



New Hampshire Office of Professional
Licensure and Certification

Overview of House Bill 2

House Finance Committee

March 17, 2023

Lindsey B. Courtney, Executive Director



HB 2 Highlights

- Establishes Universal Licensure Recognition
- Transfers Boards to the Office
- Merges Boards
- Reduce Size of Boards
- Eliminates License Types
- Eliminates Boards
- Adds One License Type



Universal Licensure Recognition

- The State authorized OPLC to issue licenses to similarly licensed individuals from other states during the COVID-19 pandemic.
- Criteria emergency for licensure:
 - Have similar license in another state
 - In good standing
- During COVID-19, observed an increase of approximately 10% of licensed professionals (22,000), with largest gains in the mental health fields.
 - Fewer than 10 complaints
 - 1 reported disciplinary action
- HB 2 proposes to codify the emergency license process, allowing OPLC to issue permanent licenses to individuals based on the same criteria.



Universal Licensure Recognition FY21 Emergency Licensure Statistics

	M.O.	Manual	Bulk Submission	Total EL	Total Perm License-Active	Total License	% Active Licenses that are Emergency
Acupuncturist		1			1	150	1%
Advanced Practice Registered Nurse (APRN)		344	61	1699	2104	3327	39%
Chiropractor		3			3	448	2%
Dentist		10		1	11	1362	1%
Dietitian		23	1	1	25	808	3%
Hearing Aid Dealer		1			1	76	1%
Licensed Alcohol and Other Drug Counselor (LADC)		67	11	14	92	161	36%
Licensed Clinical Mental Health Counselor (LCMHC)		794	75	82	951	1160	45%
Licensed Clinical Supervisor (LCS)		28			28	46	38%
Licensed Independent Clinical Social Worker (LICSW)		733	147	184	1064	1378	44%
Licensed Nursing Assistant (LNA)		356	1		357	14211	2%



Universal Licensure Recognition FY21 Emergency Licensure Statistics

	MLO	Manual	Bulk Submission	Total EL	Total Perm License-Active	Total License	% Active Licenses that are Emergency	
Licensed Practical Nurse (LPN)		128	4	1	133	3116	3249	4%
Marriage and Family Therapist (MFT)		114	17	7	138	155	293	47%
Master Licensed Alcohol and Other Drug Use Counselor (MLADC)		10			10	377	387	3%
Medical Imaging		64			64	2351	2415	3%
Medical Technician		14			14	2084	2098	1%
Midwife		6			6	33	39	15%
Naturopathic Doctor (ND)		7			7	118	125	6%
Nursing Home Administrator (NHA)		11			11	157	168	7%
Occupational Therapist (OT)		68	10		78	1724	1802	4%
Occupational Therapy Assistant (OTA)		5			5	319	324	2%
Ophthalmic Dispenser		4			4	436	440	1%



Universal Licensure Recognition FY21 Emergency Licensure Statistics

	MLO	Manual	Bulk Submission	Total EL	Total Perm License-Active	Total License	% Active Licenses that are Emergency
Optometrist	2		7	9	306	315	3%
Pharmacist	60	8		68	10906	10974	1%
Podiatrist			5	1	102	103	1%
Physical Therapist	50	11	31	92	2135	2227	4%
Physical Therapy Assistant (PTA)	4			4	579	583	1%
Physician	1514	302	13104	14920	8110	23030	65%
Physician Assistant	181	21	26	228	998	1226	19%
Psychologist	579	144	391	1114	645	1759	63%



Universal Licensure Recognition FY21 Emergency Licensure Statistics

	MLO	Manual	Bulk Submission	Total EL	Total Term License Active	Total License	% Active Licenses that are Emergency
Registered Nurse (RN)	476	42	5	523	24643	25166	2%
Respiratory Care Practitioner (RCP)	65	2		67	657	724	9%
School Social Worker (SSW)	11			11	90	101	11%
Speech language assistant	4	1		5	180	185	3%
Speech language pathologist	139	24	14	177	1162	1339	13%
Veterinarian	1	1		2	1232	1234	16%



Proposed Board Transfers to OPLC

- Board of Auctioneers (from Secretary of State's Office)
- Boxing and Wrestling Commission (from Secretary of State's Office)
- Professional Bondsmen (from Secretary of State's Office)
- Board of Licensing for Interpreters for the Deaf, Deafblind and Hard of Hearing (from Department of Education)
- Purpose of Transfers: to increase efficiency in licensing processes and eliminate duplication of efforts statewide. Transferred boards would benefit from many improvements within OPLC.



