance of a license by the [board] *office* shall be prima facie evidence that the person
23 named in the license is entitled to all the rights and privileges of a licensed architect while the license
24 remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board,
25 bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the
26 practice of a profession under this subdivision, when issued or filed for public record, shall be dated, and
27 bear the signature and seal of the licensed professional who prepared or had responsibility for and
28 approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with
29 such seal after the license of the licensee has expired or has been revoked, unless such license shall
30 have been renewed, reinstated, or reissued.

31 327:175 Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

32 310-A:46 Expiration and Renewals. All licenses issued by the [~~board shall expire on the last day of~~
33 ~~the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause~~
34 ~~notification of the impending license expiration to be sent to each licensee at least one month prior to the~~
35 ~~expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration~~
36 ~~date of the license, the licensee's name shall be removed from the mailing list. An application for~~
37 ~~reinstatement shall be required to return to active status. The office of professional licensure and~~
38 ~~certification shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is~~

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1 late, up to 12 months, in addition to the renewal fee] *office of professional licensure and certification shall*
2 *expire in accordance with RSA 310:8.*

3 327:176 Architects; Continuing Education Required. Amend RSA 310-A:46-a to read as follows:

4 310-A:46-a Continuing Education Required. Any person holding a license shall be required to
5 complete 12 units of continuing education each year in the area of health, safety, and welfare. Each
6 person shall be responsible for maintaining evidence of his or her continuing education units and shall
7 submit such evidence of continuing education units to the [board] *office* biennially upon renewal of his or
8 her license.

9 327:177 Repeal; Architects. The following are repealed:

10 I. RSA 310-A:33, relative to fees.

11 II. RSA 310-A:45, relative to reciprocal licensure.

12 III. RSA 310-A:49, relative to reissuance of licenses.

13 327:178 Auctioneers; Definitions. Amend RSA 311-B:1, IV to read as follows:

14 IV. "Authorized business organization" means any entity organized for gain or profit and carrying
15 on any business activity within the state of New Hampshire which is:

16 (a) A corporation or business association having at least one officer holding a valid license
17 issued by the [board] *office of professional licensure and certification*,

18 (b) A partnership in which at least one partner holds a valid license issued by the [board]
19 *office*,

20 (c) A limited liability company in which the managing member holds a valid license issued by
21 the [board] *office*,

22 (d) A sole proprietorship or sole-shareholder corporation in which the sole proprietor or sole
23 shareholder holds a valid license issued by the [board] *office*, or

24 (e) A trust in which at least one trustee holds a valid license issued by the [board] *office*.

25 327:179 Auctioneers; Use of Name by Business Organization. Amend RSA 311-B:4, III to read as
26 follows:

27 III. The secretary of state shall not issue a certificate of incorporation to an applicant for
28 incorporation or for registration as a foreign business organization which includes the words "auction,"
29 "auctioneer," or "auctioneering" or any modification or derivative thereof in its corporate or business name
30 or which includes the practice of auctioneering among the objectives for which it is established unless the
31 [board] *office* shall have issued, with respect to such applicant, a certificate of authorization, a copy of
32 which shall have been presented to the secretary of state. The [board] *office* shall issue such a certificate
33 only to an authorized business organization. The secretary of state shall decline to register any trade
34 name or service mark which includes such words or modifications or derivatives thereof in its firm or
35 business name except for trade names and service marks of business entities which have presented to
36 the secretary of state proof that they qualify as authorized business organizations under this chapter.

37 327:180 Electricians. Amend RSA 319-C:1 to read as follows:

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1 319-C:1 Electricians. No electrician installation shall be made for compensation, unless made by an
2 electrician or other person licensed by the ~~[electrician's board]~~ **office of professional licensure and**
3 **certification**, except as provided in this chapter.

4 327:181 Electricians; Definitions. Amend RSA 319-C:2, IV to read as follows:

5 IV. "Journeyman electrician" means a person doing work of installing electrical wires, conduits,
6 apparatus, fixtures, and other electrical equipment. A journeyman electrician shall be employed by a **New**
7 **Hampshire licensed** master electrician **or entity licensed pursuant to RSA 319-C:10**. ~~[Each journeyman~~
8 ~~electrician shall work under the direction and supervision of a master electrician.]~~

9 327:182 Electricians; Exceptions. Amend RSA 319-C:3, IX-a to read as follows:

10 IX-a. Any electrical installations in residential or commercial buildings performed by students
11 enrolled in a high school vocational electrical program, college vocational electrical program, and
12 apprenticeship training program, approved by the department of education, provided such work is
13 performed under the supervision of either a teacher holding an electrician's license or by a licensed
14 electrician who is a supervisor of students in cooperative education placements from such programs; and
15 in those cases where the installation is in a new building being constructed as a part of the vocational
16 program, that the installation will be inspected and approved by an individual or group of individuals
17 chosen by the local school districts from persons nominated by the state board of electricians. Any
18 person nominated by the state board shall hold a master's license issued by the ~~[board]~~ **office of**
19 **professional licensure and certification**.

20 327:183 Electricians; Third Party Electrical Inspections. Amend RSA 319-C:5-a, I to read as follows:

21 I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person who
22 conducts residential electrical inspections for up to 4 contiguous units, which shall be considered a level 1
23 inspector, or a person who conducts all types of electrical inspections, which shall be considered a level 2
24 inspector, who is conducting third-party electrical inspections of electrical installations in this state to have
25 the person conducting the inspection be approved by the ~~board~~ **office of professional licensure and**
26 **certification in accordance with criteria established by the board**. The board shall determine the
27 qualifications necessary for approval as a level 1 or level 2 electrical inspector. The ~~[board]~~ **office of**
28 **professional licensure and certification** shall maintain and make available a list of such persons approved
29 for level 1 or level 2 third-party electrical inspections. The approval of a person to conduct either level of
30 third-party electrical inspections shall not prohibit a city or town that has established inspections under
31 RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical
32 inspections.

33 327:184 Electricians; Continuing Education; NFPA 70 Changes. Amend RSA 319-C:6-c to read as
34 follows:

35 319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to
36 continuing education applicable to all licensees for training and compliance with the latest published
37 edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection Association.
38 Each licensee shall show proof of completion of continuing education requirements adopted under this
39 section within 12 months from the January 1 following the publication date of the latest version of the

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1 NFPA 70. Proof of completion shall be furnished to the [board] *office* by the continuing education
2 provider. Failure to complete the continuing education shall render the electrician's license invalid until
3 the licensee demonstrates to the board that he or she has completed the requisite number of continuing
4 education hours.

5 327:185 Electricians; Licensing Requirements. Amend RSA 319-C:7 to read as follows:

6 319-C:7 Licensing Requirements.

7 I. [Repealed.]

8 II. The [board] *office* shall issue a license as a master or journeyman electrician to any person
9 who files an application and meets the following qualifications:

10 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may give
11 credit toward such service for the satisfactory completion of a course of instruction in the field at a school
12 recognized by the board or experience in the field received in military service, in accordance with rules
13 adopted by RSA 541-A; [and]

14 (b) *Complete not less than 600 hours of education that meet criteria established by the board*
15 *in rules adopted pursuant to RSA 541-A; and*

16 (c) Satisfactory passing of an examination approved by said board as provided in RSA 319-
17 C:8 to determine the person's fitness to receive such license.

18 II-a. The [board] *office* shall issue a license as a high/medium voltage electrician to any person
19 who files an application and meets the following qualifications:

20 (a) Shows proof of successfully completing a state, national, or employer certification
21 program approved by the board or;

22 (b) Prior to January 1, 2003, shows proof of having been employed for a minimum of 5 years
23 as a high/medium voltage electrician working for a company with an approved training program.

24 III. All persons licensed by the [board] *office* shall receive a certificate which must be publicly
25 displayed at the principal place of business of said electrician, or, if no such place of business, must be
26 carried on his or her person and displayed at any time upon request to any electrical inspector appointed
27 by the board under this chapter, as long as said person continues in the business as herein defined. The
28 certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its
29 members or employees and, in the case of a corporation, one of its officers or employees passing the
30 examination. In the case of a firm or corporation, the license shall be void upon the death of or the
31 severance from the company of said person.

32 IV. Apprentice electricians shall register with the [board] *office*.

33 327:186 Electricians; Examinations for License. Amend RSA 319-C:8 to read as follows:

34 319-C:8 Examinations for License. Each applicant for licensure shall present to the [board] *office*, [~~on~~
35 ~~forms furnished by the board;~~] a written application for examination and license, containing such
36 information as the board may require, accompanied by the required application fee established by the
37 [board] *office*. Proctored examinations shall be written, written and oral, oral, or computerized as
38 approved by the board, and shall be of a thorough and practical character. They shall include such
39 provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass

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1 his or her first examination may be reexamined [~~at any subsequent examination meeting of the board or~~
2 by an examination entity approved by the board, and thereafter may be examined as often as he or she
3 may desire upon submitting the written application for examination and license and payment of the
4 required application fee as set forth in this chapter.

5 327:187 Electricians; Corporations and Partnerships. Amend RSA 319-C:10 to read as follows:

6 319-C:10 Corporations and Partnerships.

7 I. The [~~board~~] **office** may issue a license to corporations and partnerships engaged in the
8 business of making electrical installations, provided that one or more officers or employees of any such
9 corporation directly in charge of the business affairs of such corporation, or a member of such partnership
10 directly in charge of its business affairs, is a licensed master electrician.

11 II. The [~~board~~] **office** may issue a license to corporations or partnerships engaged in the business
12 of making electrical installations on high or medium voltage distribution systems operating over 600 volts,
13 provided that one or more officers or employees of any such corporation directly in charge of the electrical
14 business affairs of such corporation, or a member of a partnership directly in charge of its business affairs,
15 is a licensed master electrician or a licensed high/medium voltage electrician.

