

CHAPTER 10
SB 282 – FINAL VERSION

2014 SESSION

14-2724
10/04

SENATE BILL **282**

AN ACT relative to disciplinary proceedings by the board of architects.

SPONSORS: Sen. Gilmour, Dist 12; Sen. Forrester, Dist 2; Sen. Larsen, Dist 15; Sen. Lasky,
Dist 13; Rep. Byron, Hills 20

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes the criteria, and procedures for, and the penalties which may be imposed in, disciplinary actions undertaken by the board of architects.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to disciplinary proceedings by the board of architects.

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

1 10:1 Board of Architects; Disciplinary Proceedings. RSA 310-A:47 is repealed and reenacted to
2 read as follows:

3 310-A:47 Investigations and Disciplinary Proceedings.

4 I. The board may undertake investigations or disciplinary proceedings:

5 (a) Upon its own initiative; or

6 (b) Upon complaint of any person which charges that a person licensed by the board has
7 committed misconduct under paragraph II and which specifies the grounds therefor.

8 II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

9 (a) The practice of fraud or deceit in procuring or attempting to procure or renew a
10 certificate to practice under this subdivision.

11 (b) Conviction of a felony or any offense involving moral turpitude.

12 (c) Any unprofessional conduct or dishonorable conduct unworthy of, and affecting the
13 practice of the profession.

14 (d) Unfitness or incompetency by reason of negligent habits or other causes, or negligent
15 or willful acts performed in a manner inconsistent with the interests of persons relying on the
16 expertise of the licensee.

17 (e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders
18 the licensee unfit to practice under this subdivision.

19 (f) Mental incompetency to practice under this subdivision.

20 (g) Willful or repeated violation of the provisions of this subdivision.

21 (h) Suspension or revocation of a license, similar to one issued under this subdivision, in
22 another jurisdiction and not reinstated.

23 (i) Violations of the rules of professional conduct for architects, or any other rule adopted
24 by the board.

25 (j) Providing false testimony before the board.

26 (k) Failure to provide, within 30 calendar days of receipt of notice by certified mail,
27 return receipt requested, information requested by the board as a result of any formal complaint to
28 the board alleging a violation of this subdivision.

29 (l) Knowingly making or signing any false statement, certificate, or affidavit in

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1 connection with the practice of architecture.

2 10:2 New Section; Architects; Penalties. Amend RSA 310-A by inserting after section 47 the
3 following new section:

4 310-A:47-a Disciplinary Actions; Penalties.

5 I. The board, upon making an affirmative finding under RSA 310-A:47, may take
6 disciplinary action in any one or more of the following ways:

7 (a) By written reprimand.

8 (b) By suspension, refusal to renew, limitation or restriction of a license, or probation for
9 a period of time determined to be reasonable by the board.

10 (c) By revocation of a license.

11 (d) By requiring the person to participate in a program of continuing education in the
12 area or areas in which the person has been found deficient.

13 (e) By requiring the person to practice under the direct supervision of a licensed
14 architect for a period of time specified by the board.

15 (f) By assessing civil penalties, after notification and due process, in amounts
16 established by the board which shall not exceed \$2,000 per offense or, in the case of continuing
17 offenses, \$200 for each day the violation continues, whichever is greater.

18 II. Any applicant or licensee aggrieved by an action of the board denying, suspending,
19 refusing to renew, or revoking his or her license may appeal the decision in accordance with
20 RSA 541.

21 III. In addition to any other action, the board may assess all reasonable costs incurred in
22 connection with any disciplinary proceeding, including investigations and stenographer's and
23 attorney's fees as a condition of probation or reinstatement.

24 IV. Any disciplinary action by the board shall be published in the report of the board and
25 shall be a public record in accordance with RSA 91-A.

26 10:3 Effective Date. This act shall take effect January 1, 2015.

27 Approved: May 14, 2014

28 Effective Date: January 1, 2015