FY24–25: Major Initiatives to Accomplish Strategic Goals

1. Achieving Efficient Operations by Leveraging Technology: Implement New Licensing Software
 - A. Funded through the American Rescue Plan Act
 - B. Project began February 2023
 - C. Three phases through FY 25

2. Achieving Efficient Operations by Leveraging Technology: Implement New Continuing Education Solution
 - A. No-cost contract
 - B. Project began February 2023

3. Establishing Internal Controls
 - A. Inventory of all statutory and regulatory requirements
 - B. Streamline existing requirements
 - C. Documenting policies and procedures



Proposed Board Mergers

- As proposed by HB 655 and HB 2, OPLC would issue licenses in between meetings in accordance with rules established by boards.
- Boards would no longer be required to review all applications at monthly meetings; rather, boards will only review applications that contain defects.
 - Most boards have already delegated this authority to OPLC.
- HB 2 proposes to merge boards that are sufficiently similar to increase efficiencies in the administration of these boards and promote collaboration between similar professions.



Proposed Board Mergers

- Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy with Advisory Board of Massage Therapy
 - Per OPLC's FY 22 Annual Report, there are 17 reflexologists, 12 structural integrators, and 4 Asian bodywork therapists in New Hampshire
 - Disciplines are often combined. See, e.g., Reflexology Association of America attachment.
- LADC, Board of Mental Health Practice, with Board of Psychology
 - States that combine Psychology with other disciplines:
 - Kansas (Behavioral Sciences regulatory Board)
 - Texas Behavioral Executive Health Council
- Board of Medicine with Board of Podiatry and Medical Review Subcommittee
 - The NH Board of Medicine currently regulates MDs, DOs, and PAs
 - 11 states use one board to regulate multiple disciplines, including podiatry (source: Federation of Podiatric Medical Boards):
 - Alaska, Hawaii, Kansas, Louisiana, Mississippi, Montana, Ohio, Oregon, Virginia, Vermont, West Virginia
 - Currently, the NH Board of Podiatry is a five-member board.
 - Per OPLC's FY 22 Annual Report, there are 91 podiatrists in NH
- Engineering with Land Surveyors
 - Both boards are currently supported by National Counsel of Examiners for Engineering and Surveying (NCEES)
 - 36 States have combined boards (source: NCEES)
 - 9 States have stand-alone Engineering Boards (source: NCEES)
 - Delaware, Florida, Illinois, Indiana, Maine, Maryland Michigan, Vermont, West Virginia



Proposed Advisory Boards

- Smaller boards are at greater risk of antitrust scrutiny. Policy autonomous boards that are comprised primarily of active market participants are not entitled to immunity under the Sherman Act. North Carolina Board of Dental Examiners v. FTC, 574 U.S. 494 (2015).
 - Creates significant risk of liability for the State.
- House Bill 2 proposes to convert the following boards to advisory boards, which have less than 200 licensees, per OPLC's FY 22 annual report:
 - Acupuncture (182 licensees)
 - Assessing Standards Board (not currently constituted)
 - Family Mediator Certification (47 licensees)
 - Guardian ad Litem (49 licensees)
 - Manufactured Housing Installation Standards Board (78 licensees)
 - Midwifery (34 licensees)
 - Naturopathic Board of Examiners (128 licensees)
 - Board of Nursing Home Administrators (170 licensees)



