

HB 2-FN-A-LOCAL - AS INTRODUCED

2023 SESSION

23-1064

10/05

HOUSE BILL ***2-FN-A-LOCAL***

AN ACT relative to state fees, funds, revenues, and expenditures.

SPONSORS: Rep. Weyler, Rock. 14

COMMITTEE: Finance

ANALYSIS

This bill:

1. Names the divisions of the department of information technology.
2. Authorizes the department of information technology to fill unfunded positions for the biennium ending June 30, 2025.
3. Broadens the community college system of New Hampshire's dual and concurrent enrollment program and makes an appropriation therefor.
4. Limits retirement system eligibility for full time community college system employees to only those participating prior to January 1, 2024.
5. Makes an appropriation to the university system of New Hampshire for the renovation of the Whittemore Center Arena.
6. Authorizes the liquor commission to transfer funds for its employee incentive program.
7. Establishes new unclassified positions within the department of corrections.
8. Moves positions within the department of corrections from group I to group II status in the New Hampshire retirement system.
9. Removes the position of professional standards director from the department of corrections.
10. Makes certain organizational changes to the office of the commissioner of the department of environmental services.
11. Alters the hearings process within the department of environmental services, for the wetlands council, water council, and air resources council to be under the attorney general.
12. Removes the subsurface systems fund established in RSA 485-A:30, I-b and directs the revenues to the water resources fund.
13. Makes certain changes to, and continuously appropriates, the fees collected for excavating and dredging permits being deposited into the water resources fund.
14. Modifies the wastewater plant operator certification fund to be continuously appropriated.

HB 2-FN-A-LOCAL - AS INTRODUCED

15. Mandates that applications for aid to municipalities for water pollution control under RSA 486:7 be filed within one year of final completion of the eligible project and makes an appropriation to such program.
16. Clarifies the chargeable area for fees associated with terrain alteration disturbances.
17. Removes certain limitations to the Winnepesaukee River basin control program.
18. Establishes a new chapter regulating PCB assistance, a corresponding fund, and makes an appropriation therefor.
19. Establishes a new office of regulatory review, reduction, and government efficiency and makes an appropriation therefor.
20. Establishes a historic housing preservation tax credit.
21. Establishes the InvestNH Program.
22. Makes an appropriation for the Affordable Housing Fund.
23. Makes an appropriation for the Juvenile Peer-to-Peer Grief Support program.
24. Repeals statutes related to the advanced manufacturing education advisory council, membership and terms, duties, and the advanced manufacturing education fund.
25. Modifies New Hampshire excellence in higher education endowment fund definitions.
26. Changes the regenerative manufacturing workforce development program into the workforce development student debt relief program.
27. Changes the college tuition savings advisory commission to a scholarship commission.
28. Creates a computer science and STEM administrator for the department of education.
29. Creates a new chapter for a computer science educator program.
30. Creates the establishment of the bridges house special account.
31. Establishes a fund and appropriations for the New Hampshire state prison administered by the department of corrections.
32. Makes an appropriation for the department of corrections IT infrastructure.
33. Makes an appropriation for the department of administrative services to purchase 2 Granite Place, Concord, New Hampshire, construct a new youth detention center, and construct a new legislative parking garage.
34. Makes an appropriation for the body-worn and dashboard camera fund.
35. Authorizes the Christa McAuliffe memorial.
36. Establishes a commission on New Hampshire civics.
37. Makes an appropriation for the Governor's commission on alcohol and other drugs.
38. Makes an appropriation for expanding the Teacher of the Year program.

HB 2-FN-A-LOCAL - AS INTRODUCED

39. Creates the norther border alliance program.
40. Modifies the authority and duties of police employees acting within 25 air miles of the border with Canada.
41. Makes appropriations to the department of natural and cultural resources to assess the materials in the state library and to the governor's commission on alcohol and other drugs for student assistance programming and youth risk behavior surveys.
42. Requires the board of tax and land appeals to have at least one member of board be an attorney admitted to practice in New Hampshire.
43. Repeals the communications service tax.
44. Redirects workers' compensation funds from the general fund to a department of labor restricted fund and makes changes to the employer insurance carrier reimbursement process.
45. Alters the nomination process to the labor commissioner penalty appeal board.
46. Authorizes the commissioner of labor to adopt administrative rules to facilitate administration and enforcement of family and medical leave insurance.
47. Alters the composition of the workers' compensation appeal board.
48. Changes the term of office, the process to fill vacancies, and scope of authority of the department of transportation appeals board.
49. Creates an over-length, over-width, and over-height revolving fund under the railroad appeals board credited to the department of transportation.
50. Authorizes highway surveillance for the security of the Little Bay Bridges in Dover and Newington.
51. Alters the definition of prime wetlands and adjacent buffers for state highway rights-of-way and authorizes the commissioner of transportation to discontinue rights-of-way.
52. Authorizes the department of transportation to charge a credit card use convenience fee for aircraft operating fee transactions.
53. Clarifies the requirements for eligibility for the E-Z Pass transponder road toll discount.
54. Alters the process of the development of the statewide transportation improvement program plan.
55. Alters the process to claim assets which have escheated to the state.
56. Suspends revenue sharing with cities and towns for the biennium ending June 30, 2025.
57. Transfers certain responsibilities of the department of environmental services and the public utilities commission to the department of energy.
58. Directs the department of energy to support offshore wind initiatives.
59. Changes the dates required to submit reports to the department of energy.
60. Increases staff and expenditures at the department of energy.

HB 2-FN-A-LOCAL - AS INTRODUCED

61. Changes the dates of the quarters for quarterly assessments by the public utilities commission.
62. Enables the commissioner of the department of energy to appoint a general counsel.
63. Removes the statutory fee for record requests from the division of motor vehicles.
64. Requires the state fire marshal to make annual inspections of residential care and health facility licensing.
65. Allows certain emergency medical care providers to administer Naloxone.
66. Enables the engagement of peer support services following a critical incident or other certain experiences by emergency services providers.
67. Suspends the highway fund allocation.
68. Defines what students are eligible for education freedom accounts.
69. Changes the distribution schedule from the education trust fund.
70. Creates the state building aid fund.
71. Revises the formula for calculating adequate education grants and increases the amount of such funding.
72. Provides that appropriations to state agencies for bond insurance and property and casualty insurance shall not be transferred or expended for any other purpose.
73. Provides that funds appropriated for state employee medical and surgical benefits shall be nonlapsing.
74. Clarifies administration of the salary adjustment fund and employee benefit adjustment account.
75. Changes the name of the department of administrative services state budget director to the state budget officer.
76. Provides the department of administrative services authority to bill agencies for planning and design costs associated with capital construction projects.
77. Makes an appropriation to the department of administrative services for technology upgrades.
78. Revises the duties and authority of the state commission on aging.
79. Establishes the salary schedule applicable to certain corrections officers.
80. Authorizes the department of administrative services to expend funds appropriated for additional parking for state employees in downtown Concord.
81. Establishes salaries and salary schedules for certain state officers and unclassified employees.
82. Increases the distribution of business profits and business enterprise tax revenues to the education trust fund.

HB 2-FN-A-LOCAL - AS INTRODUCED

83. Makes an appropriation to the department of health and human services for the Choose Love Program.
84. Allows the department of health and human services to fill unfunded positions.
85. Suspends the foster grandparents program.
86. Suspends the congregate housing and services program.
87. Requires the department of health and human services to raise the income eligibility for elderly and adult clients under the social services block grant program.
88. Suspends suspend the provision of direct and indirect graduate medical education payments to hospitals.
89. Suspends catastrophic aid payments to hospitals.
90. Allows for additional funding for Medicaid to schools.
91. Makes an appropriation for the Sununu Youth Services Center.
92. Requires submission of health facility plans to the division of fire safety.
93. Delays the workplace violence prevention and health care workplace safety commission.
94. Establishes unclassified positions in the department of health and human services.
95. Requires no admissions to the forensic psychiatric hospital in the biennium.
96. Funds the acquired brain disorder services, and in-home support waiver.
97. Increases the total county nursing services billings.
98. Makes appropriations to the department of health and human services for programs and systems.
99. Repeals department of business and economic affairs programs for college graduate retention incentive partnership (NH GRIP), COVID-19 micro enterprise relief fund, and the package plan program.
100. Revises the workforce development program administration.
101. Makes an appropriation to the department of natural and cultural resources for the bureau of historic sites fund.
102. Provides for quarterly meetings of the agricultural advisory board.
103. Reclassifies and renames positions in the department of justice to unclassified.
104. Establishes a handling charge for the division of charitable trusts.
105. Provides for continued retirement system administration of certain benefit payments to existing beneficiaries.
106. Increases the business finance authority unified contingent credit limit.
107. Requires certain hospitals to be designated as mental health receiving facilities.

HB 2-FN-A-LOCAL - AS INTRODUCED

108. Redefines the roles and responsibilities of the office of professional licensure and certification (OPLC) for the state's occupational regulatory boards and commissions. The bill consolidates administrative authority for OPLC in a new chapter and repeals redundant provisions of law. The bill repeals, or merges with other boards, several boards or commissions.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to state fees, funds, revenues, and expenditures.

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

1 1 Department of Information Technology; Divisions Established. Amend RSA 21-R:5 to read as
2 follows:

3 21-R:5 Divisions Established. The commissioner shall establish 4 divisions, **business**
4 **relationship management, user experience, infrastructure and operations, and user**
5 **services**, which shall be in alignment with the department's statewide strategic plan. Each division
6 shall be under the supervision of a division director appointed pursuant to RSA 21-R:3.

7 2 Department of Information Technology; Unfunded Positions; Authorization. Notwithstanding
8 any other provision of law to the contrary, the department of information technology may fill
9 unfunded positions during the biennium ending June 30, 2025, provided that the total expenditure
10 for such positions shall not exceed the amount appropriated for personnel services.

11 3 Appropriation; Community College System of New Hampshire; Dual and Concurrent
12 Enrollment Program; Appropriation. The sums of \$2,000,000 for the fiscal year ending June 30,
13 2024, and \$2,000,000 for the fiscal year ending June 30, 2025, are hereby appropriated to community
14 college system of New Hampshire for the purpose of providing scholarships and program support for
15 the dual and concurrent enrollment program under RSA 188-E:26. This appropriation shall be in
16 addition to any other funds appropriated to the community college system of New Hampshire. The
17 governor is authorized to draw a warrant for said sums out of any money in the treasury not
18 otherwise appropriated. Said appropriation shall not lapse.

19 4 Regional Career and Technical Education (CTE); Dual and Concurrent Enrollment Program.
20 Amend RSA 188-E:26 to read as follows:

21 188-E:26 Program Established. There is established a dual and concurrent enrollment program
22 in CCSNH. Participation in the program shall be offered to high school and career technical
23 education center students in grades 10 through 12. The program shall provide opportunities for
24 qualified New Hampshire high school students to gain access and support for dual and concurrent
25 enrollment [~~in career and technical education courses, STEM (science, technology, engineering, and~~
26 ~~mathematics) and STEM-related] courses that are fundamental and necessary for success in~~
27 postsecondary education, career path opportunities, and to meet New Hampshire's emerging
28 workforce needs.

29 5 Regional Career and Technical Education (CTE); Dual and Concurrent Enrollment Program;
30 Enrollment Requirements. Amend RSA 188-E:27, II to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 2 -

1 II. A student in the program shall be provided funding for enrollment in no more than [2] 3
2 dual or concurrent enrollment courses taken in grade 10, no more than [2] 3 dual or concurrent
3 enrollment courses taken in grade 11, and no more than [2] 3 dual or concurrent enrollment courses
4 taken in grade 12. A student may take more than [2] 3 dual or concurrent enrollment courses per
5 year at his or her own expense.

6 6 Community College System of New Hampshire; Employment; Benefits; Retirement System
7 Status. Amend RSA 188-F:7 to read as follows:

8 188-F:7 Employment; Benefits; Retirement System Status.

9 I. Any changes to the conditions of employment, compensation, and benefits of community
10 college system of New Hampshire employees covered by collective bargaining agreements shall be
11 negotiated through the collective bargaining process.