16 327:188 Foresters; Rulemaking. Amend RSA 310-A:102, III to read as follows:

17 III. Examination [~~procedures~~] **requirements**.

18 327:189 Foresters; Qualifications for License. Amend RSA 310-A:104 to read as follows:

19 310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under one of
20 the following categories:

21 I. Possession of a 4-year forestry degree and 2 years' experience of a nature satisfactory to the
22 board **in accordance with rules adopted under RSA 541-A**. The board may [~~require~~] **adopt rules requiring**
23 an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the approval of the board~~].

24 II. Possession of a 2-year forestry degree and 4 years' experience of a nature satisfactory to the
25 board **in accordance with rules adopted under RSA 541-A**. The board may [~~require~~] **adopt rules requiring**
26 an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the approval of the board~~].

27 III. Possession of a 4-year degree in a related field and 4 years' experience of a nature
28 satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may [~~require~~]
29 **adopt rules requiring** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the approval~~
30 ~~of the board~~].

31 IV. Possession of a 2-year degree in a related field and 6 years' experience of a nature
32 satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may [~~require~~]
33 **adopt rules requiring** an applicant to pass an [~~oral or written~~] examination[~~, or otherwise meet the approval~~
34 ~~of the board~~].

35 V. There shall be no minimum educational requirement for licensure as a forester for applicants
36 who have 8 years of experience within the last 10 years of a nature satisfactory to the board **in**
37 **accordance with rules adopted under RSA 541-A**. **The board may adopt rules requiring an** [~~The~~] applicant
38 [~~shall be required~~] to pass an **examination** [~~oral or written exam, or otherwise meet the approval of the~~
39 ~~board~~].

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1 327:190 Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

2 310-A:105 Applications; Fees. Applications for licensing shall ~~[be made on forms prescribed and~~
3 ~~furnished by the board, and shall]~~ contain statements made under oath as to citizenship, residence, the
4 applicant's education, a detailed summary of the applicant's technical experience, and shall contain the
5 names of not less than 5 references, 3 or more of whom shall be individuals having personal or
6 professional knowledge of the applicant's forestry experience. The fee for a license as a forester shall be
7 fixed by the ~~[board]~~ **office pursuant to RSA 541-A**. ~~[One-half of the fee shall accompany the application,~~
8 ~~the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining~~
9 ~~balance within 30 days after being notified by certified mail, return receipt requested, that the application~~
10 ~~has been accepted, the applicant shall forfeit the right to have the license issued and the applicant may be~~
11 ~~required to again submit an original application and pay an original fee on such application. Should the~~
12 ~~board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as~~
13 ~~an application fee.]~~

14 327:191 Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read to as follows:

15 310-A:106 Examination; Re-Examination; Fee. **The requirements for examination, if any,** ~~[The~~
16 ~~methods and procedure for written and oral examinations]~~ shall be prescribed by the board. ~~[A candidate~~
17 ~~failing an examination may apply for re-examination at the expiration of 6 months and shall be entitled to~~
18 ~~one re-examination without payment of an additional fee. Subsequent re-examinations may be granted~~
19 ~~upon payment of a fee to be fixed by the board.]~~

20 327:192 Foresters; Issuance of License; Endorsement of Documents. Amend RSA 310-A:107 to
21 read as follows:

22 310-A:107 Issuance of License; Endorsement of Documents. The ~~[board]~~ **office of professional**
23 **licensure and certification** shall issue a license upon payment of the fee as provided in this subdivision to
24 any applicant, who~~[- in the opinion of the board,]~~ has satisfactorily met all the requirements of this
25 subdivision. Licenses shall show the full name of the licensee and shall have a serial number. The
26 issuance of a license by the ~~[board]~~ **office of professional licensure and certification** shall be evidence that
27 the person named in the license is entitled to all rights and privileges of a licensed forester while such
28 license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be
29 endorsed with the licensee's name and license number during the life of the license. It shall be a class B
30 misdemeanor for anyone to endorse any document with such name and license number after the license
31 of the named licensee has expired or has been revoked, unless said license has been renewed or
32 reissued. It shall be a class B misdemeanor for any licensed forester to endorse any plan, map, or report
33 unless the licensed forester shall have actually prepared such plan, map, or report, or shall have been in
34 the actual charge of the preparation of the same.

35 327:193 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 of~~
37 ~~the licensee's birth in the year 2 years following the year of issuance]~~ **as set forth in RSA 310:8**.

38 327:194 Foresters; License Renewal. Amend RSA 310-A:109 to read as follows:

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1 310-A:109 License Renewal. Licenses may be renewed ~~[by written application prior to the expiration~~
2 ~~date and by payment of the prescribed renewal fee]~~ **every 2 years in accordance with RSA 310:8.** ~~[The~~
3 ~~secretary shall notify each forester one month prior to the expiration of such certificate.]~~ The applicant
4 shall ~~[submit proof of completion of]~~ **have completed** 20 hours of continuing education approved by the
5 board at the time of license renewal, ~~[together with a]~~ **and shall submit a** record of any legal action brought
6 against the applicant for services as a forester.

7 327:195 Foresters; Repeals. The following are repealed:

- 8 I. RSA 310-A:101, relative to procedures.
- 9 II. RSA 310-A:110, relative to failure to renew.
- 10 III. RSA 310-A:111, relative to reciprocity.
- 11 IV. RSA 310-A:113-a, relative to additional powers.
- 12 V. RSA 310-A:115, relative to injunctions.
- 13 VI. RSA 310-A:116, relative to administrative costs.

14 327:196 Professional Geologists; Definitions. Amend RSA 310-A:118, IV to read as follows:

15 IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge of
16 geology and the supporting physical and life sciences, acquired by education and experience, is
17 technically and legally qualified to engage in the practice of geology as defined in this section and has
18 successfully passed the examination as may be required in this subdivision and who is licensed by the
19 ~~[board]~~ **office** or otherwise authorized by this subdivision to engage in the practice of the profession of
20 geology.

21 327:197 Professional Geologists; Rulemaking; Fees. Amend RSA 310-A:121, I to read as follows:

- 22 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
 - 23 (a) ~~[Repealed.]~~
 - 24 (b) The qualifications of applicants in accordance with applicable statutes, and the ethical
25 standards required for licensure;
 - 26 (c) The examination ~~[procedures]~~ **criteria** in accordance with applicable statutes;
 - 27 (d) License renewal, including requirements for continuing education;
 - 28 (e) Ethical and professional standards required to be met by each holder of a license under
29 this subdivision and how disciplinary actions by the board shall be implemented for violations of these
30 standards;
 - 31 (f) ~~[Repealed.]~~
 - 32 (g) The design of an official seal;
 - 33 (h) What constitutes geology experience for the purposes of RSA 310-A:125; **and**
 - 34 (i) ~~[Procedures]~~ **Requirements** for a waiver of the fundamentals of geology examination under
35 RSA 310-A:129~~]; and~~
 - 36 (j) ~~Interstate licensure and temporary permits under RSA 310-A:131].~~

37 327:198 Professional Geologists; Licensure. Amend RSA 310-A:124 to read as follows:

38 310-A:124 Licensure. No person shall practice professional geology or represent oneself as a
39 professional geologist who is not licensed by the ~~[board]~~ **office** or whose license expired, or was canceled,

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1 suspended, or revoked, except as otherwise provided in this subdivision. Licensure to practice geology
2 shall not be required until after the one-year period set forth in RSA 310-A:125, II has ended.

3 327:199 Professional Geologists; Requirements for Licensure as a Professional Geologist. Amend
4 RSA 310-A:125 to read as follows:

5 310-A:125 Requirements for Licensure as a Professional Geologist.

6 I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth
7 in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition,
8 each applicant shall have a bachelor's degree in geology or a bachelor's degree in a related field which
9 included 30 credit hours or 45 quarter hours in geology from an accredited 4-year college, or a master's or
10 doctoral degree from an accredited graduate program in geology, including but not limited to degrees or
11 credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology,
12 hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology,
13 petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and
14 shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of
15 which at least 3 years must have been under the supervision of a licensed professional geologist or a
16 geologist who otherwise meets the requirements of a licensed professional geologist as determined by the
17 board. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for
18 an examination [~~to be administered by the board~~]. Unless otherwise provided, applicants shall take the
19 examination and receive a passing score.

20 (b) Experience in the practice of geology, obtained before the expiration of the period
21 described in paragraph II of this section, may count towards the experience in the practice of geology
22 under the supervision of a professional geologist required in subparagraph I(a) of this section if the
23 supervising geologist met the education and experience qualifications of paragraph II at the time of the
24 relevant experience. For purposes of this section, experience in the practice of geology does not include
25 routine sampling, laboratory work or geological drafting.

26 (c) A completed academic year of graduate study in geology may be applied either towards a
27 year of the experience requirement of this section up to a total maximum of 2 years, or to the education
28 requirement of this section, but not both.

29 (d) A completed academic year of college or graduate level teaching in geology may be
30 applied towards a year of the experience requirement of this section.

31 II. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the
32 [~~board~~] **office** may issue licenses without examination to applicants whose applications for licensure have
33 been received during a one-year period following the effective date of adoption of rules and who either
34 meet the education and experience requirements of subparagraph I(a) of this section, or who provide
35 evidence satisfactory to the board of knowledge and experience equivalent to such requirements.

36 III. Whenever information presented in an application for licensure or renewal is determined by
37 the [~~board~~] **office** to be incomplete or insufficient, the [~~board~~] **office** may require additional information as
38 necessary to determine if the application requirements of this section have been met.

39 327:200 Professional Geologists; Continuing Education. Amend RSA 310-A:127 to read as follows:

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1 310-A:127 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
2 biennial renewal period of a minimum of 24 hours of continuing education shall be required for license
3 renewal. The board shall identify the types of educational courses and activities that would further the
4 professional competence of licensees. In general, the continuing education credits shall be determined
5 on the basis of one credit for each contact hour of course instruction or professional development activity
6 actually attended by a licensee.