Proposed Repeals within OPLC



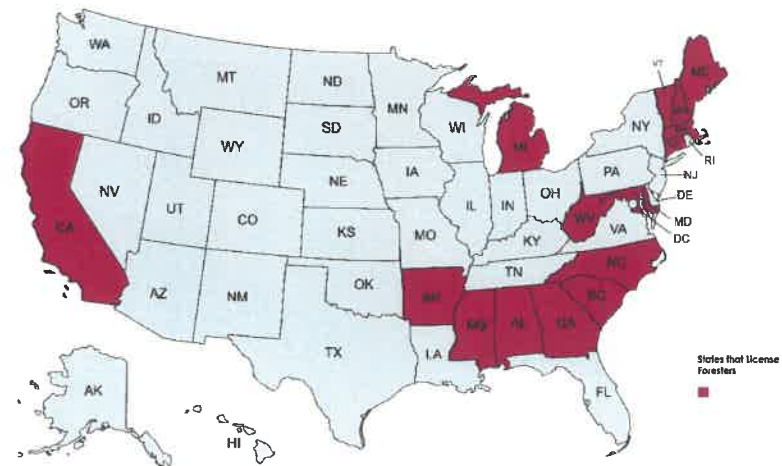
Foresters

Background

- Created in 1990
- Previously existed, but repealed during sunset review in 1981
- Requirements for licensure: education (unless exempt due to experience), experience, and an examination
- 0 applicants have been denied licensure according to our available data
- 1 reported disciplinary matter
- If licensure was repealed, state could rely on voluntary national certifications, such as the Society of American Foresters.

States that License Foresters

Source: www.eforester.org





Foresters

Society of National Foresters Certification Requirements

- Education
 - Baccalaureate or master's level degree from an Society of American Foresters (SAF)-accredited degree program; or
 - Baccalaureate, masters, or doctorate level in forestry or related natural resources. Degrees must include 51 semester credits in forestry-related coursework areas.
- Experience
 - Certified Forester Applicants: Must have 5 or more years of qualifying forestry experience w/in the past 10 years.
 - Candidate Certified Forester Applicants: Must have less than 5 years of qualifying professional forestry experience.
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Consumers may file complaints.
- Consumers may search for a certified professional.
- Source: www.eforester.org/

NH State Licensure Requirements

- Education:
 - Education (2 or 4 year degree in forestry or related field), unless applicant has 8 years of experience within the last 10 years of a nature satisfactory to the board. RSA 310-A:104.
- Experience:
 - 2-8 years of experience, depending on level of education.
- Examination
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Consumers may file complaints.
- Consumers may search licensed professional online at www.oplc.nh.gov.



Allied Health Governing Board

- Existed to allow one board to implement procedural rules for the allied health governing boards.
- Now that OPLC has the same authority, this board is no longer needed.
- This board does not issue any licenses.



Landscape Architects

- All states license landscape architects.
- NH began licensing landscape architects in 2006.
 - See Finance Committee Hearing Report Dated March 29, 2006.
- Licensure is mandatory. RSA 310-A:158.
- Requirements for licensure:
 - Education
 - Experience
 - Exam—through CLARB (Council of Landscape Architectural Registration Boards)
- According to available data:
 - 0 applicants have been denied.
 - 0 enforcement cases.
- Licensees may purchase a seal, noting the individual is licensed.



Landscape Architects

- If HB 2 passed as proposed:
 - The board and licenses would be eliminated.
 - Stakeholders and the public could rely on voluntary national certifications to vet credentials of landscape architects.
 - Certified Landscape Architect (CLARB certification).
 - Alternatively, individuals could seek licensure in other states, if job required licensure.
 - CLARB provides a list of certified individuals.
 - Individuals could purchase seals noting they have obtained voluntary credentials.