12 II. The community college system of New Hampshire shall ~~as of the effective date of this~~
13 ~~section,~~ be considered an employer for the purposes of RSA 100-A:1, IV **and V for full-time**
14 **employees participating in the New Hampshire retirement system prior to January 1, 2024.**
15 ~~[Full-time employees of the community college system of New Hampshire as of the effective date of~~
16 ~~this section shall be considered employees for the purposes of RSA 100-A:1, V.]~~

17 III. Service as an employee of the community college system of New Hampshire **that**
18 **commences prior to January 1, 2024** shall be creditable service for purposes of RSA 100-A, RSA
19 21-I:29, RSA 21-I:30, RSA 21-I:30-a, RSA 21-I:30-b, and RSA 21-I:30-c. Any community college
20 system of New Hampshire employee who transfers, without a break in service, to a state classified,
21 unclassified, or nonclassified service position shall retain and transfer all leave accruals and
22 seniority and be entitled to all the rights and benefits of a permanent employee in the classified or
23 unclassified service of the state based on the years of creditable state service. At the time of such a
24 transfer, the employee shall immediately begin to accrue annual and sick leave as granted at the
25 time of the transfer by the receiving agency according to the employee's continuous years worked.
26 Any state employee in a classified, unclassified, or nonclassified service position who transfers,
27 without a break in service, to the community college system of New Hampshire shall retain and
28 transfer all leave accruals and seniority and be entitled to all the rights and benefits of a permanent
29 employee in the classified or unclassified service of the state based on the years of creditable state
30 service. At the time of such a transfer, the employee shall immediately begin to accrue annual and
31 sick leave as granted at the time of the transfer by the receiving agency according to the employee's
32 continuous years worked.

33 IV. ~~[Membership in the retirement system shall be optional for positions within the~~
34 ~~community college system of New Hampshire for which participation was optional as of June 30,~~
35 ~~2007, and for such other positions within the community college system of New Hampshire as may~~
36 ~~be designated by the board of trustees.~~

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 3 -

1 ~~V.~~] The community college system of New Hampshire shall remit to the state on a monthly
2 basis the cost of retiree health care benefits for employees who have retired on or after July 1, 2011.
3 The amount due shall be based on current enrollment for that month and the working rate for the
4 calendar year. Invoices from the department of administrative services shall contain retiree
5 enrollment detail in regards to the amount due. The department shall provide the community
6 college system an anticipated budget each biennium as part of the retiree health budget process.

7 7 New Hampshire Retirement System; Definitions; Employer and Employee. Amend RSA 100-
8 A:1, IV and V to read as follows:

9 IV. "Employer" shall mean (a) the state or any department, commission, institution, or
10 agency of the state government by which an employee is paid through the office of the state
11 treasurer with respect to their employees, (b) the state, the local school district, or other employers of
12 teachers eligible for membership in the system with respect to the teachers in their employ, (c) any
13 police department or police force of the state, or of any county, city, town, village, or precinct in the
14 state with respect to the permanent policemen in their employ, (d) any fire department of the state,
15 or of any county, city, town, village, or precinct in the state with respect to the permanent firemen in
16 their employ, (e) any political subdivision that has elected to participate under RSA 100-A:20, and (f)
17 the community college system of New Hampshire *for those full-time employees whose*
18 *participation in the New Hampshire retirement system commences prior to January 1,*
19 *2024*; provided, however, that in no instance shall any employer contribute or participate in the
20 retirement system unless by a reasonable determination of the board of trustees such employer
21 qualifies as a governmental entity, political subdivision, agency, or instrumentality eligible to
22 participate in the retirement system as a governmental plan within the meaning of section 414(d) of
23 the United States Internal Revenue Code of 1986, as amended. When 2 or more employers share or
24 merge payroll functions, each employer shall continue to be considered a separate employer for the
25 purposes of RSA 100-A.

26 V. "Employee" shall mean any regular classified, nonclassified, or unclassified officer or
27 employee of the state or any department, commission, institution or agency of the state government
28 by which an employee is paid through the office of the state treasurer, or employees of the general
29 court who work on a full-time basis and are eligible for other state benefits, but whose salary is
30 calculated on a per diem basis, or any employee of the retirement system, or any full-time employee
31 of the community college system of New Hampshire *who began service prior to January 1, 2024,*
32 or of any of the groups authorized to participate under this chapter but excluding any person who is
33 a teacher, permanent policeman, or permanent fireman as defined in this section, or who is a
34 member or attache of the general court or member of the executive council.

35 8 Appropriation; University System of New Hampshire; Blockchain. There is hereby
36 appropriated to the University of New Hampshire's Interoperability Lab the sum of \$1,500,000 for
37 the fiscal year ending June 30, 2023 which shall be nonlapsing and shall be expended for the purpose

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 4 -

1 of establishing a program at the University of New Hampshire Interoperability lab to analyze the
2 interoperability of blockchain technology. The governor is authorized to draw a warrant for said sum
3 out of any money in the treasury not otherwise appropriated.

4 9 Effective Date. Section 8 of this act shall take effect June 30, 2023.

5 10 Appropriation; University System of New Hampshire; Whittemore Center Arena There is
6 hereby appropriated to the University of New Hampshire the sum of \$8,000,000 for the fiscal year
7 ending June 30, 2023 which shall be nonlapsing and shall be expending for the purpose of renovating
8 and expanding the Whittemore Center Arena. The governor is authorized to draw a warrant for said
9 sum out of any money in the treasury not otherwise appropriated.

10 11 Effective Date. Section 10 of this act shall take effect June 30, 2023.

11 12 New Paragraph; The Liquor Commission; Funds; Authority for Employee Incentive Program.
12 Amend RSA 176:16 by inserting after paragraph V the following new paragraph:

13 VI. The commission is authorized to transfer funds for its employee incentive program from
14 the liquor commission fund to such accounts as required to compensate qualifying employees as
15 provided in the liquor commission rules, Liq 800.

16 13 Department of Corrections; Transfer Authority. The following classes within the department
17 of corrections shall be exempt from the transfer restrictions in RSA 9:17-a and 9:17-c; classes: 10-
18 personal services-perm classified, 11-personal services unclassified, 12-personal services
19 unclassified, 18-overtime, 19-holiday pay, 50-personal service-temp/appointed, and 60-benefits. The
20 department is authorized to transfer funding in these classes within and amongst all accounting
21 units provided that any transfer of \$100,000 or more shall require prior approval of the fiscal
22 committee of the general court and governor and council. The provisions in this paragraph shall
23 remain in effect for the biennium ending June 30, 2025.

24 14 Department of Corrections; Unclassified Positions Established.

25 I. The unclassified positions of deputy director of health services, deputy director of
26 rehabilitative services, and deputy warden are hereby established in the department of corrections
27 and shall be qualified for that position by reason of education and experience and shall be appointed
28 by the commissioner of the department of corrections and who shall serve at the pleasure of the
29 commissioner. The positions shall be as follows:

30 (a) The deputy director of health services shall oversee the uniform integration of allied
31 healthcare, dental services, health information management and contractual healthcare services into
32 the comprehensive medical and behavioral health system operated by the department of corrections
33 as well as ensuring adherence of licensed clinical staff to their respective practice laws, rules,
34 standards, and policies. In addition, the deputy director of health services will oversee the
35 departments business agreements to ensure compliance with the health insurance portability and
36 accountability act and its application within a correctional environment. This position shall also
37 establish an organizational reporting structure to ensure that all licensed clinical staff receive

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 5 -

1 adequate and appropriate supervision. Direct reports shall include the facility classified and
2 contracted health administrators and all allied healthcare and health information management
3 staff.

4 (b) The deputy director of rehabilitative services shall oversee the uniform integration of
5 institutional rehabilitative programs, reentry services, faith-based services, educational and
6 vocational offerings and family-based services operated by the department of corrections at all
7 locations for those incarcerated, as well as ensuring adherence of certified professionals to their
8 respective standards, rules and policies. In addition, this position will oversee and ensure
9 compliance with applicable grants and contractual agreements with external partners and seek
10 further resources to integrate into the correctional setting to improve programmatic resources for
11 the incarcerated population. The deputy director of rehabilitative services will also establish an
12 organizational reporting structure to ensure all staff, including certified educational professionals
13 receive adequate and appropriate supervision. Direct reports shall include but not limited to the
14 facilities classified administrators of program services, the education director, and institutional
15 program management staff.

16 (c) The deputy warden of the New Hampshire state prison for men will work in close and
17 immediate contact with prisoners on a daily basis, having responsibility for security. This position
18 will administer and direct facility objectives by assessing needs and operational effectiveness,
19 establishes controls, and monitors key performance measures and other quality improvement
20 protocols related to the identified organizational goals of the department and the New Hampshire
21 state prison for men. This position will assist the warden in management of the New Hampshire
22 state prison for men and its security force. This position will conduct post-incident reviews to
23 determine the scope of actions taken and whether those actions comply with applicable state law,
24 administrative rules, policies and procedures, training, and proper use of force. This position will
25 meet with those incarcerated and staff as necessary to determine the validity of requests and report
26 outcomes and areas of improvement to the warden. This position will oversee supervision of prison
27 security operations, bureau of classifications and client records, hobby craft/recreation staff, and
28 related program activities, and will work with the warden on facility budget planning and
29 development as it relates to equipment and operational costs. This position maintains its group II
30 law enforcement classification in the retirement system due to its being in close and immediate
31 contact with those incarcerated on a daily basis.

32 II. The commissioner shall appoint a person to each position established pursuant to
33 subparagraph. Any vacancy shall be filled in the same manner as the original appointment.

34 III. The salary of these positions shall be determined after assessment and review of the
35 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
36 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 6 -

1 IV. Upon completion of the appointment of the positions identified in paragraph I, the
2 following positions shall be abolished to allow for the transition of these classified positions with
3 their available appropriations into the unclassified positions. Funding shall be transferred into
4 expenditure class 011, within accounting unit 02-46-46-465010-8234, 02-46-46-469010-8232 and 02-
5 46-46-463510-3372. The incumbents in the abolished classified positions shall be offered the
6 opportunity to seek the commissioner's appointment of the unclassified positions:

- 7 (a) Administrator IV (Deputy Director of Health Services) #12849.
8 (b) Administrator IV (Deputy Director of Rehabilitative Services) #19953.
9 (c) Administrator IV (Deputy Warden) #16320.

10 15 Department of Corrections; Authorization to Transfer to Group II of the New Hampshire
11 Retirement System. Pursuant to the provision of RSA 100-A:3, IX, the following positions in the
12 department of corrections classified as group I positions are deemed to have met the requirement of
13 RSA 100-A:1, VII(b) and shall be transferred to group II status in the New Hampshire retirement
14 system:

- 15 I. Licensed Nursing Assistant III, #44273.
16 II. Licensed Nursing Assistant I, #44291.
17 III. Administrator -Secure Psychiatric Unit, #16849.

18 16 Department of Corrections; Qualifications and Compensation of Certain Officials. Amend
19 RSA 21-H:7 to read as follows:

20 21-H:7 Qualifications and Compensation of Certain Officials.

21 I. The commissioner, assistant commissioner, [~~professional standards director,~~] director of
22 personnel and information, director of rehabilitative services, and the division directors of the
23 department shall be qualified to hold such positions by reason of education and experience.

24 II. The salaries of the commissioner, assistant commissioner, [~~professional standards~~
25 ~~director,~~] director of personnel and information, director of rehabilitative services, and the division
26 directors of the department shall be as specified in RSA 94:1-a.

27 17 Department of Environmental Services; Commissioner; Assistant Commissioner; Directors;
28 Chief Operations Officer; Compensation. Amend RSA 21-O:2, III-a and IV to read as follows:

29 III-a. The commissioner shall nominate for appointment by the governor and council a chief
30 operations officer of the commissioner's office who shall serve for a term of 4 years. The chief
31 operations officer shall oversee and coordinate the activities of the administrative services *unit* [~~;~~
32 ~~geology, public information and permitting, and laboratory services units,~~] and shall be responsible
33 for the following functions:

- 34 (a) Preparing agency budget requests.
35 (b) [~~Developing and implementing procedures for assuring smooth operation of the~~
36 ~~various units within the commissioner's office.~~

1 ~~(c) Ensuring compliance with directives and procedures by the governor and general~~
2 ~~court.~~

3 ~~(d) Implementing audit recommendations concerning the commissioner's office units.~~

4 ~~(e)] Carrying out the directives of the commissioner and assistant commissioner.~~

5 IV. *The commissioner, or assistant commissioner, as designated by the*
6 *commissioner, shall be responsible for the following functions:*

7 *(a) Developing and implementing procedures for assuring smooth operation of*
8 *the various units within the commissioner's office;*

9 *(b) Ensuring compliance with directives and procedures by the governor and*
10 *general court; and*

11 *(c) Implementing audit recommendations concerning the commissioner's office*
12 *units.*

13 V. The salaries of the commissioner, the assistant commissioner, the chief operations officer
14 and each division director shall be as specified in RSA 94:1-a.