7 I. Applications for licensure shall be made using the method prescribed and furnished by the
8 office of professional licensure and certification. Applications shall contain statements made under oath,
9 showing the applicant's education and a detailed summary of the applicant's technical work, and shall
10 contain not less than 5 references, of whom at least 3 shall be professional geologists having personal
11 knowledge of the applicant's professional experience.

12 II. References relating to experience in the practice of geology performed prior to the effective
13 date of this subdivision may be provided by either a professional geologist or a person determined by the
14 board *according to rules* to be of equivalent ethical standards, education, and experience who may or may
15 not have been licensed.

16 III. If the ~~[board]~~ *office* denies the issuance of a license or a temporary permit to any applicant,
17 any initial fee deposited shall be retained as an application fee.

18 327:201 Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

19 310-A:129 Examinations. ~~[Written technical examinations in geology shall be held at least annually
20 as the board shall determine.]~~ The scope of the technical and professional examination and the methods
21 of procedure shall be prescribed by the board. ~~[A candidate failing an examination may apply for
22 reexamination upon payment of an additional fee determined by the board and shall be reexamined on
23 the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times
24 shall be required to furnish evidence of additional experience, study, or education credits acceptable to
25 the board before being allowed to proceed with the examination.]~~

26 327:202 Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

27 310-A:130 Certificates; Seals. The ~~[board]~~ *office* shall issue a license, upon payment of the licensing
28 fee established by the office of professional licensure and certification, to any applicant who has
29 satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the
30 licensee and have a serial number. The issuance of a license by the board shall be prima facie evidence
31 that the person named in the license is entitled to all the rights and privileges of a licensed professional
32 geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design
33 authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist."
34 All papers or documents involving the practice of geology affecting public health, safety, and welfare,
35 under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and
36 seal of the licensed professional geologist who prepared or had responsibility for and approved them.

37 327:203 Professional Geologists; License Renewals. RSA 310-A:132 is repealed and reenacted to
38 read as follows:

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1 310-A:132 License Expiration and Renewals. All licenses issued by the board shall expire in
2 accordance with RSA 310:8. Licensees in good standing may renew their licenses by paying the renewal
3 fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of
4 completion of the continuing education requirements established by the board. If properly renewed, a
5 license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the
6 board for just cause.

7 327:204 Professional Geologists; Repeals. The following are repealed:

- 8 I. RSA 310-A:122, relative to immunity.
- 9 II. RSA 310-A:131, relative to interstate licensure.
- 10 III. RSA 310-A:134, relative to enforcement.
- 11 IV. RSA 310-A:136, relative to reissuance of licenses.
- 12 V. RSA 310-A:138, relative to restraint of violations.

13 327:205 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187 to read as follows:

14 310-A:187 Rulemaking Authority.

15 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

16 (a) The qualifications of applicants in addition to requirements of this subdivision, and
17 including the qualifications for satisfactory evidence of good professional character.

18 (b) The criteria for a license to be renewed or reinstated, including any requirements for
19 continuing education.

20 (c) [Repealed.]

21 (d) [Repealed.]

22 (e) [~~Procedures for approving education courses for eligibility for licensure and for a~~
23 ~~continuing education program.~~]

24 [~~(f)~~] How an applicant shall be examined, including the form of the examination.

25 [~~(g)~~] *(f)* The design of an official seal.

26 [~~(h)~~] *(g)* The establishment of administrative fines which may be levied in the administration
27 of this subdivision.

28 II. The board shall adopt one eligibility examination required for licensure that is an independent
29 nationally recognized proctored examination.

30 [~~III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall~~
31 ~~furnish a copy of any proposed rules of or amendments thereto, to all affected professionals licensed by~~
32 ~~the board.~~]

33 327:206 Home Inspector Licensure Requirements. Amend RSA 310-A:190 to read as follows:

34 310-A:190 Eligibility Requirements for Licensure as a Home Inspector.

35 I. Each applicant for licensure as a home inspector shall meet the following minimum
36 requirements:

37 (a) Completion of no less than 80 hours of board-approved education covering all of the
38 following core components of a residential building of 4 units or less:

- 39 (1) Heating system.

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- 1 (2) Cooling system.
- 2 (3) Plumbing system.
- 3 (4) Electrical system.
- 4 (5) Structural components.
- 5 (6) Foundation.
- 6 (7) Roof covering.
- 7 (8) Exterior and interior components.
- 8 (9) Site aspects as they affect the building.
- 9 (b) Have successfully completed high school or its equivalent.
- 10 (c) Proof of passing the board-adopted examination required for licensure.
- 11 (d) Be at least 18 years of age.

12 (e) Submit to the [board] *office of professional licensure and certification* a public criminal
13 history record information authorization form as provided by the New Hampshire state police, which
14 authorizes the release of the applicant's public criminal history record information, if any. The applicant
15 shall bear the cost of the public criminal history record information check.

16 II. A person who was actively engaged in the business of home inspection in this state as a
17 means of his or her livelihood for at least 12 months preceding the effective date of this subdivision shall
18 be eligible for licensure by the [board] *office of professional licensure and certification* without completion
19 of the requirements of subparagraph I(a). An applicant under this paragraph shall be issued a license by
20 providing evidence satisfactory to the board of the knowledge and experience equivalent to the
21 requirements of subparagraph I(a). All applicants shall meet the requirements of subparagraphs I(b)
22 through (e), pay an initial fee, and fulfill all other license application requirements.

23 III. The board shall approve all education programs under subparagraph I(a) of organizations or
24 education institutions providing acceptable education and training.

25 IV. The board shall have the discretion to reject an applicant who is not of good professional
26 character, as evidenced by:

- 27 (a) Conviction for commission of a felony;
- 28 (b) Misstatement of facts by the applicant in connection with the application;
- 29 (c) Violation of any of the standards of practice or code of ethics as they are set forth in this
30 subdivision or in rules adopted by the board; or
- 31 (d) Practicing home inspections without being licensed in violation of laws of the jurisdiction
32 in which the practice took place.

33 327:207 Home Inspectors; Continuing Education. Amend RSA 310-A:192 to read as follows:

34 310-A:192 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each 2-
35 year renewal period of a minimum of 20 hours of continuing education shall be required for license
36 renewal, provided that one hour of the 20 required hours shall be from a board-approved course on
37 appropriate building regulations including any recent revisions to regulations. The board shall approve
38 educational courses and activities that would further the professional competence of licensees. The

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1 continuing education credits shall be determined on the basis of one credit for each contact hour of course
2 instruction or professional development activity actually attended by a licensee.

3 327:208 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

4 310-A:193 Issuance of Licenses. The ~~[board]~~ **office** shall issue a license upon payment of the license
5 fee established by the office of professional licensure and certification, to any applicant who~~[, in the~~
6 ~~opinion of the board,]~~ has satisfactorily met all the requirements of this subdivision. Licenses shall show
7 the full name of the licensee and have a serial number. The issuance of a license ~~[by the board]~~ shall be
8 prima facie evidence that the person named in the license is entitled to all the rights and privileges of a
9 licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the
10 licensee to perform home inspections after the license of the licensee has expired or has been revoked,
11 unless such license shall have been renewed, reinstated, or reissued.

12 327:209 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

13 310-A:195 Expiration and Renewals.

14 I. ~~[The board shall send, by mail or otherwise, notification of the impending license expiration to~~
15 ~~each licensee at least one month prior to the expiration of the license, along with a request for payment of~~
16 ~~a renewal fee.]~~ Licensees in good standing may renew their licenses ~~[by paying the renewal fee prior to~~
17 ~~the expiration date of the license, and by presenting evidence satisfactory to the board of completion of~~
18 ~~the continuing education requirements]~~ **every 2 years in accordance with RSA 310:8**. If properly renewed,
19 a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by
20 the board for just cause.

21 II. ~~[All licenses issued by the board shall expire on the last day of the licensee's month of birth in~~
22 ~~the second year following the year of issuance, or upon such other biennial date as the board may adopt.~~
23 ~~If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be~~
24 ~~removed from current status, and application for reinstatement shall be required to return to current~~
25 ~~status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is~~
26 ~~late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after~~
27 ~~the expiration date shall be rejected, unless accompanied by proof of successful completion of the~~
28 ~~examination required by the board.]~~ A licensed home inspector shall complete at least 20 hours of board-
29 approved continuing education during each license period in order to maintain his or her license. ~~[If a~~
30 ~~licensee fails to renew such license within the 12 months after the date of expiration, it shall become null~~
31 ~~and void and the licensee shall be required to reapply and to be re-examined for licensure.~~

32 III. ~~Licensees who have been activated by the military shall be exempt from any penalties or fees~~
33 ~~for renewal or reinstatement due to their absence, as approved by the board.]~~

34 327:210 Office of Professional Licensure and Certification; Repeals. The following provisions of RSA
35 310-A are repealed:

36 I. RSA 310-A:188, relative to fees.

37 II. RSA 310-A:194, relative to reciprocity.

38 III. RSA 310-A:198, relative to re-issuance of licenses.

39 IV. RSA 310-A:200, relative to restraint of violations.

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1 327:211 Land Surveyors; General Provisions. Amend RSA 310-A:53, IV and V to read as follows:

2 IV. The practice of or the offer to practice land surveying in this state by individual licensed land
3 surveyors as a business organization, a material part of the business which includes land surveying, is
4 permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors
5 under the provisions of this subdivision and provided such entity has been issued a certificate of
6 authorization by the [board] *office* as provided in this subdivision. Any entity issued a certificate under this
7 section shall be required to comply with all of the provisions of this subdivision.

8 V. Each such entity shall file with the [board] *office* of licensure a designation of an individual or
9 individuals licensed to practice land surveying in this state who shall be in charge of land surveying by
10 such entity in this state. The person designated shall be a full-time officer, partner, owner, or full-time
11 employee of that entity. Such entity shall notify the [board] *office* of licensure of any change in the entity's
12 designation within 30 days after such change becomes effective.