Natural Scientists

- Created in 1997
- Requirements for licensure:
 - Education
 - Experience
 - Examination
- According to available data, 1 applicant for permanent licensure has been denied
- There have been 3 enforcement cases
 - 2 related to CEs
 - 1 voluntary surrender in 2019 due to a conviction of theft and misdemeanor official oppression.
 - Under 332-G analysis today, may not have been any enforcement action.
- If HB 2 passed:
 - State could rely on voluntary credentials currently offered, such as the Soil Science Society of America or Society of Wetland Scientists Professional Certification



Soil Scientist Certifications

National Certification Requirements

- Associate Professional Soil Scientist:
 - Bachelor's degree in soils or related field
 - Working towards experience
 - Fundamentals exam
- Certified Professional Soil Scientist:
 - Bachelor's degree in soils or related field
 - 5 years post bachelors, 3 years post masters experience
 - Fundamentals exam
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Consumers may file complaints.
- Consumers may search for a certified professional.
- Source: www.soils.org/

NH State Certification Requirements

- Education and Experience:
 - 4 year bachelor's degree, with 30 semester hours in biological physical and earth science, including 15 semester hours in soil science AND 3 years experience in soil science.
 - Associates or bachelor's degree, with 15 semester hours in soil science, AND 4 or more years of additional experience in soil science work, OR
 - Associates or bachelor's degree AND 6 years of experience in soil science.
- Examination:
 - Written exam
 - Field exam
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Consumers may file complaints.
- Consumers may search licensed professional online at www.oplc.nh.gov.



Wetland Scientist Certifications

National Certification Requirements

- Wetland Professional in training
 - Bachelor's degree with coursework in biological sciences, physical sciences, and quantitative sciences
 - References
 - Application Fee
- Professional Wetland scientist
 - Bachelor's degree with coursework in biological sciences, physical sciences, and quantitative sciences
 - Specialist wetland course work experience
 - Qualifying experience (5 years)
 - Examination
 - References
 - Fee
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Individuals can purchase a seal.
- Consumers may file complaints.
- Consumers may search for a certified professional.
- Source: www.wetlandcert.org

NH State Certification Requirements

- Education and Experience:
 - Associates or bachelor's degree, with 24 hours in environmental sciences and 1 year or more experience in practice of wetland science.
 - Have a minimum of 12 combined credit or non-credit semester hours in environmental sciences and 3 or more years experience in practice of wetland science. RSA 310-A:84
- Examination:
 - Written exam
 - Field exam
- There are continuing education requirements to maintain certification, as well as standards of professional practice.
- Consumers may file complaints.
- Individuals may purchase a seal.
- Consumers may search licensed professional online at www.oplc.nh.gov.

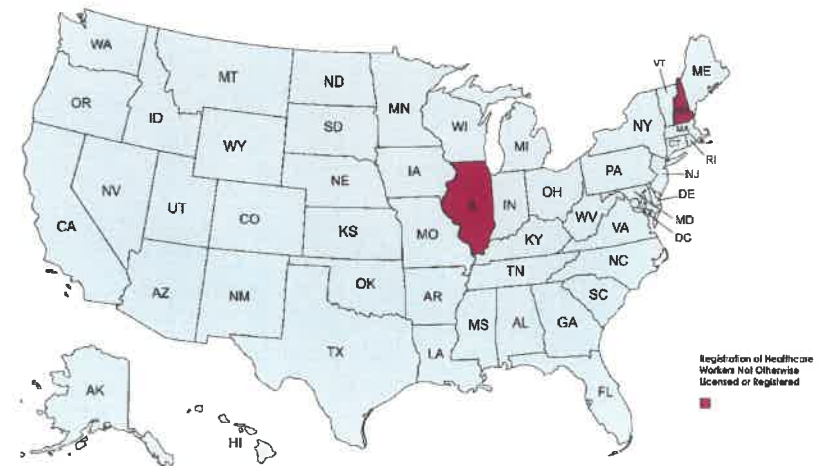


Medical Technicians

Background

- Created in 2016
- Registers individuals not otherwise licensed who work in healthcare facility
- Very broad
- If House Bill 2 were to pass as proposed, this license type would be eliminated. Stakeholders and the public would have to rely on healthcare facilities to vet individuals who are in the healthcare facility

States that Register Medical Technicians



Credentia.com



Court Reporters

- Currently an advisory board
- Per OPLC FY 22 annual report, there are 66 court reporters.
 - 2 new licenses were issued in FY 22.
- Requirements for initial licensure:
 - Application
 - National Certification
 - High School Diploma
 - Surety Bond
 - References
 - Fee
- 24 states have either voluntary or no certification of court reporters
- If House Bill 2 were to pass, stakeholders and the public could rely on national certification.
 - Limited Notarial Function would be eliminated.