15 18 Department of Environmental Services; Office of the Commissioner. Amend RSA 21-O:12 to
16 read as follows:

17 21-O:12 Office of the Commissioner. The commissioner of environmental services shall
18 establish units within [his] *the* office to be responsible for: administrative services, [geology]
19 *geological survey, human resources*, planning, public information and permitting, risk analysis
20 and management, and [laboratory services] *legal*, which shall include the following functions and
21 such other functions as may be assigned by the commissioner:

22 I. Administrative services shall include the following services to all divisions, to the greatest
23 extent possible:

24 (a) Accounting, purchasing, and budget control.

25 (b) Personnel management.

26 (c) Property, contracts, and grants management.

27 ~~[(d) Data processing.~~

28 ~~(e) Compiling, indexing, and managing data collected by all divisions, which shall be~~
29 ~~used to establish a departmental data base for use by all divisions of the department, and which~~
30 ~~shall be a public record.]~~

31 II. Geology shall be under the direction of the state geologist, who shall be the director of the
32 New Hampshire geological survey. The geological survey shall collect data and perform research on
33 the land, mineral, and water resources of the state, and disseminate the findings of such research to
34 the public through maps, reports, and other publications. The state geologist shall: consult with the
35 commissioner of the department of natural and cultural resources relative to the issuance of mining
36 permits under RSA 12-E; assist the directors of the divisions of water and waste management as
37 necessary; and perform such other duties as may be assigned by the commissioner. The state

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 8 -

1 geologist and all members of the New Hampshire geological survey shall be staff members of the
2 commissioner's office. The state geologist shall advise the department, and all other branches of
3 state and local government, concerning the geologic character of the state and its implications for
4 both economic and scientific needs in conjunction with all existing and future environmental factors
5 relating to the geology of the state. The state geologist shall maintain liaison with federal and other
6 state geologic agencies and with the state university. The state geologist shall also serve as a voting
7 member of the board of professional geologists.

8 III. Planning shall be under the direct supervision of the assistant commissioner and shall
9 include all department-level short- and long-range planning activities and the coordination and
10 compilation of all division-level planning activities.

11 IV. Public information and permitting shall assist members of the general public, whenever
12 possible by directing them to the appropriate person within the relevant division of the department;
13 and generally providing members of the general public with all of the information necessary for
14 meeting permit requirements.

15 V. The risk analysis and management function shall be the direct responsibility of the
16 assistant commissioner, in accordance with RSA 125-H:7. The commissioner may call on any
17 personnel from any division or any other state department to assist the assistant commissioner in
18 the event of a crisis, disaster, or other occurrence or condition requiring analysis and management of
19 an actual or suspected risk of damage to the environment. The unit, once assembled by the
20 commissioner in the event of a crisis, disaster, occurrence, or condition, shall work closely with the
21 risk assessment bureau in the department of health and human services under the direction of the
22 assistant commissioner to:

23 (a) Make assessments of potential or actual risk of harm to the environment or, in
24 cooperation with the risk assessment bureau of the department of health and human services, to
25 persons.

26 (b) Manage environmental risk hazards using the results of the assessment described
27 above or any other available information to develop and evaluate regulatory options, within a
28 statutory framework, to reduce or eliminate the risk of harm to the environment.

29 ~~[VI. Laboratory services shall include such expert assistants and such facilities as are
30 necessary to support the investigatory, analytical, and enforcement functions of the department of
31 environmental services. The commissioner shall provide the commissioner of the department of
32 health and human services with direct access to all raw data, test results, and other information and
33 samples received or generated by the laboratories in the department deemed necessary by the
34 commissioner of the department of health and human services in order to carry out his or her
35 responsibilities to protect the public health.]~~

36 19 Department of Justice; Attorney General; Deputy; Associates; Assistants. Amend RSA 21-
37 M:3, VIII-IX to read as follows:

1 VIII. The attorney general shall appoint qualified applicants to serve as a hearing officer for
2 appeals to any of the councils established under RSA 21-O. The attorney general and the
3 commissioner of the department of environmental services may enter into a memorandum of
4 understanding to transfer funds sufficient to fund the hearing officer position, **clerical and**
5 **support personnel and services**, and related expenses. Such individual or individuals shall:

6 (a) Be qualified by education and experience in the conduct of administrative
7 adjudicative hearings and the application of law to facts; and

8 (b) Be fully screened by the attorney general from the outset of any such appeal from
9 any attorney representing the department.

10 **VIII-a. Upon request by the commissioner of the department of environmental**
11 **services, the attorney general shall appoint qualified applicants to serve as a hearing**
12 **officer for all administrative enforcement matters authorized under any provision of law**
13 **including, but not limited to, administrative fines and license actions. The attorney**
14 **general and the commissioner of the department of environmental services may enter into**
15 **a memorandum of understanding to fund the hearing officer position, clerical and support**
16 **personnel and services, and related expenses. Such individual or individuals shall:**

17 (a) **Be qualified by education and experience in the conduct of administrative**
18 **adjudicative hearings and the application of law to facts;**

19 (b) **Be fully screened by the attorney general from the outset of any such appeal**
20 **from any attorney representing the department;**

21 (c) **Regulate all procedural aspects of a proceeding, including presiding over**
22 **the hearing and any prehearing conferences; and**

23 (d) **Provide the commissioner with a proposed written decision on the merits**
24 **within 45 days of the conclusion of the final hearing.**

25 IX. When designated as the hearing officer for a particular appeal **to any of the councils**
26 **established under RSA 21-0**, the hearing officer shall:

27 (a) Regulate all procedural aspects of a proceeding, including presiding over the hearing
28 and any prehearing conferences;

29 (b) Subject to RSA 21-O:14, at the first prehearing conference order the parties and any
30 persons who have been allowed to intervene to participate in mediation if the hearing officer
31 concludes that it is reasonably possible that mediation will result in the resolution of the issues in
32 dispute in the proceeding. No order to mediate shall stay the appeal proceeding;

33 (c) ~~Adopt all findings of fact made by the council except to the extent any such finding is~~
34 ~~without evidentiary support in the record;~~

35 (d) ~~Deliberate with]~~ **Receive advice from an advisory quorum of the council [before**
36 **reaching conclusions on mixed questions of law and fact] as described in RSA 21-O:14;**

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 10 -

1 ~~[(e)]~~ **(d)** Decide *all issues in the appeal including* all questions of *fact and* law
2 presented during the pendency of the appeal; and

3 ~~[(f)]~~ **(e)** Prepare and issue written decisions on all motions and on the merits of the
4 appeal within 100 days of the conclusion of the hearing on the merits. ~~[The hearing officer shall~~
5 ~~provide the council with a proposed written decision on the merits within 45 days of the conclusion of~~
6 ~~the hearing on the merits. If requested to do so by the members of the council participating in the~~
7 ~~discussion, the hearing officer shall meet with those members within the 100 day period to discuss~~
8 ~~the decision.]~~

9 20 Department of Environmental Services; Duties of Commissioner. Amend RSA 21-O:3, VIII-X
10 to read as follows:

11 VIII. Provide all necessary clerical and technical support to any council established by this
12 chapter. At a minimum, the commissioner shall:

13 ~~(a) [For any appeal from a department decision before any such council provide all~~
14 ~~necessary clerical and support personnel and services in order to:~~

15 ~~(1) Prepare notices and other documents required under RSA 541-A and distribute~~
16 ~~such notices and documents as directed by the hearing officer appointed under RSA 21-M:3, VIII;~~

17 ~~(2) Schedule the conduct of all council administrative appeal proceedings, as directed~~
18 ~~by the hearing officer appointed under RSA 21-M:3, VIII so as to ensure timely and efficient conduct~~
19 ~~of such proceedings;~~

20 ~~(3) Prepare and maintain the record, required by RSA 541-A, of all such appeals,~~
21 ~~which shall include the decisions issued in such proceedings.~~

22 ~~(b)~~ Provide comfortable and adequate space for the use of all councils in performing
23 their official duties; and

24 ~~[(e)]~~ **(b)** Provide all necessary clerical and support personnel and services in order to:

25 (1) Prepare and distribute notices and other documents required under RSA 91-A for
26 council meetings; and

27 (2) Prepare and maintain as public records the official minutes of the meetings of all
28 councils supported by the department.

29 ***VIII-a. Have the authority to enter into a memorandum of understanding with the***
30 ***attorney general pursuant to RSA 21-M:3, VIII and VIII-a, to fund the hearing officer***
31 ***position, clerical and support personnel and services, and related expenses.***

32 IX. [Repealed.]

33 X. [Repealed.]

34 21 Department of Environmental Services; Wetlands Council. Amend RSA 21-O:5-a, V-VII to
35 read as follows:

36 V. ***A quorum of at least 3 members of the wetlands council shall [hear all] serve in an***
37 ***advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any hearing***

1 **for** administrative appeals from department decisions made under RSA 482-A relative to wetlands,
2 or under RSA 483-B relative to shoreland protection [~~and shall decide all disputed issues of fact in~~
3 ~~such appeals,~~] in accordance with RSA 21-O:14. **Such a quorum shall be appointed by the**
4 **chairperson; however, any member of the wetlands council not appointed to the quorum**
5 **may voluntarily attend any hearing and participate to the same degree as a member**
6 **appointed by the chairperson.**

7 VI. The commissioner of the department of environmental services shall present all
8 proposed rules relative to wetlands and protected shorelands to the wetlands council for
9 consideration prior to filing a notice of proposed rule under RSA 541-A:6. The council shall present
10 any objections to proposed rules to the commissioner in writing within 15 days. The commissioner
11 may adopt a rule to which the council has objected only after presenting a written reply to the
12 council detailing the reasons for adopting the rule over the objections of the council.

13 VII. [~~The council shall adopt rules in accordance with the rulemaking provisions of RSA 541-~~
14 ~~A to govern its proceedings.~~] **During an appeal,** the council shall be subject to the requirements of
15 RSA 541-A:36[~~, notwithstanding RSA 21-O:14~~].

16 22 Department of Environmental Services; Water Council. Amend RSA 21-O:7, IV to read as
17 follows:

18 IV. **A quorum of at least 3 members of** the water council shall [~~hear all~~] **serve in an**
19 **advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any hearing**
20 **for** administrative appeals from department decisions relative to the functions and responsibilities
21 of the division of water other than department decisions made under RSA 482-A relative to wetlands
22 and RSA 483-B relative to shoreland protection[~~, and shall decide all disputed issues of fact in such~~
23 ~~appeals,~~] in accordance with RSA 21-O:14. **Such quorum shall be appointed by the**
24 **chairperson; however, any member of the water council not appointed to the quorum may**
25 **voluntarily attend any hearing and participate to the same degree as a member appointed**
26 **by the chairperson.**

27 23 Department of Environmental Services; Waste Management Council. Amend RSA 21-O:9, V
28 to read as follows:

29 V. **A quorum of at least 3 members of** the waste management council shall [~~hear all~~]
30 **serve in an advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at**
31 **any hearing for** administrative appeals from department decisions relative to the functions and
32 responsibilities of the division of waste management[~~, and shall decide all disputed issues of fact in~~
33 ~~such appeals,~~] in accordance with RSA 21-O:14. **Such quorum shall be appointed by the**
34 **chairperson; however, any member of the waste management council not appointed to the**
35 **quorum may voluntarily attend any hearing and participate to the same degree as a**
36 **member appointed by the chairperson.**

1 24 Department of Environmental Services; Air Resources Council. Amend RSA 21-O:11, IV to
2 read as follows:

3 IV. ***A quorum of at least 3 members of*** the air resources council shall ~~[hear all]~~ ***serve in***
4 ***an advisory role to the hearing officer assigned pursuant to RSA 21-M:3, VIII, at any***
5 ***hearing for*** administrative appeals from department decisions relative to the functions and
6 responsibilities of the division of air resources ~~[and shall decide all disputed issues of fact in such~~
7 ~~appeals;]~~ in accordance with RSA 21-O:14. ***Such quorum shall be appointed by the***
8 ***chairperson; however, any member of the air resources council not appointed to the***
9 ***quorum may voluntarily attend any hearing and participate to the same degree as a***
10 ***member appointed by the chairperson.***

11 25 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, I-a
12 and I-b to read as follows:

13 I-a.(a) Any person aggrieved by a department decision may, in addition to any other remedy
14 provided by law, appeal ***such decision by submitting a notice of appeal*** to the council having
15 ***advisory*** jurisdiction over the subject matter of the appeal within 30 days of the date of the decision
16 and shall set forth fully in a notice of appeal every ground upon which it is claimed that the decision
17 complained of is unlawful or unreasonable. ***The appeal shall be heard by a hearing officer***
18 ***designated pursuant to RSA 21-M:3, VIII, with the advice of a quorum of the council.*** Only
19 those grounds set forth in the notice of appeal shall be considered by the ***hearing officer and the***
20 ***quorum of the*** council. On any such appeal, the ~~[council]~~ ***hearing officer*** shall determine whether
21 the department decision was unlawful or unreasonable by reviewing the administrative record
22 together with any evidence and testimony the parties to the appeal may present.