13 327:212 Land Surveyors; Definitions. Amend RSA 310-A:54, I-b to read as follows:

14 I-b. "Certificate of authorization" means any certificate issued by the [board] *office* to a business
15 organization to engage in the practice of land surveying.

16 327:213 Land Surveyors, Licensure. RSA 310-A:63 is repealed and reenacted to read as follows:

17 310-A:63 Licensure.

18 I. As minimum evidence satisfactory to the board according to rules adopted under 541-A that a
19 person is qualified for licensure as a land surveyor, such person shall have a specific record of 6 years or
20 more accumulated experience in land surveying work indicating that such person is competent to practice
21 land surveying and has passed a proctored examination, prescribed by the board.

22 II. A year of accumulated experience for the purpose of paragraph I shall include, but not be
23 limited to:

24 (a) Any year during which the applicant was enrolled at an institution of higher learning
25 pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the applicant
26 completed at least one course in land surveying during the said enrollment; provided such education
27 credits towards accumulated experience shall not exceed 4 years of accumulated experience;

28 (b) Any year during which the applicant was actively engaged in land surveying work as a
29 land surveyor-in-training under the supervision of a licensed land surveyor; or

30 (c) Any substantial period of time, even if less than a full calendar year, during which the
31 applicant, in the discretion of the board, was considered to be actively engaged in land surveying work.

32 327:214 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

33 310-A:65 Application. Applications for licensure ~~[shall be on forms prescribed and furnished by the~~
34 ~~board.]~~ shall contain statements made under oath, showing the applicant's education and detailed
35 summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3 shall
36 be land surveyors having personal knowledge of the applicant's land surveying experience. All
37 applications shall be accompanied by a fee established by the [board] *office*.

38 327:215 Land Surveyors; Application for Certificate of Authorization. Amend RSA 310-A:65-a to read
39 as follows:

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1 310-A:65-a Application for Certificate of Authorization. The [board] *office* shall issue a certificate of
2 authorization to any business organization in accordance with the following:

3 I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate
4 to any proprietorship under this subdivision, the proprietorship shall file with the [board] *office* an
5 application on a form [~~provided by the board~~], which specifies:

6 (a) The name and address of the owner of the proprietorship.

7 (b) Any person licensed under this subdivision and designated to engage in the practice of
8 land surveying for the proprietorship.

9 (c) Any other information required by the board relevant to the practice of land surveying.

10 II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate
11 to any corporation under this subdivision, a business organization, other than a proprietorship or
12 partnership, shall file with the [board] *office* an application on a form [~~provided by the board~~], which
13 specifies:

14 (a) The names and addresses of all officers and board members of the business
15 organization.

16 (b) Any person licensed under this subdivision and designated to engage in the practice of
17 land surveying for the business organization.

18 (c) Any other information required by the board relevant to the practice of land surveying.

19 III. As a requirement of the issuance of any certificate of authorization or renewal of any
20 certificate to any partnership under this subdivision, the partnership shall file with the [board] *office* an
21 application on a form [~~provided by the board~~], which specifies:

22 (a) The names and addresses of all general and limited partners.

23 (b) Any person licensed under this subdivision and designated to engage in the practice of
24 land surveying for the partnership.

25 (c) Any other information required by the board relevant to the practice of land surveying.

26 IV. Any change in any of the information reported to the [board] *office* by a business organization
27 under paragraphs I, II and III shall be reported to the [board] *office* within 30 days of the change.

28 327:216 Land Surveyors; Examinations. RSA 310-A:66 is repealed and reenacted to read as follows:

29 310-A:66 Examinations. The board shall prescribe the examination requirements in rules adopted
30 pursuant to RSA 541-A.

31 327:217 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

32 I. The [board] *office* shall issue a license upon payment of the required fee to any applicant who,
33 in the opinion of the board, has satisfactorily met all the requirements for such license. This license shall
34 authorize the practice of land surveying. The issuance of a license [~~by the board~~] shall be prima facie
35 evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the
36 license remains valid.

37 327:218 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

38 310-A:68 Expiration and Renewals. All licenses issued [~~by the board~~] shall expire [~~on the last day of~~
39 ~~the month of the licensee's birth in the year 2 years following the year of issuance.~~ The secretary of the

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1 board shall notify every licensee of the date of the expiration of the license and the amount of the fee that
2 shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of
3 the date of expiration] *in accordance with RSA 310:8*. Renewal may be effected at any time during the
4 month of expiration by the payment of the fee [established by the board] and submission of evidence
5 satisfactory to the board showing fulfillment of continuing education requirements. [The failure on the part
6 of any licensee to renew the license in the month of expiration as required above shall not deprive such
7 person of the right of renewal, provided that the board shall charge a 20 percent reinstatement fee for
8 each month or fraction of a month the renewal is late. If a licensee fails to renew such license within the
9 12 months after the date of expiration, it shall become null and void and the licensee shall be required to
10 reapply and to be reexamined for licensure as required in this section.]

11 327:219 Land Surveyors; Nonresidents. RSA 310-A:69 is repealed and reenacted to read as follows:

12 310-A:69 Nonresidents. The secretary of state shall not issue a certificate of incorporation to any
13 applicant for incorporation or for registration as a foreign business organization which includes the words
14 "surveyor" or "surveying" or any modification or derivative thereof in its business name, or which includes
15 the practice of land surveying among the objects for which it is established, unless the office shall have
16 issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this
17 subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state,
18 after a reasonable transition period, shall decline to register any trade name or service mark which
19 includes such words or modifications or derivatives thereof in its firm or business name except to business
20 organizations holding certificates of authorization issued under the provisions of this subdivision, a copy of
21 which shall have been presented to the secretary of state.

22 327:220 Land Surveyors; Violations and Penalties. Amend RSA 310-A:72, II to read as follows:

23 II. The [board] *office* may investigate any actual, alleged, or suspected unlicensed activity and
24 report the findings of such investigations to the attorney general for prosecution.

25 327:221 Land Surveyors; Repeals. The following provisions are repealed:

26 I. RSA 310-A:59, relative to relative to additional powers.

27 II. RSA 310-A:60, relative to fees.

28 III. RSA 310-A:64, relative to surveyors in training.

29 IV. RSA 310-A:73, relative to injunctions.

30 327:222 Landscape Architects; Applications. Amend RSA 310-A:149 to read as follows:

31 310-A:149 Applications.

32 I. Applications for licensure shall [be on forms prescribed and furnished by the board, shall]
33 contain statements made under oath, showing the applicant's education and a detailed summary of the
34 applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be
35 licensed landscape architects having personal knowledge of the applicant's professional experience. [The
36 board shall establish fees for application and any examination required under this subdivision. Should the
37 board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an
38 application fee.]

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1 II. References relating to experience in the practice of landscape architecture performed prior to
2 the effective date of this subdivision may be provided by either a landscape architect or a person
3 determined by the board *in rules adopted pursuant to RSA 541-A* to be of equivalent ethical standards,
4 education, and experience who may or may not have been licensed.

5 327:223 Landscape Architects; Continuing Education. Amend RSA 310-A:150 to read as follows:

6 310-A:150 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each
7 biennial renewal period of a minimum of 30 hours of continuing education shall be required for license
8 renewal. The board shall identify the types of educational courses and activities that would further the
9 professional competence of licensees. In general, the continuing education credits shall be determined
10 on the basis of one credit for each contact hour of course instruction or professional development activity
11 actually attended by a licensee.

12 327:224 Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

13 310-A:151 Examinations. ~~[Written technical examination in landscape architecture shall be held at~~
14 ~~least annually as the board shall determine.]~~ The scope of the technical and professional examination
15 and the methods of procedure shall be prescribed by the board. ~~[A candidate failing an examination may~~
16 ~~apply for reexamination upon payment of an additional fee determined by the board and shall be~~
17 ~~reexamined on the next regularly scheduled examination date.]~~

18 327:225 Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

19 310-A:152 Certificates; Seals. The ~~[board]~~ *office* shall issue a license upon payment of the license
20 fee established by the office of professional licensure and certification, to any applicant who ~~[, in the~~
21 ~~opinion of the board,]~~ has satisfactorily met all the requirements of this subdivision. Licenses shall show
22 the full name of the licensee and have a serial number. The issuance of a license ~~[by the board]~~ shall be
23 prima facie evidence that the person named in the license is entitled to all the rights and privileges of a
24 licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a
25 seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed
26 landscape architect." All papers or documents involving the practice of landscape architecture under this
27 subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the
28 licensed professional who prepared or had responsibility for and approved them. It shall be a class B
29 misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the
30 licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or
31 reissued.

32 327:226 Landscape Architects; Expiration and Renewals. RSA 310-A:154 is repealed and reenacted
33 to read as follows:

34 310-A:154 Expiration. All licenses shall expire in accordance with RSA 310:8.

35 327:227 Landscape Architects; Repeals. The following provisions are repealed:

36 I. RSA 310-A:143, II, relative to rulemaking authority.

37 II. RSA 310-A:144, relative to fees.

38 III. RSA 310-A:153, relative to interstate licensure.

39 IV. RSA 310-A:157, relative to reissuance of licenses.

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1 V. RSA 310-A:159, relative to injunctions.

2 327:228 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 appointed
5 board members, [~~in consultation with the office of professional licensure and certification~~]and with the
6 approval of the executive director of the office of professional licensure and certification,] shall establish,
7 through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel
8 gas fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
9 shall be prescribed by the board. This may include an outside organization approved by the board.

10 II. Each license issued by the [~~board~~] **office** shall identify which of the following special licenses or
11 license endorsements apply to the licensee:

12 (a) Hearth system installation and service technician.

13 (b) Fuel gas installation technician.

14 (c) Fuel gas service technician.

15 (d) Fuel gas piping installer.

16 (e) Fuel gas trainee.

17 (f) Domestic appliance technician.

18 (g) Master plumber.