Manufactured Housing Complaint Board

- Not a licensure board
- Acts as arbiter/adjudicative body for disputes between a manufactured housing park and a tenant.
- Rarely used (last reported case was in 2019)
- Concurrent jurisdiction with Department of Justice



Medical Imaging

- Created in 2016
- 10 permanent license types
- Converted to advisory board last legislative session due to quorum issues.
- Requirements for education:
 - Education
 - National Examination
 - For most license types, national certification
 - Criminal History Check
- According to available data:
 - 1 applicant for permanent licensure has been denied
 - 1 enforcement matter.



Medical Imaging

- States have taken mixed approaches regarding licensure of medical imaging professionals, with some states licensing various license types as a single category. Of the following 10 license types that New Hampshire regulates:
 - Cardiac Electrophysiology Specialists: licensed by 1 state
 - Cardiovascular Invasive Specialists: licensed by 9 states
 - Computed Tomographers: licensed by 13 states
 - Limited X-Ray Machine Operators: licensed by 33 states
 - Magnetic Resonance Technologists: licensed by 6 states
 - Nuclear Medicine Technologists: licensed by 38 states
 - Radiation Therapists: licensed by 38 states
 - Radiologist Assistants: licensed by 33 states
 - Radiographers: licensed by 42 states
 - Sonographers: licensed by 4 states
- Source: American Society of Radiologic Technologists.



Medical Imaging

- If House Bill 2 were to pass as proposed:
 - Advisory board and license types would be eliminated
 - Stakeholders and the public could rely on healthcare facilities to vet individuals. This would include requirement of national certification, such as certification through ARRT.



Licensure of Nursing Assistants

- House Bill 2 proposes to eliminate licensure of nursing assistants.
- Under the proposal, New Hampshire would still be required to register nursing assistants, as required by the Omnibus Budget Reconciliation Act of 1997 and accompanying CMS regulations.
- OPLC could not find any state other than New Hampshire that requires nursing assistants to be both registered **and** licensed to work as a nursing assistant.
 - Many states refer to individuals on the state managed, federal nursing assistant registry as “certified nursing assistants,” or CNAs.
 - New Hampshire could choose to eliminate the duplicative licensure requirement, but allow individual on the registry to use the title, “LNA.”



NH Nursing Assistant Registration v. NH Nursing Assistant License

NH Nursing Assistant Registration

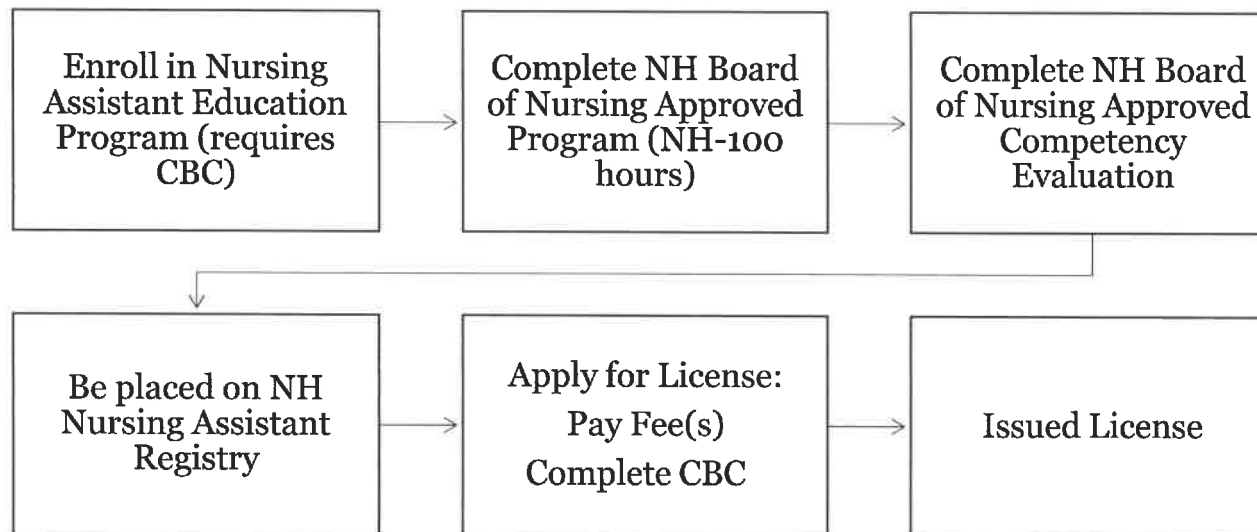
- Eligibility Requirements
 - Complete Criminal History Check. He-P 802.17.
 - Complete state-approved nursing assistant program;
 - Program must be at least 75 hours, including 16 hours of practical training (but can be more). See 42 C.F.R. § 483.152
 - NH requires 100 hours; 13 states exceed NH requirements by 20%.
 - Pass state-approved examination
 - Complete at least 12 hours of in-service training per year. 42 C.F.R. § 483.195.