23 (b) On appeal, the ~~[council]~~ ***hearing officer*** may affirm the department decision or may
24 remand the matter to the commissioner with a determination that the decision complained of is
25 unlawful or unreasonable. The ~~[council]~~ ***hearing officer*** shall specify the factual and legal basis for
26 its determination and shall identify the evidence in the record created before the council that
27 supports its decision.

28 (c) In the case of a remand to the commissioner ~~[by the council]~~, the commissioner shall:

29 (1) Accept the ~~[council's]~~ ***hearing officer's*** determination and take action consistent
30 with the determination, imposing such conditions as are necessary and consistent with the purposes
31 of the chapter under which the department decision was issued; or

32 (2) Appeal as provided in paragraph III.

33 (d) If the commissioner issues a revised decision, the department may at any time, and
34 the appellant may within 30 days of issuance, request the council to confirm that the revised
35 decision is consistent with the council's remand order.

36 I-b. As an alternative to filing an appeal under paragraph I-a and in addition to any other
37 remedy provided by law, any person aggrieved by a department permitting decision may, within 30

1 days of the date of the decision, file with the council having jurisdiction over the subject matter of
2 the appeal a preliminary notice of appeal and an offer to enter into settlement discussions. Filings
3 made under this paragraph shall be made on forms maintained by the department and shall be
4 governed by the following:

5 (a) Notwithstanding any other provision of law prescribing the contents of a notice of
6 appeal, a preliminary notice of appeal shall contain only information identifying the appellant, the
7 decision being appealed, and a list of every ground on which the appellant claims that the decision is
8 unlawful or unreasonable.

9 (b) The preliminary notice of appeal and offer to enter into settlement discussions shall
10 be served on the commissioner and, if not filed by the applicant, on the applicant on the same day as
11 they are filed with the council.

12 (c) The offer to enter into settlement discussions shall propose mediated settlement
13 discussions, unmediated settlement discussions, or both.

14 (d) The department and, if applicable, the applicant shall notify the appellant in writing
15 within 7 days whether they accept the offer to enter into settlement discussions. Any such
16 notification accepting the offer shall propose dates within the ensuing 30 days on which to hold the
17 settlement discussions, and if the appellant's offer proposed both mediated and unmediated
18 settlement discussions the notification shall elect one or the other.

19 (e) A notice of appeal that complies fully with the ~~[council's]~~ **procedural** rules
20 **established pursuant to RSA 21-O:14, IV**, shall be filed no later than 45 days after the
21 preliminary notice of appeal was filed by the appellant under this paragraph. No notice of appeal
22 shall raise grounds for appeal beyond those contained in the preliminary notice of appeal.

23 (f) If the department and, if applicable, the applicant accept the offer to enter into
24 settlement discussions the appeal shall be stayed until a notice of appeal is filed under subparagraph
25 (e).

26 (g) If the parties enter into mediated settlement discussions under this paragraph, the
27 provisions of paragraph I-c(a), (b), and (d) shall apply.

28 26 Department of Environmental Services; Administrative Appeals. Amend RSA 21-O:14, III
29 and IV to read as follows:

30 III. Any party aggrieved by the disposition of an administrative appeal ~~[before any council~~
31 ~~established by]~~ **under** this chapter may appeal such results in accordance with RSA 541.

32 IV. The ~~[councils established under this chapter]~~ **attorney general** shall adopt **procedural**
33 rules under RSA 541-A to govern the conduct of administrative appeals under this section. ~~[To the~~
34 ~~extent possible, the rules of the councils shall be consistent with each other.]~~

35 27 Water Management and Protection; Water Pollution and Waste Disposal; Sewage Disposal
36 Systems; Fees. Amend RSA 485-A:30, I-b to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 14 -

1 I-b. [~~There is hereby established the subsurface systems fund into which~~] The fees collected
2 under paragraph I shall be deposited ***in the water resources fund established in RSA 482-A:3,***
3 ***III*** [~~The fund shall be a separate, nonlapsing fund, continually appropriated to the department~~] for
4 the purpose of paying all costs and salaries associated with the subsurface systems program ***and***
5 ***other land resources management programs.***

6 28 Repeal. RSA 6:12, I(b)(281), relative to the subsurface systems fund, is repealed.

7 29 Water Management and Protection; Fill and Dredge in Wetlands; Excavating and Dredging
8 Permit; Certain Exemptions. Amend RSA 482-A:3, III to read as follows:

9 III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are
10 continually appropriated to and shall be expended by the department for paying per diem and
11 expenses of the public members of the council, hiring additional staff, reviewing applications and
12 activities relative to wetlands under RSA 482-A, protected shorelands under RSA 483-B, alteration
13 of terrain under RSA 485-A:17, conducting field investigations, ***individual sewage disposal***
14 ***systems and subdivisions under RSA 485-A:30,*** and holding public hearings. Such fees and any
15 monetary grants, gifts, donations, or interest generated by these funds shall be deposited with and
16 held by the treasurer in a nonlapsing ***and continuously appropriated*** fund identified as the water
17 resources fund.

18 30 Water Management and Protection; Water Pollution and Waste Disposal; Wastewater
19 Operator Certification; Application; Special Fund. Amend RSA 485-A:7-a, II to read as follows:

20 II. All applications shall be accompanied by a \$50 fee to cover department expenses for
21 conducting the certification program. All fees shall be deposited [~~with the state treasurer and~~
22 ~~deposited~~] in a special nonlapsing ***and continuously appropriated*** wastewater plant operator
23 certification fund to be used by the department for the administration of this subdivision and for the
24 operation of the department-owned Wastewater Plant Operator Training Center.

25 31 Water Management and Protection; Aid to Municipalities for Water Pollution Control;
26 Application for Funding. Amend RSA 486:7 to read as follows:

27 486:7 Application for Funding. Application for payments under the provisions of this chapter
28 shall be made in accordance with rules adopted by the department under RSA 541-A, and shall be
29 based upon reports filed with the department prior to January 31 in the calendar year for which
30 payment is being requested. ***Final applications must be received within one year of final***
31 ***completion of project to be eligible for funding.***

32 32 Appropriation; Department of Environmental Services; Municipal Water Pollution Control.
33 There is hereby appropriated to the department of environmental services the sum of \$27,900,000
34 for the fiscal year ending June 30, 2023 for the purpose of administering payments pursuant to RSA
35 486:1 – RSA 486:8. The sum appropriated shall be nonlapsing for the biennium concluding June 30,
36 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury
37 not otherwise appropriated.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 15 -

1 33 Effective Date. Section 32 of this act shall take effect June 30, 2023.

2 34 Water Management and Protection; Water Pollution and Waste Disposal; Enforcement;
3 Terrain Alteration. Amend RSA 485-A:17, II(b) to read as follows:

4 (b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot
5 ***of disturbance associated with the amendment request*** fee for each request to amend a permit
6 that requires plans to be reviewed.

7 35 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee
8 River Basin Control; Expenditures. Amend RSA 485-A:49, II to read as follows:

9 II. To provide funds for the municipal share of the costs involved pursuant to this
10 subdivision, the state treasurer is authorized to borrow upon the credit of the state [~~not exceeding~~
11 ~~the sum of \$3,000,000~~] and for said purposes may issue bonds and notes in the name and on behalf of
12 the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 36 Water Management and Protection; Water Pollution and Waste Disposal; Winnepesaukee
14 River Basin Control; Municipal Assessments. Amend RSA 485-A:50, III to read as follows:

15 III. The respective share of the assessments made in paragraphs I and II shall be paid to the
16 department by each municipality quarterly [~~on July fifteenth, October fifteenth, January fifteenth,~~
17 ~~and April fifteenth of that fiscal year~~], except for capital cost recovery assessments which shall be
18 paid annually [~~on July fifteenth~~]. After the close of each fiscal year, the department shall ascertain
19 its actual total expenses in accordance with the foregoing provisions, and then shall adjust the
20 assessment for the second quarterly payment of the new fiscal year for each such municipality
21 served for any under-payment or over-payment by each such municipality served for the prior fiscal
22 year.

23 37 New Chapter; PCB Assistance. Amend RSA by inserting after chapter 483-E the following
24 new chapter:

CHAPTER 483-F

PCB ASSISTANCE

27 483-F:1 Purpose Statement. The general court recognizes that polychlorinated bi-phenyl (PCB)
28 contamination is widespread in New Hampshire and impacts both land and water. As a result of
29 PCB laden products used both as intended and inappropriately dumped from 1929-1977, over 100
30 waterways have become impaired for fish consumption. In addition, waterfowl have been found to
31 have high levels of PCBs in their blood and in their eggs. The general court hereby declares that the
32 purpose of this chapter is to better understand the impact of PCBs on aquatic life and to ameliorate
33 those impacts to the greatest extent possible.

34 483-F:2 Definitions. In this chapter:

35 I. "Department" means the department of environmental services.

36 II. "Fund" means the PCB assistance fund established in this chapter.

37 483-F:3 PCB Assistance Fund.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 16 -

1 I. There is hereby established in the department the PCB assistance fund which shall be
2 maintained in distinct and separate custody from all other funds, notwithstanding RSA 6:12. All
3 moneys in the fund shall be nonlapsing and continually appropriated to the department of
4 environmental services for the purposes of this chapter.

5 II. The commissioner may apply for and accept, from any source, gifts; donations of money;
6 grants; federal, local, private, and other matching funds and incentives; and interests in land for the
7 purposes of this chapter. The moneys collected under this paragraph shall be deposited in the fund
8 established under paragraph I of this section.

9 III. The commissioner shall adopt rules relative to the distribution of money from the fund,
10 taking into consideration ability to pay, natural disaster conditions and locations, requirements for
11 repair, replacement and treatment, and other factors as determined by the department.

12 38 Appropriation; Department of Environmental Services; PCB Contamination. The sum of
13 \$6,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the commissioner of the
14 department of environmental services for the purpose of assisting to fund studies, investigations and
15 remediation of PCB contamination. Such funds shall be nonlapsing to the commissioner of the
16 department of environmental services. The governor is authorized to draw a warrant for said sum
17 out of any money in the treasury not otherwise appropriated.

18 39 Effective Date. Section 38 of this act shall take effect June 30, 2023.

19 40 New Chapter; Office of Regulatory Review, Reduction, and Government Efficiency. Amend
20 RSA by inserting after Chapter 12-O the following new chapter:

CHAPTER 12-P

OFFICE OF REGULATORY REVIEW, REDUCTION,
AND GOVERNMENT EFFICIENCY

24 12-P:1 Office of Regulatory Review, Reduction, and Government Efficiency.

25 I. There is hereby established an office of regulatory review, reduction, and government
26 efficiency. The office shall be an independent agency administratively attached to the department of
27 business and economic affairs pursuant to RSA 21-G:10. For the purposes of this chapter, “private
28 industry” shall be defined as any entity, persons, or representative thereof, who generate commerce
29 in the state of New Hampshire. The office shall consist of the following:

30 (a) An executive director, appointed by the governor and council, who shall have
31 experience from the private and public sector, as well as with state regulations. The executive
32 director shall serve a 4-year term and until a successor is appointed and qualified.

33 (b) An advisor of private industry efficiency appointed by the executive director who
34 shall have experience in private industry specifically dealing with and navigating government
35 regulations.

36 (c) An advisor of state government efficiency appointed by the executive director, who
37 shall have experience in public service and government with experience in interagency regulation.

1 (d) One staff member to be appointed by the executive director. When filling this
2 position, the executive director should consider appointing a business analysts or attorney with
3 experience working with New Hampshire’s regulatory agencies.