19 (h) Journeyman plumber.

20 (i) Apprentice plumber.

21 III. No licensee shall engage in any activity not covered by his or her specialty license.

22 IV. The license issued shall be available for inspection on request. [~~The board shall issue a~~
23 license suitable to be carried by the individual licensee.]

24 327:229 State Board of Fire Control; Mechanical License; Business Entities. Amend RSA 153:29-a
25 to read as follows:

26 153:29-a Mechanical License; Business Entities.

27 I. The [~~board~~] **office** may issue a business entity a license ***in accordance with the rules adopted***
28 ***by the board. The rules may permit licensure*** without examination or continuing education requirements
29 to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing,
30 provided one or more officers of the corporation, or designee, or one or more members of the partnership,
31 or designee, or one or more managing members of the limited liability company, or designee, hold an
32 active and current license as a domestic appliance technician, hearth system installation and service
33 technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master
34 plumber for the appropriate mechanical business entity license, or any combination thereof, provided that
35 the licensee of record is properly licensed for each of the business entities listed by the applicant under
36 this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate
37 officer, or designee, or member of the partnership, or designee, or one or more managing members of the
38 limited liability company, or designee, the licensed person, corporation, partnership, or limited liability
39 company shall give notice thereof to the board and, if no other officer, partner, manager or designee, is

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1 licensed as a domestic appliance technician, hearth system installation and service technician, fuel gas
2 piping installer, fuel gas installation technician, fuel gas service technician, or master plumber, the
3 corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until
4 some other officer, member, or designee, has obtained a license as a domestic appliance technician,
5 hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician,
6 fuel gas service technician, or master plumber. ~~[Notwithstanding any other provision of law, the board
7 shall not require a fee for a business entity engaged in fitting and/or plumbing where a licensed domestic
8 appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas
9 installation technician, fuel gas service technician, or master plumber is the sole individual holding the
10 license of the business entity.]~~

11 II. All licenses issued under this section shall expire every 2 years ~~[on the last day of January]~~ *in*
12 *accordance with RSA 310:8*. The ~~[board]~~ *office* shall renew a valid license issued under this section on
13 receipt of an application for renewal and the required fee before the expiration date of the license.

14 III. ~~[Notwithstanding RSA 21-G:9,]~~ The board, with an affirmative vote of at least 4 of the
15 appointed board members, ~~[in consultation with the office of professional licensure and certification and
16 with the approval of the executive director of the office of professional licensure and certification,]~~ shall
17 adopt rules, pursuant to RSA 541-A, relative to the application and renewal ~~[procedure and any]~~ eligibility
18 requirements in addition to those in this subdivision for a fuel gas fitter license or plumber for business
19 entities issued pursuant to this section.

20 ~~[IV. The board shall establish a fee structure for mechanical business entities by providing the
21 following:~~

22 ~~(a) Fees not to exceed \$250 for a business entity which employs no less than one additional
23 licensee and not more than 5 employees required to be licensed under this subdivision.~~

24 ~~(b) Fees not to exceed \$400 for a business entity employing not more than 20 employees
25 required to be licensed under this subdivision.~~

26 ~~(c) Fees not to exceed \$600 for a business employing 21 or more employees required to be
27 licensed under this subdivision.~~

28 ~~(d) Application, renewal, late renewal and re-instatement fees.]~~

29 ~~[V.] IV.~~ A licensed business entity may apply for and receive a permit from any municipality within
30 the state.

31 ~~[VI.] V.~~ All business entities shall provide proof of good standing with the secretary of state and
32 proof of liability insurance prior to issuance and renewal of a business entity license.

33 327:230 Natural Scientists; Definitions. Amend RSA 310-A:76, II and II-a to read as follows:

34 II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological
35 principles acquired by professional education and practical experience, as specified by RSA 310-A:84, I
36 and II, is qualified to identify, classify, and prepare soil maps according to the standards of the National
37 Cooperative Soil Survey, or standards adopted by the New Hampshire department of environmental
38 services, or standards adopted by the board, and who has been duly certified by the ~~[board]~~ *office*.

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1 II-a. "Certified wetland scientist" means a person who, by reason of his or her special knowledge
2 of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience,
3 as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and to prepare
4 wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design
5 wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to
6 prepare associated reports, all in accordance with standards for identification of wetlands adopted by the
7 New Hampshire department of environmental services or the United States Army Corps of Engineers or
8 their successors, and who has been duly certified by the ~~[board]~~ *office*.

9 327:231 Natural Scientists; Qualifications for Certification. Amend RSA 310-A:84, II-b and III to read
10 as follows:

11 II-b.(a) Experience in the practice of wetland science shall be of a quality and character that
12 indicates ~~[to the board]~~ that the applicant is competent to practice as a wetland scientist. Experience shall
13 be defined as one or more of the following:

14 (1) Teaching wetland science courses or performing research in wetland science at an
15 accredited college, university, or institution offering an approved wetland science or wetland ecology
16 curriculum.

17 (2) Actual field experience gained in an acceptable apprenticeship program.

18 (3) Actual field mapping experience, defined as the delineation of wetland boundaries
19 and the preparation of wetland maps; the classification of wetlands; the preparation of wetland function
20 and value assessments; the design of wetland mitigation; the implementation of wetland mitigation; the
21 monitoring of wetlands functions and values; and preparation of associated reports, all in accordance with
22 standards for the identification of wetlands adopted by the department of environmental services or the
23 United States Army Corps of Engineers or their successors.

24 (b) For the purposes of this paragraph, educational training shall not be considered as
25 experience; summer employment shall be considered experience.

26 (c) For the purposes of this paragraph, each advanced degree in a related field may be
27 counted as one year of experience, however, a minimum of one year of actual field experience shall be
28 required for all candidates.

29 III. A candidate failing an examination may apply for a re-examination upon payment of an
30 additional fee ~~[as determined by the board in its rules and shall be re-examined on the next regularly
31 scheduled semi-annual examination date]~~. A candidate failing the examination 3 consecutive times shall
32 be required to furnish *to the office of professional licensure and certification* evidence of additional
33 experience, study, or education credits ~~[acceptable to]~~ *established by* the board before being allowed to
34 proceed with the examination.

35 327:232 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

36 I. Application for certification ~~[shall be on forms prescribed and furnished by the board. Such
37 forms]~~ shall include the applicant's educational background, including transcripts from educational
38 institutions attended, a detailed work experience history, and such other information as the board may by
39 rule require. All applications shall be signed under oath by the applicant.

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1 327:233 Natural Scientists; Expiration of Certification. Amend RSA 310-A:88 to read as follows:
2 310-A:88 Expiration. A certification shall expire *in accordance with RSA 310:8*. ~~[on the last day of the~~
3 ~~certificate holder's month of birth in the year 2 years following the year of issuance.]~~

4 327:234 Natural Scientists; Certificate Renewal. Amend RSA 310-A:89 to read as follows:
5 310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the
6 expiration date and by payment of the prescribed renewal fee. ~~[The secretary shall notify each certified~~
7 ~~individual one month prior to expiration of such certificate.]~~

8 327:235 Repeal; Natural Scientists. The following are repealed:

- 9 I. RSA 310-A:80, relative to reciprocity.
- 10 II. RSA 310-A:83, relative to additional powers.
- 11 III. RSA 310-A:90, relative to failure to renew.
- 12 IV. RSA 310-A:92, relative to fees.
- 13 V. RSA 310-A:96, relative to injunctions.

14 327:236 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
15 Adherence to Standards. Amend RSA 310-B:12-j, I and II to read as follows:

16 I. Each appraisal management company seeking to be registered in this state shall certify to the
17 ~~[board]~~ *office* on an annual basis that it requires appraisers completing appraisals at its request to comply
18 with the Uniform Standards of Professional Appraisal Practice including the requirements for geographic
19 and product competence.

20 II. Each appraisal management company seeking to be registered in this state shall certify to the
21 ~~[board]~~ *office* on an annual basis that it has a system in place to require that appraisals are conducted
22 independently and free from inappropriate influence and coercion as required by the appraisal
23 independence standards established under section 129E of the Truth in Lending Act, including the
24 requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal
25 management company is providing services for a consumer credit transaction secured by the principal
26 dwelling of a consumer.

27 327:237 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
28 Recordkeeping. Amend RSA 310-B:12-k to read as follows:

29 310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management
30 company seeking to be registered in this state shall certify to the ~~[board]~~ *office* on an annual basis that it
31 maintains a detailed record of each service request that it receives and the appraiser that performs the
32 appraisal for the appraisal management company. Such records must be retained for a period of at least
33 5 years after an appraisal is completed or 2 years after final disposition of a judicial proceeding related to
34 the assignment, whichever period expires later.

35 327:238 State Licensed or Certified Real Estate Appraisers; Principal Place of Business. Amend
36 RSA 310-B:15 to read as follows:

37 310-B:15 Principal Place of Business.

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1 I. Each licensed or certified real estate appraiser shall advise the [board] *office* of the address of
2 his principal place of business and all other addresses at which he is currently engaged in the business of
3 preparing real estate appraisal reports.

4 II. Whenever a licensed or certified real estate appraiser changes a place of business, he shall,
5 within 10 days of such change, give written notification of the change to the [board] *office* and apply for an
6 amended license or certificate.

7 III. Every licensed or certified real estate appraiser shall notify the [board] *office* of his or her
8 current residence address and electronic address. Residence addresses and electronic addresses on file
9 with the board are exempt from disclosure as public records.

10 327:239 State Licensed or Certified Real Estate Appraisers; Appraisal Management Companies.
11 Amend RSA 310-B:16-a, I and II to read as follows:

12 I. The board shall adopt rules under RSA 541-A which shall establish minimum requirements for
13 the annual registration of appraisal management companies. Such minimum requirements shall include
14 that such companies:

15 (a) Register with the [board] *office* by each January 1 and be subject to supervision by the
16 New Hampshire real estate appraiser board;

17 (b) Verify that only licensed or certified appraisers are used for federally related transactions;

18 (c) Comply with the Uniform Standards of Professional Appraisal Practice in coordinating
19 appraisals; and

20 (d) Conduct appraisals independently and free from inappropriate influence and coercion
21 pursuant to the appraisal independence standards established under section 129E of the federal Truth in
22 Lending Act.