NH Nursing Assistant License

- Eligibility Requirements
 - Be on the NH Nursing Assistant Registry
 - Complete Criminal History Check
 - Pay Fees:
 - \$35.00 for application
 - \$28.00 for professional's health program
 - Complete at least 24 hours of continuing education over 2 years. Nur 401.06



NH Nursing Assistant Registration and Licensure Process

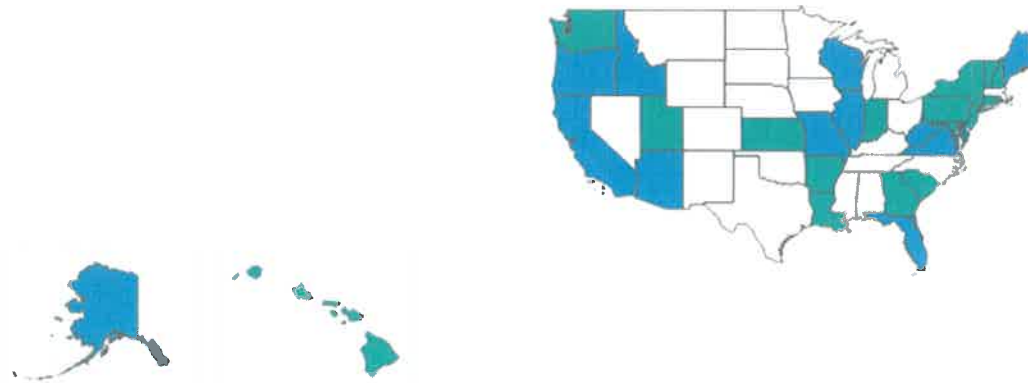




Nursing Assistant Registration Requirements

Nurse Aide Training Requirements

- 120+ Hours
- 76-119 Hours
- 75 hours





Booths

- House Bill 2 proposes to remove requirement that independent contractors within licensed shops be licensed.
- The Board of Barbering, Cosmetology & Esthetics supports this repeal.



Proposed License Addition: Massage Therapy Establishment License

- Individuals are using our lax massage therapy licensure laws to facilitate sex and labor trafficking.
- According to a report issued by Federation of State Massage Therapy Boards in (FSMBT) in 2017:
 - Between 6,500 and 9,000 illicit businesses use massage or bodywork as a front for prostitution in the United States.
 - Those business also often engage in fraud related to massage therapy licensing and massage education.
 - Human traffickers bring people into and through the United States for forced labor, including prostitution.



Proposed License Addition: Massage Therapy Establishment License



New Hampshire: Efforts to Combat Human Trafficking

U.S. Department of Health and Human Services Region I

This state profile summarizes regionally specific data to help promote collaboration and inform and enhance the response to human trafficking in New Hampshire. Information was reported to the National Human Trafficking Hotline from December 2012 to December 2016.