4 12-P:2 Powers and Duties. The office of regulatory review, reduction, and government
5 efficiency, through the advisor of private industry efficiency, shall have the power and duty to
6 petition for, initiate, appear or intervene in any proceeding concerning rulemaking before any board,
7 commission, agency, or regulatory body in which the interests of private industry in New Hampshire
8 are involved and to represent the interests of such industries.

9 III. The executive director, with the assistance of the advisor of private industry efficiency,
10 shall work in collaboration with private industry, executive agencies, the legislature, and any other
11 parties the executive director deems appropriate to produce objective scoring criteria, within 6
12 months of initial appointment of the executive director, that may be used to determine the
13 unnecessary regulatory burden existing rules have and proposed rulemaking could have on private
14 industry. The regulatory review, reduction, and government efficiency may use such objective
15 scoring criteria and reports generated from it in furtherance of paragraph II and to inform and
16 advise the public, executive agencies, and the legislature and its committees about the impacts of
17 existing or proposed rules on private industry.

18 IV. The objective scoring criteria shall be made public upon its completion and updated from
19 time to time as the executive director deems fit.

20 V. The regulatory review, reduction, and government efficiency, through the advisor of
21 private industry efficiency, shall accept complaints and comments from private industry regarding
22 existing or proposed rules and use the objective scoring criteria pursuant to paragraph II to
23 determine if existing or proposed rules present an unnecessary regulatory burden to such private
24 industry. Within 6 months from initial appointment of the executive director, the office shall have
25 an online presence whereby private industry may submit complaints and comments.

26 VI. The executive director, with the assistance of the advisor of state government efficiency,
27 shall work in collaboration with executive branch agencies to evaluate current practice and
28 interagency communications and procedures in order to continually improve efficiencies and
29 eliminate duplicity and unnecessary impediments.

30 VII. The advisor of state government efficiency shall annually review all boards and
31 commissions within the office of professional licensure and certification and produce a report to the
32 executive director consisting of recommendations to increase efficiencies and remove redundancies.

33 VIII. The executive director shall have the authority to contract for outside consultants
34 within the limits of funds available to the office.

35 12-P:3 Submission of Proposed Agency Administrative Rules. Executive agencies shall submit
36 all proposed rules to the regulatory review, reduction, and government efficiency at least 30 days
37 prior to their initial public hearing pursuant to RSA 541-A:11.

1 41 Appropriation; Department of Business and Economic Affairs; Office of Regulatory Review,
2 Reduction, and Government Efficiency. The sum of \$750,000 for the fiscal year ending June 30, 2024
3 and the sum of \$750,000 for the fiscal year ending June 30, 2025 are hereby appropriated to the
4 department of business and economic affairs for administration of the office of regulatory review,
5 reduction, and government efficiency established under RSA 12-P. The governor is authorized to
6 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

7 42 New Subdivision; Historic Housing Preservation Tax Credit. Amend RSA 204-C by inserting
8 after section 92 the following new subdivision:

9 Historic Housing Preservation Tax Credit

10 204-C:93 Definitions. For the purposes of this subdivision:

11 I. “Contributor” means an investor providing cash or a pledge to the authority for a project
12 in exchange for a tax credit.

13 II. “Eligible applicant” means any owner of a historical structure that is a for-profit or
14 nonprofit organization licensed to do business in the state, is a political subdivision of the state, or is
15 a public corporation established under the laws of the state.

16 III. “Eligible structure” means any historical structure that is intended for residential use
17 and is intended to be income-generating. It includes those currently used as residences and those
18 intended to be converted to residential use. It also includes properties that are or will be primarily
19 used for residential purposes, but that may have other uses that are non-residential. It does not
20 include any property that is or is intended solely to be the private residence of the owner.

21 IV. “Historical structure” means that a structure that:

22 (a) Is listed on the National Register of Historic Places or the State Register of Historic
23 Places;

24 (b) Has been determined by the National Park Service to be a certified historic
25 structure;

26 (c) Possesses characteristics that make it eligible for listing on either the National
27 Register of Historic Places or the State Register of Historic Places; or

28 (d) Possesses other historical characteristics that make it worthy of preservation.

29 V. “Pledge” means a written agreement between the authority and a contributor for the
30 contributor to provide cash contributions in the future.

31 VI. “Project” means a plan to rehabilitate a historical structure.

32 204-C:94 Historic Housing Preservation Tax Credit Established.

33 I. The authority shall adopt rules establishing a competitive process for eligible applicants
34 seeking investor contributions for projects.

35 II. Contributions may be made to the authority by investors for specific projects.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 19 -

1 III. An investment tax credit equal to 65 percent of the contribution made to the authority
2 during the contributor's tax year shall be allowed against any of the following individually or in
3 combination:

4 (a) Taxes imposed by RSA 77-A.

5 (b) Taxes imposed by RSA 77-E.

6 (c) Taxes imposed by RSA 400-A.

7 IV. Credits provided by this section applied against the liabilities imposed by RSA 400-A
8 and RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, III and X,
9 respectively.

10 V. The credit or any unused portion thereof may be carried forward for no more than 5
11 succeeding years, but shall not exceed \$1,000,000 in any given tax year.

12 VI.(a) The credit provided by this section shall be available to contributors on or after
13 contributions for which credit is to be taken are actually received by the authority.

14 (b) Contributions received by the authority for which credit is to be taken shall not
15 exceed \$5,000,000 in any state fiscal year. Contributions received by the authority in excess of
16 \$5,000,000 in any state fiscal year shall not be eligible for credit in such fiscal year but may be
17 carried forward to the next succeeding fiscal year or years and shall be given priority in determining
18 the total contributions eligible for credit in such fiscal year.

19 VII. Estimated tax payments under RSA 400-A:32 due and payable after the date of
20 contribution to the authority may be reduced by the credit allowable under this section.

21 43 New Subdivision; InvestNH Program. Amend RSA 12-O by inserting the following new
22 subdivision after section 68:

InvestNH Fund and Program

23 12-O:69 Fund established. There is hereby established in the office of the state treasurer a fund
24 to be known as the InvestNH fund. The fund shall be composed of appropriations, gifts, grants,
25 donations, bequests, or other moneys from any public or private source. The fund may be expended
26 by the commissioner to accomplish the purposes of RSA 12-O:70. The moneys in this fund shall be
27 non-lapsing.

28 12-O:70 InvestNH program. The department shall establish a program to make grants and
29 loans for the purpose of accelerating the approval and construction of workforce housing, as defined
30 in RSA 674:58, IV, and other types of housing determined by the department to be important for the
31 economic development of the state. Grants and loans may be made by the department to
32 municipalities and to housing developers. The program shall be known as the InvestNH program.
33 The department shall adopt rules pursuant to RSA 541-A to implement the provisions of this
34 subdivision no later than July 1, 2024.

35 44 New Subparagraph; Application of Receipts; InvestNH Program. Amend RSA 6:12, I(b) by
36 inserting after subparagraph (387) the following new subparagraph:
37

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 20 -

1 (388) Moneys deposited in the InvestNH fund as established in RSA 12-O:69.

2 45 Appropriation; InvestNH. The sum of \$30,000,000 for the for the fiscal year ending June 30,
3 2023 is hereby appropriated to the InvestNH fund established in RSA 12-O:69 for the purposes set
4 forth in RSA 12-O:70. The sum appropriated shall be nonlapsing. The governor is authorized to
5 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

6 46 Effective Date. Section 45 of this act shall take effect June 30, 2023.

7 47 Appropriation; Affordable Housing Fund. The sum of \$25,000,000 for the fiscal year ending
8 June 30, 2023, is hereby appropriated to the housing finance authority for deposit in the affordable
9 housing fund established in RSA 204-C:57, for the purpose of providing financing or state matching
10 funds for affordable housing. The appropriation shall be in addition to any other funds appropriated
11 to the housing finance authority and shall be nonlapsing. The governor is authorized to draw a
12 warrant for said sum out of any money in the treasury not otherwise appropriated.

13 48 Effective Date. Section 47 of this act shall take effect June 30, 2023

14 49 Appropriation; Department of Health and Human Services; Juvenile Peer-to-Peer Grief
15 Support. There is hereby appropriated the sum of \$1,500,000 for the fiscal year ending June 30,
16 2023, to the department of health and human services for the purpose of funding juvenile peer-to-
17 peer grief support programming. This shall be nonlapsing. The governor is authorized to draw a
18 warrant for said sum out of any money in the treasury not otherwise appropriated.

19 50 Effective Date. Section 49 of this act shall take effect June 30, 2023.

20 51 Repeals; Advanced Manufacturing Education. The following are repealed:

21 I. RSA 188-E:21, relative to the advanced manufacturing education advisory council.

22 II. RSA 188-E:22, relative to the advanced manufacturing education advisory council
23 membership and terms.

24 III. RSA 188-E:23, relative to the advanced manufacturing education advisory council
25 duties.

26 IV. RSA 188-E:23-a, relative to the advanced manufacturing education fund.

27 52 New Hampshire Excellence in Higher Education Endowment Fund; Definitions. Amend RSA
28 6:37 through RSA 6:40, and the preceding subdivision heading, to read as follows:

29 New Hampshire Excellence in Higher Education [~~Endowment~~] **Trust** Fund

30 6:37 Definitions. In this subdivision:

31 I. "Commission" means the New Hampshire college tuition savings plan [~~advisory~~]
32 **scholarship** commission established in RSA 195-H.

33 II. "Eligible educational institution" means that which is defined in section 529 of the
34 Internal Revenue Code, as amended.

35 III. "Trust Fund" means the New Hampshire excellence in higher education [~~endowment~~]
36 trust fund as established in this chapter.

37 6:38 New Hampshire Excellence in Higher Education [~~Endowment~~] Trust Fund Established.

1 I. There is hereby established [~~in the office of the treasurer~~] the New Hampshire excellence
2 in higher education [~~endowment~~] trust fund which shall be kept separate and distinct from all other
3 funds. Annual assessments less any annual administrative costs received from the New Hampshire
4 college tuition savings plan ***scholarship commission*** established under RSA 195-H shall be
5 credited to the trust fund [~~to provide scholarships for the benefit of residents of the state pursuing~~
6 ~~programs of study at eligible educational institutions within the state~~] ***and allocated for the***
7 ***following purposes:***

8 (a) ***To provide direct scholarships to New Hampshire residents attending New***
9 ***Hampshire institutions of higher education; and***

10 (b) ***For the unique endowment allocation program. Beginning in fiscal year***
11 ***2025, no more than 10 percent shall be provided for this purpose; and***

12 (c) ***For the workforce development student debt relief fund established in RSA***
13 ***162-T:3 for the purpose of providing student debt relief. Beginning in fiscal year 2025, no***
14 ***less than 50 percent shall be provided for this purpose.***

15 II. The state treasurer shall be the trustee of the trust fund established in this chapter, and
16 shall invest the trust fund in accordance with RSA 6:8. Any earnings on trust fund moneys shall be
17 added to the trust fund.

18 III. All moneys in the trust fund shall be nonlapsing and shall be continually appropriated
19 to the commission for purposes of providing education scholarships under this subdivision ***and***
20 ***student debt relief pursuant to RSA 162-T.***

21 6:39 Administration.

22 I. The trust fund shall be administered by the New Hampshire college tuition savings plan
23 [~~advisory~~] ***scholarship*** commission established in RSA 195-H:2.

24 II. The commission shall have the authority to institute promotional programs and to solicit
25 and receive gifts or donations of any kind for the purpose of supporting educational scholarships
26 within the trust fund. Notwithstanding any provision of law to the contrary, the commission may
27 accept gifts to the trust fund including, but not limited to, cash gifts and real or personal property,
28 without the approval of the governor and council.

29 III. All gifts, grants, and donations of any kind shall be credited to the trust fund.

30 IV. The commission may enter into agreements with existing departments or agencies, as it
31 deems necessary, to administer the scholarship application, qualification, and award process.

32 V. No more than one percent of the total amount of scholarships awarded from the trust
33 fund in any fiscal year shall be used for administrative expenses, except upon approval of the
34 commission.

35 6:40 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

36 I. Establishing minimum qualifications of ***direct*** scholarship applicants.

1 II. Instituting a *direct* scholarship application process, which includes but is not limited to
2 requiring that all applicants complete a formal scholarship application on appropriate forms to be
3 developed by the commission and time frames for the application process.