23 II. An appraisal management company shall not be registered by the [board] *office* or included on
24 the national registry if such company, in whole or in part, directly or indirectly, is owned by any person
25 who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of
26 revocation, or revoked in any state. Additionally, each person that owns more than 10 percent of an
27 appraisal management company shall be of good moral character, as determined by the board, and shall
28 submit to a background investigation carried out by the board.

29 327:240 New Hampshire Real Estate Practice Act; Commission; Duty. Amend RSA 331-A:5, VI to
30 read as follows:

31 VI. The commission shall annually elect, from among its members, a chairperson, and a clerk.
32 ~~[Each member of the commission shall receive \$50 for each day actually engaged in the duties of the~~
33 ~~office, and shall be reimbursed for actual travel expenses while performing official duties.]~~

34 327:241 New Hampshire Real Estate Practice Act; Qualifications for Licensure. Amend RSA 331-
35 A:10 to read as follows:

36 331-A:10 Qualifications for Licensure.

37 I. The ~~[commission, or designee,]~~ *office* shall issue a salesperson's license to any applicant who:

38 (a) Has attained the age of 18;

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1 (b) Has successfully completed an examination administered or approved by the commission
2 which demonstrates satisfactory knowledge and understanding of the principles of real estate practice.
3 The executive director shall only accept for licensure, an applicant who shows proof of completion of 40
4 hours of approved study which shall have been completed prior to the date of the applicant's examination;

5 (c) Demonstrates no record of unprofessional conduct;

6 (d) Furnishes any evidence required by the commission relative to good reputation for
7 honesty, trustworthiness, and integrity; and

8 (e) Complies with the criminal records check under RSA 331-A:10-a.

9 II. The ~~[commission, or designee,]~~ **office** shall issue a broker's license to any applicant who:

10 (a) Has attained the age of 18;

11 (b) Has successfully completed an examination administered or approved by the commission
12 which demonstrates satisfactory knowledge and understanding of the principles of real estate practice.
13 The ~~[commission, or designee,]~~ **office** shall only accept for licensure, an applicant who shows proof of
14 completion of 60 hours of approved study which shall have been completed prior to the date of the
15 applicant's examination;

16 (c)(1) Has been employed full time by an active principal broker for at least one year within 5
17 years of the date of application; or

18 (2) Has at least 2,000 part-time hours as a licensed salesperson in this state within 5
19 years of the date of application; or

20 (3) Proves to the ~~[commission]~~ **office, based on criteria provided by the commission,** that
21 the applicant has experience equivalent to the experience required by subparagraph (c)(1) or (c)(2);

22 (d) Demonstrates no record of unprofessional conduct;

23 (e) Furnishes any evidence required by the commission relative to good reputation for
24 honesty, trustworthiness, and integrity;

25 (f) For a broker acting as a principal broker or a managing broker, but excluding associate
26 brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the
27 ~~[commission]~~ **office** which shall be held in accordance with RSA 331-A:14;

28 (g) Submits evidence ~~[acceptable to the commission]~~ of at least 6 separate real estate
29 transactions in which the applicant was actively involved and was compensated or proves to the
30 ~~[commission]~~ **office, based on criteria set by the commission,** that the applicant has equivalent experience
31 **in accordance with rules adopted pursuant to 541-A;** and

32 (h) Complies with the criminal records check under RSA 331-A:10-a.

33 327:242 New Hampshire Real Estate Practice Act; Examinations. RSA 331-A:11 is repealed and
34 reenacted to read as follows:

35 331-A:11 Examinations. Any applicant seeking a salesperson's or broker's license shall first pass a
36 reasonable written examination approved by the board. Any person who has passed the examination for
37 broker or salesperson shall become licensed within 6 months of the date of the examination. Any person
38 who fails to become licensed within the 6-month period shall be required to retake the examination.

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1 327:243 New Hampshire Real Estate Practice Act; Supervision of Real Estate Office; Branch Offices.
2 Amend RSA 331-A:16, I to read as follows:

3 I. Every real estate office or real estate branch office, whether operated as a corporation,
4 partnership, or sole proprietorship, shall be directed, supervised, and managed by a licensed real estate
5 broker. The principal broker shall submit to the ~~[commission]~~ **office** a branch office application form prior
6 to the opening of any branch office. The principal broker shall designate a managing broker for each
7 branch office the principal broker opens. The principal broker shall notify the ~~[commission]~~ **office** when
8 any licensee associated with the principal broker transfers from one branch office to another branch office
9 within the same association.

10 327:244 New Hampshire Real Estate Practice Act; Programs of Study. Amend RSA 331-A:20 to
11 read as follows:

12 331-A:20 Programs of Study; Preparatory Education; Continuing Education.

13 I. An individual, institution, or organization seeking accreditation or renewal of accreditation to
14 ~~[offer]~~ **teach** a preparatory or continuing education program of study shall meet criteria and submit
15 documentation **to the office** as required by the commission prior to approval.

16 ***I-a.*** The commission shall require any individual, institution, or organization seeking accreditation
17 or renewal of accreditation of a real estate ***preparatory or continuing education*** course to submit
18 documents, statements, and forms prior to approval.

19 II. ~~[In reviewing and approving an application for a continuing education course, the commission
20 shall assess the content with the primary purpose of assuring that real estate licensees possess the
21 knowledge, skills, and competence necessary to perform the licensee's duties in the real estate business].~~
22 The subject matter of the ***preparatory or continuing education*** course must be directly related to real
23 estate practice in New Hampshire~~[-]~~ ***and satisfy all requirements established by the commission pursuant
24 to RSA 541-A.*** Continuing education courses shall consist of the following:

25 (a) Continuing education 3-hour core courses shall cover, but not be limited to, changes in
26 state and federal laws dealing with real estate brokerage, housing, financing of real property and
27 consumer protection as well as changes in state enabling laws dealing with zoning and subdivision
28 practices. The core courses shall be designed to assist the licensee in keeping abreast of changing laws,
29 rules and practices which will affect the interest of the licensee's clients or customers.

30 (b) Continuing education elective courses shall cover, but not be limited to, property
31 valuation, construction, contract and agency law, ethics, financing and investment, land use and zoning,
32 property management, taxation, environmental issues, and supervision and office management. The
33 elective courses shall be designed to assist the licensee in keeping abreast of changing laws, rules, and
34 practices which affect the interest of the licensee's clients or customers.

35 ~~[III. The commission shall establish a program of continuing education for license renewal to be
36 administered in at least 5 geographical locations including, but not limited to, locations in or near Berlin,
37 Concord, Keene, Nashua and Portsmouth, depending upon local requirements and the ability to engage
38 accredited individuals, corporations or educational institutions.~~

39 ~~IV.[-]~~ ***III.*** The ~~[commission]~~ **office** may establish a fee for educational program evaluation.

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1 ~~[V.]~~ IV. Any *instructors accredited by the office to teach* ~~[individual, institution, or organization~~
2 ~~offering]~~ a preparatory or continuing education program who commits any of the following acts, conduct,
3 or practices shall, after a hearing under RSA 331-A:30, be subject to disciplinary action as provided in
4 RSA 331-A:28:

5 (a) Obtaining or attempting to obtain an accreditation or re-accreditation by means of fraud,
6 misrepresentation, or concealment.

7 (b) Violating any of the provisions of this chapter, or any rules adopted, or order issued
8 pursuant to this chapter.

9 (c) Advertising the availability of accredited courses in a false, misleading, or deceptive
10 manner.

11 (d) Failing to include in any advertisement the individual, institution, or organization's legal
12 name or reasonable derivative thereof accredited to teach the course.

13 (e) Offering or providing a course with curriculum or subject matter which is not the
14 curriculum or subject matter submitted for accreditation.

15 (f) Engaging in conduct which demonstrates incompetence.

16 (g) Providing an affidavit of completion of an accredited course to a licensee or a potential
17 licensee who has not completed the required hours of such course.

18 (h) Providing outdated, inappropriate, or inaccurate teaching materials or information.

19 (i) Receiving poor student evaluations or commission audits.

20 (j) Failing to take corrective action toward unsatisfactory performance or issues identified in
21 commission audits.

22 (k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when
23 presenting a course to licensees or potential licensees, engaging in inappropriate conduct.

24 (l) Discriminating against an individual based on age, sex, race, creed, color, marital status,
25 physical or mental disability, religious creed, national origin, or sexual orientation.

26 (m) Offering or providing a course for credit that has not yet been accredited or whose
27 accreditation has expired.

28 (n) Failing to preserve, for at least 3 years from the beginning date of an accredited course,
29 attendance records, documentation, and materials relating to the course.

30 327:245 New Hampshire Real Estate Practice Act; Temporary Licenses. Amend RSA 331-A:21 to
31 read as follows:

32 331-A:21 Temporary Licenses. In the event of the death or total incapacity of a licensed real estate
33 principal broker of a real estate business, the ~~[commission]~~ *office* may, upon application by the principal
34 broker's legal representative, issue without examination a temporary license to such legal representative
35 or to an individual designated by the legal representative and approved by the commission, and by the
36 payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact real
37 estate business for a period not to exceed one year from the date of death or incapacitation.

38 327:246 New Paragraphs; New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-
39 A:25 by inserting after paragraph XV the following new paragraphs:

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1 XVI. The supervision requirements for salespersons.