The image above is a heat map that reflects the cases reported to the National Human Trafficking Hotline in 2016. Areas in which greater numbers of cases were reported contain more red shading. Areas in central and south New Hampshire contain red shading. This map only reflects cases in which the location of the potential trafficking was known. Some cases may involve more than one location.



DEMOGRAPHICS OF POTENTIAL PERSONS TRAFFICKED:

Citizenship

U.S. Citizen/Legal Permanent Resident: 12
Foreign National: 5

Gender

Female: 28
Male: 3
Gender Minorities: < 3

Age

Adult: 27
Minor: 5

*These statistics are non-cumulative. Cases may involve multiple victims and include males and females, foreign nationals and U.S. citizens, adults and minors. In some cases, callers do not provide demographic information.

For more statistics on human trafficking in New Hampshire, visit <https://humantraffickinghotline.org/state/new-hampshire>.

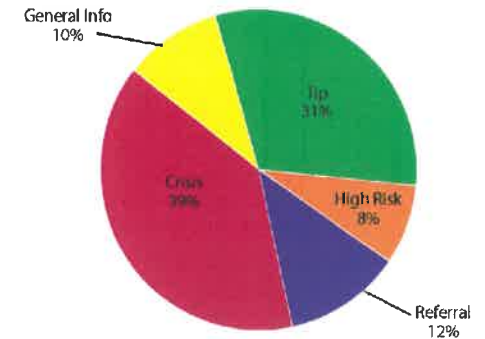
TOP 2 SEX TRAFFICKING VENUES

1. Commercial-Front Brothels
2. Online Ad. Venue Unknown

TOP LABOR TRAFFICKING VENUES

All labor trafficking venues reported fewer than three times.

Types of Calls to the National Human Trafficking Hotline in 2016



The data contained in this document are based on aggregated information learned through signals—phone calls, emails, and online tip reports—received by the National Human Trafficking Hotline. The data do not represent actual numbers of cases identified or processed, nor do they represent the entire scope of human trafficking.



For more information, visit <https://www.acf.hhs.gov/otip/tralnlhg/nhttc>.



FY 24–25: Governor’s “Trailer Bill” (HB2)

- Anticipated Reductions in Revenue:

OPLC License Types Eliminated	License Total as of 2/23/23	Current Renewal Fee	Total Revenue Reduction
Booth (Barbering, Cosmetology & Esthetics)	1,966	\$ 75.00	\$ 147,450.00
Medical Imaging and Radiation Therapy (All Permanent License Types)	2,628	\$ 110.00	\$ 289,080.00
Medical Imaging and Radiation Therapy (All Temporary License Types)	32	\$ 20.00	\$ 640.00
Foresters	250	\$ 120.00	\$ 30,000.00
Landscape Architect	134	\$ 160.00	\$ 21,440.00
Licensed Nursing Assistant	12,012	\$ 35.00	\$ 420,420.00
Medical technician (Both License Types)	1,682	\$ -	\$ -
Court Reporters (Both License Types)	65	\$ 200.00	\$ 13,000.00
Natural Scientist (Both License Types)	208	\$ 120.00	\$ 24,960.00
Natural Scientist Apprentice (Both License Types)	58	\$ 120.00	\$ 6,960.00
TOTAL	19,035		\$ 953,950.00



FY 24–25: Governor’s “Trailer Bill” (HB2)

- Potential Increases in Revenue
 - Increase in number of permanent licenses issued due to universal licensure recognition (e.g., during the COVID-19 State of Emergency, 63% of all licensed psychologists practiced under an emergency license only)
 - Increase in number of military servicemember licenses and spouse licenses due to streamlined requirements.
 - Transfer of licensing boards and license types to OPLC:
 - Boxing and Wrestling Commission
 - Board of Auctioneers
 - Board of Licensing for Interpreters for the Deaf, Deafblind, and Hard of Hearing
 - Professional Bondsmen



FY 24–25: Governor’s “Trailer Bill” (HB2)

- Potential Decreases in Expenses
 - Reduction in costs due to reduced number of supported boards, board members, and associated administrative overhead.
 - Reduced need for administrative support (class 10 and class 60) due to streamlined licensing and disciplinary procedures.