4 III. Procedures for awarding and disbursing *direct* scholarships.

5 IV. Procedures for determining the amount of funds available to provide annual *direct*
6 scholarships through the trust fund.

7 V. Any other issue which the commission deems relevant to the implementation and
8 administration of the scholarship program.

9 VI. Requiring disclosure regarding any scholarship funds, or portion thereof, which are or
10 may be returned to the trust fund.

11 53 New Subparagraph; Application of Receipts; New Hampshire Excellence in Higher Education
12 Trust Fund Established. Amend RSA 6:12, I(b)(115) to read as follows:

13 (115) Moneys deposited in the New Hampshire excellence in higher education
14 [~~endowment~~] trust fund under RSA 6:38.

15 54 Workforce Development Student Debt Relief Program. Amend the chapter heading of RSA
16 162-T and RSA 162-T:1 to 162-T:3 to read as follows:

17 [~~REGENERATIVE MANUFACTURING~~]

18 WORKFORCE DEVELOPMENT

19 **STUDENT DEBT RELIEF** PROGRAM

20 162-T:1 Declaration of Need and Purpose. It is declared that there is a statewide need for the
21 preservation and development of a skilled workforce for the betterment of the economy of the state
22 [~~]~~ *and* its inhabitants[~~], and in particular for the development and preservation of a regenerative~~
23 ~~manufacturing workforce]. It is the purpose of this chapter to provide for the development,~~
24 attraction, and retention of skilled, qualified, and productive workers within the state who will be
25 capable of supporting the preservation, establishment, and redevelopment of business and industry,
26 preserving or increasing the social welfare or economic prosperity of the state or its political
27 subdivisions, and promoting the general welfare of the state's citizens. It is further declared that the
28 business finance authority (hereinafter the "authority"), acting pursuant to the powers granted in
29 this chapter shall be regarded as performing an essential governmental function in carrying out the
30 provisions of this chapter.

31 162-T:2 [~~Acquisition~~] **Forgiveness** of Student Loans of Qualified New Hampshire Employees.

32 I. The business finance authority, *as defined under RSA 162-A:2, I*, [~~as~~] *and* established
33 and authorized under RSA 162-A (hereinafter the "authority"), may expend [~~or loan money~~] **funds**
34 **provided by this chapter** upon such terms and conditions as prescribed by the authority to
35 [~~acquire loans or other evidences of~~] **forgive** education indebtedness incurred by persons for the
36 purpose of financing postsecondary education. [~~and to provide for deferment of forgiveness of~~

1 ~~repayment of such education indebtedness pursuant to a program or programs established by the~~
2 ~~authority and approved by the governor and council pursuant to this chapter.~~

3 II. ~~In granting deferment to any loan or other evidence of education indebtedness incurred~~
4 ~~by persons for the purpose of financing postsecondary education, the authority shall cause no~~
5 ~~interest to accrue to the principal of the loan during any period of deferment it offers.~~

6 ~~III.] Any student indebtedness that may be subject to a program or programs established by~~
7 ~~the authority under this chapter shall meet the following minimum requirements:~~

8 (a) The person shall have ~~[achieved academic requirements such as]~~ ***an associate's***
9 ***degree, undergraduate degree,*** graduate ~~[degrees]~~ ***degree,*** or other evidence of academic
10 achievement ~~[as has been]~~ ***as*** determined by the authority, ***provided that any such degree or***
11 ***academic achievement shall be from a regionally accredited institution; and***

12 (b) The person shall be ~~[employed to perform primarily active regenerative~~
13 ~~manufacturing business activities as that term is defined in RSA 77-A:1, XXX and the principal~~
14 ~~office at which such person is employed is located within New Hampshire]~~ ***a qualified employee as***
15 ***defined in paragraph IV;***

16 (c) No forgiveness of such student indebtedness shall be effected unless the person shall
17 have been ~~[employed to perform primarily active regenerative manufacturing business activities at a~~
18 ~~location within New Hampshire for a minimum period of 5 years]~~ ***a qualified employee as defined***
19 ***in paragraph IV for a minimum of 3 years.***

20 III. *In this chapter, "qualified employee" shall mean a person who satisfies each of*
21 *the following requirements:*

22 (a) *Is a New Hampshire resident and performs services as a full-time employee*
23 *principally at a location within New Hampshire; and*

24 (b) *The person is employed:*

25 (1) *By a company within the biotechnology industry, including but not*
26 *limited to qualified regenerative manufacturing companies, as defined in RSA 77-A:1, XXX;*
27 *or*

28 (2) *By the state of New Hampshire as a nurse at the state hospital, Glencliff*
29 *Home, or the veterans' home; or*

30 (3) *In a position that requires the person to be licensed to provide medical*
31 *care to patients; or*

32 (4) *In additional positions or by companies within additional industries*
33 *which shall be determined from time to time by the commissioner of the business and*
34 *economic affairs, with input and assistance from the council of partner agencies*
35 *established under RSA 12-O:7, the commission established under RSA 162-T:6, and other*
36 *public and private organizations with whom it chooses to work, consistent with the 10-year*
37 *economic development strategy and operating plan developed under RSA 12-O:24.*

1 IV. Prior to the expenditure [~~or loan~~] of any money under this section, the authority shall
2 enter into one or more agreements with any person obligated to make payments under education
3 indebtedness to provide for the conditions on which the expenditures[~~, deferments,~~] or forgiveness
4 will be made, the terms of [~~repayment of~~] such expenditure [~~or loan~~], the time and manner of such
5 [~~repayment~~] **expenditure**, [~~the form and amount of security if any, to be pledged to the authority for~~
6 ~~such repayment,~~] and such other provisions as the authority may determine are necessary or
7 desirable.

8 V. The authority, to further its education indebtedness [~~loan~~] programs pursuant to this
9 chapter, shall have the power to:

10 (a) Determine the nature of education indebtedness programs for eligible persons,
11 including how such loans may be [~~acquired~~] **forgiven** and the mechanisms for deferral of payment or
12 forgiveness with respect to such education indebtedness;

13 (b) Enter into contracts with employers of persons who are subject to the programs
14 established under this chapter to assist in the administration of such programs;

15 (c) Enter into contracts for the administration [~~or servicing~~] of education indebtedness
16 [~~acquired~~] pursuant to the programs established under this chapter;

17 (d) Receive and accept from any public agency or any other source loans, grants,
18 guarantees, or insurance with respect to education indebtedness and the programs established
19 under this chapter;

20 (e) Establish guidelines governing the actions of the authority with respect to the
21 programs established under this chapter; and

22 (f) Exercise all powers incidental and necessary for the performance of the powers listed
23 in this paragraph.

24 ***VI. The total amount of indebtedness of qualified employees in qualified***
25 ***regenerative manufacturing companies as defined in RSA 77-A:1, XXX which is subject to***
26 ***forgiveness under this chapter shall not at any time exceed \$3,000,000.***

27 ***VII. Not less than 80 percent of the total amount of indebtedness designated by the***
28 ***authority in any fiscal year for potential forgiveness under this chapter for the benefit of***
29 ***qualified employees shall be attributable to qualified employees who, at the time of such***
30 ***designation, have achieved the required degree or other evidence of academic achievement***
31 ***within the 2-year period prior to the date of such designation.***

32 ***VIII. Any program established by the authority under this chapter shall include***
33 ***provisions necessary to ensure that funds available under the program are, to the extent***
34 ***feasible, distributed to persons who demonstrate financial need at the time of their***
35 ***application to the program.***

36 ***IX. Any program established by the authority under this chapter shall include***
37 ***provisions necessary to ensure that funds available under the program are, to the extent***

1 *feasible, distributed to persons who demonstrate financial need at the time of their*
 2 *application to the program.*

3 162-T:3 [~~State Regenerative Manufacturing~~] Workforce Development *Student Debt Relief*
 4 Fund Established.

5 I. There is established within the authority a [~~state regenerative manufacturing~~] workforce
 6 development *student debt relief* fund, which shall be held by the authority [~~apart~~] *separate* from
 7 all of its other funds. Annual state appropriations and other funds from state or federal sources, and
 8 any gifts, grants, or donations, shall be credited to the fund. The [~~state regenerative manufacturing~~]
 9 workforce development *student debt relief* fund shall be administered by the authority and shall be
 10 used for the [~~sole purposes of carrying out the purposes of RSA 162-T:2~~] *purposes set forth in this*
 11 *chapter. The fund shall annually allocate 5 percent of new fund contributions to the*
 12 *authority to administer the program.* The authority shall invest the fund in accordance with
 13 RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be
 14 nonlapsing and shall be continually appropriated to the fund for the purpose of providing
 15 [~~regenerative manufacturing worker educational~~] debt relief as provided in this section.

16 II. The authority may create subfunds or trusts of the [~~state regenerative manufacturing~~]
 17 workforce development *student debt relief* fund, which shall be held by the authority [~~apart~~]
 18 *separate* from all of its other funds, which may be deemed irrevocably pledged to secure the
 19 repayment of state workforce development bonds issued under RSA 162-T:4. If such a pledged
 20 amount or amounts are called upon to be honored, the authority shall draw upon such fund for the
 21 purpose of honoring such pledge.

22 55 Workforce Development Student Debt Relief Program; Issuance of Bonds. Amend RSA 162-
 23 T:4, I to read as follows:

24 I. The authority may issue bonds pursuant to this section which shall be obligations of the
 25 authority and not general obligations of the state, except as provided in RSA 162-A:17. Such bonds
 26 may be issued from time to time consistent with the purposes and provisions of this chapter to make
 27 expenditures under RSA 162-T:2, to pay or refund any bonds issued pursuant to this section or
 28 interest thereon, or to pay the costs and expenses of the authority. The principal of, and premium, if
 29 any, and interest on all bonds shall be payable solely by the authority in accordance with the
 30 provisions of this chapter. The bonds shall be issued by the authority in such amounts as the board
 31 shall determine[~~, not exceeding in the aggregate at any time \$5,000,000~~]. Bonds of each issue shall
 32 be dated, shall bear interest at such rate or rates, including rates variable from time to time as
 33 determined by such index, banker's loan rate or other method as may be determined by the
 34 authority, and shall mature at such time or times as may be determined by the authority, except
 35 that no bonds shall mature more than 30 years from their date of issue. Bonds may be made
 36 redeemable before maturity either at the option of the authority or at the option of the holder, or
 37 upon the occurrence of specified events, at such price or prices and under such terms and conditions

1 as may be fixed by the authority prior to the issuance of the bonds. The authority shall determine
2 the form and details of the bond. The bonds may be sold in such manner, either at public or private
3 sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the
4 authority may determine.

5 56 Workforce Development Student Debt Relief Program; Reporting. Amend RSA 162-T:5 to
6 read as follows:

7 162-T:5 Reporting and Approval Regarding Workforce Development *Student Debt Relief*
8 Program. The business finance authority shall undertake to design the terms, conditions, and
9 provisions of the [~~regenerative manufacturing~~] workforce development *student debt relief* program
10 authorized by this chapter. The authority shall deliver to the fiscal committee of the general court,
11 the house ways and means committee, and the senate ways and means committee, a report on the
12 progress of its efforts to develop such terms, conditions, and provisions every 6-month period, on
13 September 1 and March 1, following the effective date of this chapter. Prior to taking any action to
14 implement a final workforce program pursuant to this chapter, the authority shall first present the
15 program to the fiscal committee of the general court and receive the approval of such committee.

16 57 New Section; Workforce Development Student Debt Relief Program; Commission
17 Established; Reporting and Approval. Amend RSA 162-T by inserting after section 5 the following
18 new section:

19 162-T:6 Commission Established. There shall be a commission established to monitor the
20 implementation and operation of the workforce development student debt relief program established
21 in this chapter and to recommend adjustments to the program as needed.

22 I. The commission shall be composed of the following members:

23 (a) Two members of the house of representatives, appointed by the speaker of the house
24 of representatives.

25 (b) Two members of the senate, appointed by the president of the senate.

26 (c) One member appointed by the governor.

27 (d) The commissioner of the department of business and economic affairs, or designee.

28 (e) The commissioner of the department of employment security, or designee.

29 II. The duties of the commission shall include, but are not limited to:

30 (a) Monitoring the number of persons in each qualifying industry who are receiving
31 student debt assistance from the program established in this chapter.

32 (b) Reviewing and determining potential additional industries for which the state may
33 need additional workforce, and recommending such industries for addition to the list of qualifying
34 industries under the program.