2 XVII. The accreditation of instructors of preparatory and continuing education courses.

3 XVIII. The requirements for accreditation of preparatory and continuing education courses.

4 327:247 Repeals; Real Estate Practice Act. The following are repealed:

5 I. RSA 331-A:5, VII, relative to an official seal.

6 II. RSA 331-A:12, I, relative to application forms.

7 III. RSA 331-A:24-a, relative to notice of rulemaking.

8 327:248 Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

9 325-A:11 Deny or Refuse to Renew License; Grounds. The ~~[board]~~ **office of professional licensure**
10 **and certification** may deny or refuse to renew a license under this chapter or take disciplinary action
11 against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the
12 following grounds:

13 I. Violation of this chapter or rules adopted and pursuant to this chapter;

14 ~~[II. Conviction of any crime involving moral turpitude;]~~

15 ~~[III.]~~ II. Conviction of a misdemeanor or felony under state law, federal law, or the law of another
16 jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and
17 which has a rational connection with the fitness or capacity of the crematory authority to operate a
18 crematory;

19 ~~[IV.]~~ III. Conviction of a violation pursuant to RSA 325-A:15;

20 ~~[V.]~~ IV. Obtaining a license as a crematory authority by false representation or fraud;

21 ~~[VI.]~~ V. Misrepresentation or fraud in the operation of a crematory; or

22 ~~[VII.]~~ VI. Failure to allow access by an agent or employee of the ~~[board]~~ **office** to a crematory
23 operated by the crematory authority for the purposes of inspection, investigation, or other information
24 collection activities necessary to carry out the duties of the **office or board**.

25 327:249 Physician Assistants; License Required. Amend RSA 328-D:2, I to read as follows:

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

28 327:250 Physician Assistants; Criminal History Records Check. Amend RSA 328-D:3-a to read as
29 follows:

30 328-D:3-a Criminal History Record Checks.

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

34 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
35 qualified law enforcement agency or an authorized employee of the department of safety. In the
36 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
37 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
38 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
39 criminal history records check, accept police clearances from every city, town, or county where the

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1 person has lived during the past 5 years.

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

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

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

10 327:251 Physician Assistants; Renewal of License. Amend RSA 328-D:5 to read as follows:

11 328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply
12 to the [board] *office* for biennial renewal of license on forms provided by the office of
13 professional licensure and certification and shall pay a renewal fee as established by the office of
14 professional licensure and certification. [~~Applications for renewal shall be filed no later than
15 December 31 of every other year.~~] A license issued under this chapter shall ***expire unless renewed in
16 accordance with RSA 310:8*** [~~not expire until the board has taken final action upon the application
17 for renewal.~~].

18 327:252 Repeal. RSA 328-D:5-a, relative to physician assistants failure to renew, is repealed.

19 327:253 Office of Professional Licensure and Certification; Complaints and Investigations. Amend
20 RSA 310:9, V(a) to read as follows:

21 (a) Retain qualified experts according to criteria established by the relevant board. ***If the
22 board has not established criteria, or under extraordinary circumstances, the executive director may retain
23 qualified experts*** [øf] who have sufficient knowledge on appropriate statutes or professions and their
24 practices.

25 327:254 Professional Engineers; Definitions. Amend RSA 310-A:2, II to read as follows:

26 II. "Professional engineer" means a person who by reason of advanced knowledge of
27 mathematics and the physical sciences, acquired by professional education and practical experience, is
28 technically and legally qualified to practice engineering, and who is licensed by the [board] *office* or
29 otherwise authorized by this subdivision to engage in the practice of engineering.

30 327:255 Professional Engineers; Receipts and Disbursements. RSA 310-A:8 is repealed and
31 reenacted to read as follows:

32 310-A:8 Disbursements.

33 The office may make expenditures for the reasonable expenses of the board's delegate to meetings
34 of, and membership dues to, the National Council of Examiners for Engineering and Surveying (NCEES).

35 327:256 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

36 310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms
37 prescribed and furnished by the [board] *office*, shall contain statements made under oath, showing the
38 applicant's education and a detailed summary of the applicant's technical work, and shall contain not less
39 than 5 references, of whom at least 3 shall be licensed professional engineers having personal knowledge

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1 of the applicant's professional experience. [~~The board shall establish fees for application and any~~
2 ~~examination required under this subdivision.~~] If the [board] **office** denies the issuance of a license or a
3 temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

4 327:257 Professional Engineers; Examinations. Amend RSA 310-A:17 to read as follows:

5 310-A:17 Examinations. Proctored technical examinations in engineering shall be held at least
6 annually as the [board] **office of professional licensure and certification** shall determine. If examinations
7 are required on fundamental subjects, the applicant shall be permitted to take this part of the examination
8 upon completion of the requisite years of professional experience. The [board] **office** may issue to each
9 applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that the
10 applicant has passed the examination. The scope of the technical and professional examination [~~and the~~
11 ~~methods of procedure~~] shall be prescribed by the board. A candidate failing an examination may apply for
12 reexamination upon payment of an additional fee determined by the [board] **office** and shall be
13 reexamined on the next regularly scheduled examination date. A candidate failing the examination 3
14 consecutive times shall be required to furnish evidence of additional experience, study, or education
15 credits acceptable to the board before being allowed to proceed with the examination.

16 327:258 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

17 310-A:18 Certificates; Seals. The [board] **office** shall issue a license, upon payment of the
18 registration 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 shall~~
20 ~~show the full name of the licensee and have a serial number.~~] The issuance of a license by the [board]
21 **office** shall be prima facie evidence that the person named in the license is entitled to all the rights and
22 privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon
23 licensure obtain a seal of the design [~~authorized~~] **meeting the criteria established** by the board, bearing
24 the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents
25 involving the practice of engineering under this subdivision, when issued or filed for public record, shall be
26 dated, and bear the signature and seal of the licensed professional engineer who prepared or had
27 responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal
28 any documents with such seal after the license of the licensee has expired or has been revoked, unless
29 such license shall have been renewed or reissued.

30 327:259 Professional Engineers; Interstate Licensure; Temporary Permit. Amend RSA 310-A:19, II-
31 III to read as follows:

32 II. Applicants who are certified by the National Council of Engineering Examiners (NCEE) may
33 apply for licensure by having their NCEE record sent to the [board] **office** and by furnishing such other
34 information on a standard application form as the [board] **office** may direct.

35 III. A person not a resident of and having no established place of business in this state who
36 wishes to practice or to offer to practice engineering in this state may make application to the [board]
37 **office** for a temporary permit. A temporary permit shall be limited to practice on a specific project in this
38 state for a period not to exceed 6 months in any one calendar year, provided such person is a licensed

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1 professional engineer in a state or country where the requirements and qualifications for obtaining a
2 certificate of licensure are substantially equivalent to or higher than those specified in this subdivision.

3 327:260 Professional Engineers; Engineering Certificates for Business Organizations. Amend RSA
4 310-A:20 to read as follows:

5 310-A:20 Engineering Certificates for Business Organizations.

6 I. The practice of or offer to practice professional engineering for others by individual engineers
7 licensed under this subdivision through a business organization as officers, partners, associates,
8 employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

9 (a) One or more of the corporate officers, of a corporation or one or more general partners, or
10 associates is designated as being responsible for the engineering activities and engineering decisions of
11 the business organization, and is a licensed engineer under this subdivision.

12 (b) All personnel of the business organization who act in its behalf as professional engineers
13 are licensed under this subdivision.

14 (c) The business organization has been issued a certificate of authorization by the [board]
15 *office of professional licensure and certification*, as provided in this section.

16 II. The requirements of this subdivision shall not affect a business organization or its employees
17 in performing services for such business organization or its subsidiary or affiliated business organizations.
18 All final drawings, specifications, plans, reports, or other engineering papers or documents involving the
19 practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and
20 seal of the professional engineer who prepared them or under whose direct supervisory control they were
21 prepared.

22 III. A business organization desiring a certificate of authorization shall file with the [board] *office*
23 *of professional licensure and certification* an application, using a form provided by the [board] *office of*
24 *professional licensure and certification*, listing the names and addresses of all officers and board
25 members, general and limited partners, associates, and any individuals duly licensed to practice
26 engineering in this state who shall be in responsible charge of the practice of engineering in this state
27 through the business organization, and any other information required by the board. The same form,
28 giving the same information, must accompany the [annual] renewal fee. If there is a change in any of
29 these persons during the year, such change shall be designated on the same form and filed with the
30 [board] *office of professional licensure and certification* within 30 days after the effective date of such
31 change. If all requirements of this section are met, the [board] *office of professional licensure and*
32 *certification* shall issue a certificate of authorization to such business organization, and such business
33 organization shall be authorized to contract for and to collect fees for furnishing engineering services.

34 IV. No business organization shall be relieved of responsibility for the conduct or acts of its
35 agents, employees, officers, or partners, by reason of its compliance with the provisions of this section,
36 nor shall any individual practicing engineering be relieved of responsibility for engineering services
37 performed by reason of such individual's employment by or relationship with such business organization.

38 V. The secretary of state shall not issue a certificate of incorporation to an applicant for
39 incorporation or for registration as a foreign business organization which includes the words "Engineer" or

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1 "Engineering" or any modification or derivative thereof in its corporate or business name or which includes
2 the practice of engineering among the objects for which it is established unless the [board] *office* shall
3 have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a
4 copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a
5 reasonable transition period, shall decline to register any trade name or service mark which includes such
6 words or modifications or derivatives thereof in its firm or business name except to partnerships, sole
7 proprietorships and associations holding certificates of registration or authorization issued under the
8 provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state.
9 However, the requirements of this subdivision shall not apply to any business formed and registered with
10 the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any
11 modification or derivative thereof in its corporate or business name, and which does not perform or require
12 the services of a professional engineer.

13 VI. A professional engineer who renders occasional, part-time or consulting engineering services
14 to or for a business organization may not, for the purposes of this subdivision, be designated as being
15 responsible for the engineering activities and decisions of such business organization.

16 327:261 Professional Engineers; Investigations and Disciplinary Proceedings. Amend RSA 310-
17 A:22, II(k) to read as follows:

18 (k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return
19 receipt requested, information requested by the [board] *office* as a result of any formal complaint to the
20 [board] *office* alleging a violation of this subdivision.