35 (c) Reviewing all other aspects of the program and proposing any legislative changes
36 which the commission deems necessary for the successful operation of the program.

1 III. The commission may solicit information from any person or entity the commission
2 deems relevant to its duties.

3 IV. Legislative members of the commission shall receive mileage at the legislative rate when
4 attending to the duties of the commission. The members of the commission shall elect a chairperson
5 from among the members. The first meeting of the commission shall be called by the first-named
6 senate member and shall be held not later than 45 days after the effective date of this section. Five
7 members shall constitute a quorum.

8 V. The commission shall submit a report no later than November 1, 2024 and annually
9 thereafter, to the senate president, the speaker of the house of representatives, and the governor,
10 based on the information specified in paragraph II and recommending any legislative changes which
11 the commission deems necessary.

12 58 College Tuition Savings Plan; Definitions. Amend RSA 195-H:1, I to read as follows:

13 I. "Commission" means the New Hampshire college tuition savings plan [~~advisory~~]
14 ***scholarship*** commission.

15 59 College Tuition Savings Plan. Amend the section heading of RSA 195-H:2 and the
16 introductory paragraph in RSA 195-H:2, I(a) to read as follows:

17 195-H:2 [~~Advisory~~] ***Scholarship*** Commission Established; Reports.

18 I.(a) There is established the New Hampshire college tuition savings plan [~~advisory~~]
19 ***scholarship*** commission which shall ensure the proper administration and management of the
20 savings plan. The [~~advisory~~] commission shall ensure that the savings plan complies with the
21 requirements of section 529 of the Internal Revenue Code of 1986, as amended, and any related
22 federal law applicable to the savings plan. The commission shall also be responsible for ensuring the
23 proper administration, implementation, and management of the New Hampshire excellence in
24 higher education [~~endowment~~] trust fund established in RSA 6:38, and the governor's scholarship
25 program and fund established in RSA 195-H:11-14. The commission, by a majority vote, may
26 transfer funds between the New Hampshire excellence in higher education [~~endowment~~] trust fund
27 and the governor's scholarship fund. The commission shall consist of the following members:

28 60 College Tuition Savings Plan; Rulemaking. Amend RSA 195-H:3, VIII to read as follows:

29 VIII. The administration, implementation, and promotion of the New Hampshire excellence
30 in higher education [~~endowment~~] trust fund established in RSA 6:38.

31 61 College Tuition Savings Plan; Program Transferred. Amend 2019, 346:437 to read as follows:

32 346:437 Program Transferred. The administration, implementation, and management of the
33 governor's scholarship program established in RSA 4-C:31-34 is hereby transferred to the college
34 tuition savings plan [~~advisory~~] ***scholarship*** commission established in RSA 195-H:2. Any
35 administrative rules for the governor's scholarship program shall continue in effect and shall be
36 enforced by the commission until such rules expire or are repealed or amended in accordance with
37 applicable law.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 28 -

1 62 New Section; Department of Education. Amend RSA 21-N by inserting after section 12 the
2 following new section:

3 21-N:13 Computer Science and STEM; Administrator. There is established a position within
4 the department of education who shall be a classified employee at no less than the level of
5 administrator II. The computer science and STEM position shall be qualified to hold such position
6 by reason of education and experience. The position shall be subject to any other employment
7 requirements as determined by the department. The computer science and STEM position shall
8 coordinate and provide assistance to oversee the computer science educator program established in
9 RSA 200-O. The computer science and STEM position shall:

10 I. Coordinate and provide technical assistance to all public schools in the state that
11 participate in the computer science educator program.

12 II. Assist educators in the state that pursue eligible industry recognized credentials and
13 utilize the computer science professional development fund.

14 III. Assist with administering the computer science professional development fund and
15 computer science educator incentive fund.

16 IV. Coordinate and provide technical assistance with those school and educators that
17 partake in the experiential robotics platform.

18 V. Serve as a resource for administrators and educators regarding computer science and
19 STEM.

20 63 New Chapter; Computer Science Educator Program. Amend RSA by inserting after chapter
21 200-N the following new chapter:

22 **CHAPTER 200-O**

23 **COMPUTER SCIENCE EDUCATOR PROGRAM**

24 200-O:1 Purpose. The purpose of this chapter is to promote broader computer science education
25 in New Hampshire with the goal of preparing more students for employment opportunities in this
26 field and to establish the administrator of computer science education and STEM within the
27 department of education.

28 200-O:2 Definitions. In this chapter:

29 I. “Computer Science Administrator” refers to the computer science and STEM
30 administrator established in RSA 21-N:13.

31 II. “Eligible Industry Recognized Credential” or "IRC" refers to those industry recognized
32 credentials in computer science or related fields that are approved by the computer science
33 administrator to expand computer science education for participation in the below funds.

34 III. “Full time or equivalent” refers to the amount of time an individual engages in
35 instruction in a New Hampshire education program, which shall be considered full-time or
36 equivalent if it includes instruction of not less than 4 one-credit classes per semester or instruction
37 of no less than 80 students over the course of a semester.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 29 -

1 200-O:3 Computer Science Professional Development.

2 I. The department shall determine, in coordination with the computer science administrator
3 to expand computer science education, industry recognized credentials eligible for reimbursement
4 and the amount of reimbursement. Any such reimbursements shall be based on the successful
5 attainment of an eligible IRC.

6 II. The department of education shall create an application process, which it shall publish on
7 or before 6 months from the effective date of this act, for New Hampshire certified educators to seek
8 reimbursement for all or a portion of the cost of obtaining an eligible industry recognized credentials
9 in the field of computer science. The process shall include a list of eligible industry recognized
10 credentials and the amount of reimbursement for successful attainment.

11 200-O:4 Computer Science Educator Credential.

12 I. The department of education shall adopt through rulemaking pursuant to RSA 541-A, a
13 computer science educator credential that permits individuals holding eligible industry recognized
14 credentials to receive a New Hampshire certified educator credential in the area of computer science.
15 Such individuals shall be qualified to teach in approved New Hampshire education programs.

16 II. Individuals teaching full time, or the equivalent, in an approved New Hampshire
17 computer science education program shall be eligible for a \$5,000 bonus for the first year of teaching,
18 and \$2,500 each year for the next 2 years of teaching. Only completed years of teaching shall be
19 eligible and there shall be no proration for partial years.

20 200-O:5 Experiential Robotics Platform (XRP). As part of the STEM initiative for New
21 Hampshire schools, experiential robotics platform, 5,500 robotics kits shall be made available for all
22 New Hampshire classrooms for grades 6-12 for the fiscal year ending June 30, 2023. The program
23 shall consist of standards-based curriculum and hands-on resources, designed to facilitate
24 competency-based learning in the classroom.

25 64 Appropriations; Department of Education; Computer Science Professional Development.

26 I. There is hereby appropriated to the department of education the sum of \$500,000 for the
27 fiscal year ending June 30, 2023 for the purpose of encouraging New Hampshire certified educators
28 to pursue eligible industry recognized credentials (IRC) in the field of computer science. This
29 appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any
30 money in the treasury not otherwise appropriated.

31 II. There is hereby appropriated to the department of education the sum of \$4,000,000 for
32 the fiscal year ending June 30, 2023 for the purpose of encouraging individuals holding an eligible
33 industry recognized credentials to teach computer science or related courses of study in New
34 Hampshire approved education programs. This appropriation shall not lapse. The governor is
35 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
36 appropriated.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 30 -

1 III. There is hereby appropriated to the department of education the sum of \$455,000 for the
2 fiscal year ending June 30, 2023 for the purpose of implementing the experiential robotics platform
3 in all New Hampshire classrooms for grades 6-12 including but not limited to the purchase of
4 robotics kits from First New Hampshire Robotics, Experiential Robotics Platform, career and
5 technical education of community college fabrication sites, and professional development delivery
6 and support. The sum appropriated shall not lapse. The governor is authorized to draw a warrant
7 for said sum out of any money in the treasury not otherwise appropriated.

8 IV. The department of education may retain up to 3 percent, or not more than \$50,000, of
9 the total annual appropriation of the computer science educator professional development funds to
10 be used to administer the program under these funds.

11 65 Effective Date. Section 64 of this act shall take effect June 30, 2023.

12 66 New Subdivision; Bridges House Special Account. Amend RSA 4:9 by inserting after section
13 4:9-r the following new subdivision:

Bridges House Special Account

14
15 4:9-s Establishing the Bridges House Special Account Fund. There is hereby established in the
16 state treasury the Bridges house special account fund. The funds may be comprised of public funds,
17 gifts, grants or donations or any other source of funds, and shall be used for the purposes of the care,
18 maintenance, and repair of, and additions to, the Bridges house, or for any other relevant purpose
19 deemed appropriate by the bridges house advisory board. The fund shall be non-lapsing and shall be
20 continually appropriated to the department.

21 67 New Subparagraph; Application of Receipts; Bridges House Special Account. Amend RSA
22 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

23 (388) Moneys deposited in the bridges house special account fund under RSA 4:9-s.

24 68 New Section; Department of Corrections; New Hampshire State Prison Fund Established.
25 Amend RSA 21-H by inserting after section 16 the following new section:

26 21-H:17 Department of Corrections; New Hampshire State Prison Fund Established. There is
27 hereby established in the state treasury a state prison fund, which shall be a fund administered by
28 the department of corrections. The fund shall not lapse. The fund is established for the purpose of
29 design and construction of a new New Hampshire state prison.

30 69 New Subparagraph; Application of Receipts; New Hampshire State Prison Fund 2023.
31 Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

32 (388) Moneys deposited in the New Hampshire state prison fund under RSA 21-
33 H:17.

34 70 Appropriation; Department of Corrections; New Hampshire State Prison Fund Established
35 2023. There is hereby appropriated to the department of corrections the sum of \$10,000,000 for the
36 fiscal year ending June 30, 2023 for deposit in the state prison fund under RSA 21-H:17, for the
37 purpose of designing and constructing a new state prison. The sum appropriated shall not lapse.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 31 -

1 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
2 otherwise appropriated.

3 71 Effective Date. Sections 68-70 of this act shall take effect June 30, 2023.

4 72 Appropriation; Department of Corrections; New Hampshire State Prison; 2024. There is
5 hereby appropriated to the department of corrections the sum of \$40,000,000 for the fiscal year
6 ending June 30, 2024 for deposit in the state prison fund under RSA 21-H:17 for the purpose of
7 designing and construction a new state prison. The sum appropriated shall not lapse. The governor
8 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated.

10 73 Appropriation; Department of Corrections; IT Infrastructure. There is hereby appropriated
11 to the department of corrections the sum of \$1,340,000 for the fiscal year ending June 30, 2023
12 which shall be nonlapsing until June 30, 2025 for the purpose of replacing certain computers and
13 information technology infrastructure. The sum appropriated shall not lapse. The governor is
14 authorized to draw a warrant for said sum out of money in the treasury not otherwise appropriated.

15 74 Effective Date. Section 73 of this act shall take effect on June 30, 2023.

16 75 Appropriation; Department of Administrative Services. There is hereby appropriated to the
17 department of administrative services the sum of \$21,000,000 for the fiscal year ending June 30,
18 2023 for the purpose of purchasing 2 Granite Place, Concord, New Hampshire in order to provide
19 office space for the department of justice and other state agencies, or for any other purpose the
20 commissioner of the department of administrative services determines is necessary, provided that
21 any unexpected amount following the purchase shall lapse to the general fund. The sum
22 appropriated shall not lapse. The governor is authorized to draw a warrant for said sum out of
23 money in the treasury not otherwise appropriated.

24 76 Effective Date. Section 75 of this act shall take effect on June 30, 2023.

25 77 Appropriation; Department of Administrative Services. There is hereby appropriated to the
26 department of administrative services the sum of \$10,000,000 for the fiscal year ending June 30,
27 2023 for the purpose of constructing a new youth detention center. The sum appropriated shall not
28 lapse. The governor is authorized to draw a warrant for said sum out of money in the treasury not
29 otherwise appropriated.

30 78 Effective Date. Section 77 of this act shall take effect on June 30, 2023.

31 79 Appropriation; Department of Administrative Services. There is hereby appropriated to the
32 department of administrative services the sum of \$15,000,000 for the fiscal year ending June 30,
33 2023 for the purpose of constructing a new legislative parking garage on the site of the department
34 of justice building located at 33 Capitol Street, Concord, New Hampshire. The sum appropriated
35 shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the
36 treasury not otherwise appropriated.