21 327:262 Repeal. The following are repealed:

22 I. RSA 310-A:5-a, relative to notice of rulemaking proceedings.

23 II. RSA 310-A:6, I(o), relative to rulemaking authority on interstate licensure and temporary
24 permits.

25 III. RSA 310-A:6, I(p), relative to rulemaking authority on waiver of certain renewal fees.

26 IV. RSA 310-A:6, I(q), relative to rulemaking authority on civil penalties.

27 V. RSA 310-A:6, III, relative to notice of proposed rules of professional conduct.

28 VI. RSA 310-A:6-a, relative to immunity from civil liability.

29 VII. RSA 310-A:7, relative to fees.

30 VIII. RSA 310-A:11, relative to licensure required.

31 IX. RSA 310-A:19, I, relative to interstate licensure.

32 X. RSA 310-A:21, relative to license expiration and renewals.

33 XI. RSA 310-A:23, relative to hearings, appeals, and penalties.

34 XII. RSA 310-A:24, relative to reissuances of licenses.

35 XIII. RSA 310-A:25, II, relative to attorney general as a legal advisor.

36 327:263 New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend the
37 introductory paragraph of RSA 332-B:2 to read as follows:

38 332-B:2 License Required and Exceptions. Except as provided in RSA 332-B:9, no person may
39 practice veterinary medicine in the state who is not a licensed veterinarian, or the holder of a valid

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1 temporary permit issued by the [board] *office of professional licensure and certification*. This chapter shall
2 not be construed to prohibit:

3 327:264 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read
4 as follows:

5 332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place
6 fixed by rule of the board. Other necessary meetings may be called by the president of the board by
7 giving notice as may be required by rule. The quorum and the actions of the board shall be in accordance
8 with RSA 91-A. At its annual meeting, the board shall organize by electing a president and such other
9 officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a
10 successor is elected, without limitation on the number of terms an officer may serve. The president shall
11 preside at board meetings [~~and serve as administrative head of the board~~]. Records shall be kept
12 pursuant to RSA 91-A:3 and in accordance with the retention policy established by the office of
13 professional licensure and certification.

14 327:265 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7, I to
15 read as follows:

16 I. [~~Examine and~~] Determine *the criteria for examinations and* the qualifications and fitness of
17 applicants for a license to practice veterinary medicine in this state.

18 327:266 New Hampshire Veterinary Practice Act; Rulemaking Authority. Amend RSA 332-B:7-a, XII
19 to read as follows:

20 XII. Establishing [~~and enforcing~~] standards for veterinary facilities; and

21 327:267 New Hampshire Veterinary Practice Act; Application for License; Qualifications. Amend
22 RSA 332-B:9 to read as follows:

23 332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary
24 medicine in this state shall make written application to the [board] *office of professional licensure and*
25 *certification*. The application shall show that the applicant is 18 years of age or more, a graduate of an
26 AVMA accredited school of veterinary medicine or other veterinary school acceptable to the board, or the
27 holder of an ECFVG certificate or a PAVE certificate, a person of good professional character, and such
28 other information and proof as the board may require by rule. The application shall be accompanied by [a]
29 *the requisite* fee [~~in the amount established and published by the board~~].

30 327:268 New Hampshire Veterinary Practice Act; Examinations. Amend RSA 332-B:10 to read as
31 follows:

32 332-B:10 Examinations. The [board] *office of professional licensure and certification* shall hold at
33 least one examination during each year and may hold such additional examinations as are necessary.
34 The [board] *office* shall give public notice of the time and place for each examination at least 90 days in
35 advance of the date set for the examination. A person desiring to take an examination shall make
36 application at least 30 days before the date of the examination. The preparation[~~, administration,~~] and
37 grading of examinations shall be governed by rules prescribed by the board. Examinations shall be
38 designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly
39 taught in veterinary schools and familiarity with the law and rules governing veterinary medicine in this

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1 state. To pass the examination, the examinee must demonstrate scientific and practical knowledge
2 sufficient to prove that he or she is a competent person to practice veterinary medicine in [the judgment
3 of] *accordance with criteria established by* the board. All examinees shall be tested by a written
4 examination, supplemented by such oral interviews and practical demonstrations as the board may deem
5 necessary. The board may adopt and use a national examination as adopted in rules of the board. For
6 purposes of licensure[~~, except by reciprocity,~~] an individual's results from a national examination shall be
7 valid for 5 years from the date of the examination. After each examination, the [board] *office* shall notify
8 each examinee of the results of the examination[~~, and the board shall issue licenses to the persons~~
9 ~~successfully completing the examination~~]. The [board] *office* shall record the new licenses and issue a
10 certificate of registration to the new licensees. Any person failing an examination shall be admitted to any
11 subsequent examination on payment of the application fee.

12 327:269 New Hampshire Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as
13 follows:

14 II. Applicants who are not graduates of schools of veterinary medicine accredited by the AVMA[
15 ~~other than those described in paragraph I,~~] shall possess a certificate issued by the ECFVG, PAVE, or a
16 Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless at the time such
17 applicant became licensed in the state, province, or U.S. territory from which they are applying, an
18 ECFVG certificate or a PAVE certificate was not required by this state.

19 327:270 New Hampshire Veterinary Practice Act; Temporary Permit. Amend RSA 332-B:12 to read
20 as follows:

21 332-B:12 Temporary Permit. The [board] *office of professional licensure and certification* may issue
22 without examination a temporary permit to practice veterinary medicine in this state to any person who is
23 a graduate of a veterinary college recognized as provided for in RSA 332-B:9 for a period not to exceed
24 one year, providing that the person write the next available set of examinations and also providing said
25 person is employed by and practices the profession under the supervision of a duly licensed veterinarian
26 practicing in the state. [A temporary permit may be summarily revoked by a majority vote of the board.]

27 327:271 New Hampshire Veterinary Practice Act; License Renewal and Lapse. Amend RSA 332-
28 B:13 to read as follows:

29 332-B:13 License Renewal and Lapse.

30 I. [The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-h.
31 Persons previously licensed who allow their license to lapse shall be required to file a reinstatement
32 application containing such information as required by the board. Persons who have allowed their license
33 to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.]
34 ***All licenses established under this chapter shall be renewed in accordance with RSA 310:8.***

35 [II. The board may by rule waive the payment of the renewal fee of a licensed veterinarian during
36 the period when the person is on active duty with any branch of the armed services of the United States,
37 not to exceed 3 years or the duration of a national emergency, whichever is longer.]

38 [III.] II. As a condition of renewal of license, each licensed veterinarian shall be required to show
39 proof that he or she has attended an approved educational program or programs totaling at least 24 hours

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1 in the 2-year period preceding each renewal date. Approved educational programs shall be [at the
2 discretion of the board,] in accordance with rules adopted by the board. The board may excuse a licensee
3 from all or a portion of the educational requirement upon the filing of a petition establishing good cause for
4 the waiver as set forth in rules adopted by the board.

5 327:272 New Hampshire Veterinary Practice Act; Enforcement. Amend RSA 332-B:19 to read as
6 follows:

7 332-B:19 Enforcement.

8 I. Any person who shall practice veterinary medicine without a currently valid license or
9 temporary permit shall be guilty of a misdemeanor, and each act of such unlawful practice shall constitute
10 a distinct and separate offense.

11 II. No person who shall practice veterinary medicine without a currently valid license or temporary
12 permit may receive any compensation for services so rendered.

13 ~~III. The board or any citizen of this state may bring an action to enjoin any person from practicing
14 veterinary medicine without a currently valid license or temporary permit. If the court finds that the person
15 is violating, or is threatening to violate, the provisions of this chapter, it shall enter an injunction restraining
16 the person from such unlawful acts.~~

17 ~~IV. The successful maintenance of an action based on any one of the remedies set forth in this
18 section shall in no way prejudice the prosecution of an action based on any other of the remedies.~~

19 ~~V. In addition to other penalties imposed by this section, a person who practices veterinary
20 medicine without a currently valid license or temporary permit shall be subject to civil penalties assessed
21 by the board in the amount of \$2,000 per violation, or, in the case of continuing violations, \$200 for each
22 day the violation continues, whichever is greater. A person who disputes such an assessment may
23 request a hearing by the board, and any final disposition rendered by the board shall be enforceable as
24 any other civil judgement.]~~

25 327:273 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend
26 RSA 332-B:20, I to read as follows:

27 I. Any physical therapist practicing physical therapy on any animal shall meet the requirements of
28 this section and any additional requirements set by the board of veterinarians pursuant to RSA 332-B:7-a,
29 XIV and shall be certified by the [board of veterinary medicine] *office of professional licensure and
30 certification*.

31 327:274 Repeal. The following are repealed:

32 I. RSA 332-B:6, relative to revenues.

33 II. RSA 332-B:7, II, relative to board power relevant to licenses and temporary permits.

34 III. RSA 332-B:7, VI, relative to board employment and office space.

35 IV. RSA 332-B:7-a, IV(a), relative to rulemaking authority regarding the time and place of
36 examination.

37 V. RSA 332-B:7-a, XIII, relative to rulemaking authority regarding civil penalties.

38 VI. RSA 332-B:11, I, relative to interstate reciprocity.

39 VII. RSA 332-B:17, relative to reinstatement applications.

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1 327:275 Mental Health Practice; Clinical Social Workers. Amend the section heading of RSA 330-
2 A:18 to read as follows:

3 330-A:18 *Licensed Independent* Clinical Social Workers (*LICSW*).

4 327:276 Mental Health Practice; Social Work; Conditional License. Amend the introductory
5 paragraph of RSA 330-A:18-d, I(a) to read as follows:

6 (a) *Licensed Independent* Clinical Social Worker:

 327:277 Effective Date. This act shall take effect July 1, 2024.

Approved: August 02, 2024
Effective Date: July 01, 2024