37 80 Effective Date. Section 79 of this act shall take effect on June 30, 2023.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 32 -

1 81 Appropriation; Body-Worn and Dashboard Camera Fund. There is hereby appropriated to
2 the department of Safety for deposit in the body-worn and dashboard camera fund established in
3 RSA 105-D:3 the sum of \$1,005,000 for the fiscal year ending June 30, 2023. The sum appropriated
4 shall not lapse. The governor is authorized to draw a warrant for said sum out of money in the
5 treasury not otherwise appropriated.

6 82 Effective Date. Section 81 of this act shall take effect on June 30, 2023.

7 83 Department of Natural and Cultural Resources; Christa McAuliffe Memorial.

8 I. The department of natural and cultural resources shall design, construct, and maintain a
9 permanent memorial to Christa McAuliffe on state house grounds, specifically, at the front facing
10 area of the state house.

11 II. The governor is authorized to accept for the department of natural and cultural
12 resources, in the name of the state, any gifts of money, which are donated to construct and maintain
13 the Christa McAuliffe memorial. Notwithstanding any other provision of law, the department may
14 accept donated in-kind services, goods, and materials for the construction and maintenance of the
15 memorial without governor and council approval.

16 III. Any gifts of money, which are donated to contract, construct, and maintain the
17 memorial, shall be placed in the special nonlapsing account in the state treasury, to be expended for
18 the purposes of the Christa McAuliffe memorial. Any money remaining in the special account after
19 construction of the memorial is completed shall be used for the care, maintenance, repair, and
20 additions to the memorial, or for any other purpose deemed appropriate.

21 IV. The memorial shall be permanently affixed to state house grounds, on the front facing
22 portion of the state house, upon completion.

23 84 Appropriation; Christa McAuliffe Memorial. There is hereby appropriated to the department
24 of natural and cultural resources which shall be placed in a special nonlapsing account in the state
25 treasury, the sum of \$500,000 for the fiscal year ending June 30, 2023 for the purpose of designing,
26 constructing, and maintaining a permanent memorial to Christa McAuliffe on state house grounds,
27 specifically the front facing area of the state house. The sum appropriated shall not lapse. The
28 governor is authorized to draw a warrant for said sum out of any money in the treasury not
29 otherwise appropriated.

30 85 Effective Date. Sections 83 and 84 of this act shall take effect June 30, 2023.

31 86 New Section; Department of Education; The Commission on New Hampshire Civics;
32 Commission Established. Amend RSA 21-N by inserting after section 8-b the following new section:

33 21-N:8-c Commission Established; Department of Education; New Hampshire Schools Civics
34 Program. The commission on New Hampshire civics is hereby established to develop educational
35 materials to teach the state constitution in New Hampshire schools.

36 I. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

37 (a) Three public members appointed by the governor.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 33 -

- 1 (b) The chair of NH Civics, or designee.
- 2 (c) The Chief Justice of the New Hampshire Supreme Court, or designee.
- 3 (d) The Secretary of State, or designee.
- 4 (e) The Chief Administrative Judge of the New Hampshire Superior Court, or designee.
- 5 (f) The Chief Administrative Judge of the New Hampshire Circuit Court or designee.
- 6 (g) The commissioner of the department of education, or designee.
- 7 (h) Two New Hampshire civics teachers appointed by the commissioner of education.
- 8 (i) Two members of the house of representatives, appointed by the speaker of the house
9 of representatives.
- 10 (j) One member of the senate, appointed by the president of the senate.
- 11 (k) One member of the governor's office, appointed by the governor.

12 II. The commission shall create a textbook and related curriculum specifically designed for
13 New Hampshire students and teachers to help them explore the history, heritage and principles of
14 the New Hampshire Constitution and the government it established.

15 (a) A paper copy of the published textbook shall be available for each New Hampshire
16 civics classroom and an interactive electronic version shall be made available on the department of
17 education's website or in another form to all New Hampshire citizens at no charge.

18 (b) The commission shall meet as often as the chair determines and shall publish the
19 book on or before August 1, 2025.

20 III. The members of the commission shall elect a chairperson among the members. The first
21 meeting of the commission shall be called by the first-named governor appointee. The first meeting
22 of the commission shall be held within 30 days of the effective date of this section. A majority of the
23 members of the commission shall constitute a quorum.

24 87 Appropriation; Department of Education; Commission on New Hampshire Civics. There is
25 hereby appropriated to the department of education, commission on New Hampshire civics the sum
26 of \$2,000,000 for the fiscal year ending June 30, 2023, which shall not lapse, for the purposes of
27 creating a New Hampshire civics textbook to be distributed to every New Hampshire civics
28 classroom.

29 88 Effective Date. Section 87 of this act shall take effect June 30, 2023.

30 89 Appropriation; Department of Health and Human Services. There is hereby appropriated to
31 the department of health and human services, governor's commission on alcohol and other drugs, the
32 sum of \$2,054,360 for the fiscal year ending June 30, 2023 which shall not lapse until June 30, 2025,
33 for the purpose of Granite United Way administering the Recovery Friendly Workplace Initiative
34 which promotes individual wellness for granite staters by empowering workplaces to provide support
35 for people recovering from substance use disorder. The governor is authorized to draw a warrant for
36 said sum out of any money in the treasury not otherwise appropriated.

37 90 Effective Date. Section 89 of this act shall take effect June 30, 2023.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 34 -

1 91 Appropriation; Department of Education. There is hereby appropriated to the department of
2 education the sum of \$250,000 for the fiscal year ending June 30, 2023 which shall not lapse until
3 June 30, 2025 for the purpose of expanding the Teacher of the Year program by providing
4 promotional, training, professional development, and collaboration with other stakeholder's
5 opportunities.

6 92 Effective Date. Section 91 of this act shall take effect June 30, 2023.

7 93 New Sections; Northern Border Alliance Program. Amend RSA 21-P by inserting after
8 section 68 the following new sections:

9 21-P:69 Northern Border Alliance Program.

10 I. The commissioner of safety shall establish a northern border alliance program which shall
11 make grants available to other state, county, and local law enforcement agencies, and also provide
12 funding for the division of state police for the following purposes:

13 (a) Overtime costs for officers performing law enforcement activities under this program.

14 (b) Equipment for use in performing law enforcement activities under this program.

15 (c) Training costs, including overtime backfill, for officers participating in this program.

16 II. The commissioner shall establish protocols and conditions for increased state police
17 patrols and conditions for eligibility for grants to other state, county, and local law enforcement
18 agencies. The protocols and conditions shall focus on reducing the instance of crimes and illicit
19 activity occurring within 25 air miles from the Canadian border. The protocols and conditions shall:

20 (a) Establish state police as the lead agency for scheduling patrol and coordination with
21 participating agencies.

22 (b) Ensure that officers assigned to patrols are relieved of taking calls for service absent
23 an emergency.

24 (c) Ensure that the officers assigned to such patrol units have been trained on state and,
25 if applicable, federal policies, laws and constitutional provisions.

26 III. The program shall include the following prohibitions on allowable uses of funds:

27 (a) No funds shall be granted for "purchase of evidence" or for "confidential funds."

28 (b) No funds shall be used for supplanting locally budgeted and approved funds for
29 routine law enforcement.

30 IV. The program shall include semi-annual reporting, to the governor, senate president, and
31 speaker of the house of representatives, which includes measurable program results and a detailed
32 accounting of program funding and uses. The first report shall be submitted on or before December
33 31, 2023.

34 21-P:70 Northern Border Alliance Fund.

35 I. There is hereby established the northern border alliance fund within the department of
36 safety for the purpose of make grants available to other state, county, and local law enforcement
37 agencies, and also provide funding for the division of state police to reduce the instance of crimes and

1 illicit activity in close proximity to the Canadian border. All moneys in the fund shall be nonlapsing
2 and continually appropriated to the department of safety

3 II. The fund shall be overseen by the commissioner of the department of safety who shall,
4 within 180 days of the effective date of this section, establish a process for the application for grants
5 from the fund. Such process shall be established in rules adopted in accordance with RSA 541-A.

6 III. The commissioner of the department of safety may charge administrative costs related
7 to this section to the fund.

8 94 Appropriation; Department of Safety; Northern Border Alliance Program.

9 I. The sum of \$1,435,384 for the fiscal year ending June 30, 2023 is hereby appropriated to
10 the department of safety and shall be nonlapsing. This sum shall be expended as follows:

11 (a) \$619,641 shall be expended by state police for the purpose of funding overtime
12 patrols, related training activities and purchase equipment in support of the northern border
13 alliance program.

14 (b) The sum of \$815,743 is hereby appropriated to the department of safety to disburse
15 grants to other state, county, and local law enforcement agencies for the purpose of funding overtime
16 costs for county and local law enforcement officers performing law enforcement activities
17 attributable to the northern border alliance program established in RSA 21-P:69.

18 II. The governor is authorized to draw a warrant for said sums out of any money in the
19 treasury not otherwise appropriated.

20 95 Effective Date. Section 94 of this act shall take effect on June 30, 2023.

21 96 Authority and Duties of Police Employees. Amend RSA 106-B:12 to read as follows:

22 106-B:12 Authority and Duties of Police Employees. Police employees shall be ex-officiis
23 constables throughout the state. They shall have statewide authority to enforce all provisions of
24 RSA title XXI relative to motor vehicle laws and the regulations relative to the transportation of
25 hazardous materials, pursuant to RSA 106-A:18 and RSA 106-B:15. The director, division of state
26 police, shall report to the director, division of motor vehicles, all violations of and prosecutions under
27 the motor vehicle laws. Police employees shall have general power to enforce all criminal laws of the
28 state and to serve criminal processes and make arrests, under proper warrants, in all counties. They
29 shall not serve civil processes. No police employee shall act, be used or called upon for service within
30 any town in any industrial dispute unless actual violence has occurred therein, and then only upon
31 order of the governor. When any police employee shall apprehend any person who has committed or
32 attempted to commit a felony the director shall immediately make a report to the attorney and the
33 sheriff of the county and the chief of police of the municipality in which the offense was, or was
34 suspected of being, committed and such cases shall be investigated and prosecuted by said county
35 officials with the cooperation of said police employees. ***Further, police employees acting within
36 25 air miles of the international border with Canada, shall have the same authority and***

1 *powers granted to forest rangers and officials of the division of forests and lands pursuant*
2 *to RSA 227-G:7 and RSA 227-G:8.*

3 97 Appropriation; Department of Natural and Cultural Resources; State Library. There is
4 hereby appropriated to the department of natural and cultural resources the sum of \$1,000,000 for
5 the fiscal year ending June 30, 2023 to begin executing a process to assess the books and material
6 currently in the state library and begin the removal and safe storage of the books and materials.
7 The sum appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said
8 sum out of any money in the treasury not otherwise appropriated.

9 98 Effective Date. Section 97 of this act shall take effect June 30, 2023.

10 99 Appropriation; Governor's Commission on Alcohol and Other Drugs. The sum of \$1,500,000
11 for the fiscal year ending June 30, 2024 and \$1,500,000 for the fiscal year ending June 30, 2025 is
12 hereby appropriated to the governor's commission on alcohol and other drugs for the purpose of
13 ensuring consistent and quality student assistance programming across the state including
14 increased focus to engage more New Hampshire middle schools in youth risk behavior surveys. The
15 governor is authorized to draw a warrant for said sums out of any money in the treasury not
16 otherwise appropriated.

17 100 Board of Tax and Land Appeals. Amend RSA 71-B:1 to read as follows:

18 71-B:1 Board Established. There is hereby established a board of tax and land appeals,
19 hereinafter referred to as the board, which shall be composed of 3 members who shall be learned and
20 experienced in questions of taxation or of real estate valuation and appraisal or of both. ***At least***
21 ***one member of the board shall be an attorney admitted to practice in New Hampshire.*** The
22 members of the board shall be full-time employees and shall not engage in any other employment
23 during their terms that is in conflict with their duties as members of the board.

24 101 Repeal. RSA 82-A, relative to the communications service tax, is repealed.

25 102 Returns for Communications Services Taxes; 2023. All persons who are liable for a tax
26 under RSA 82-A as of July 1, 2023, who thereafter are no longer liable for a tax under RSA 82-A
27 because of the passage of section 5 of this act shall make a return of such taxes due the
28 commissioner of revenue administration in such manner and on such forms as the commissioner
29 shall prescribe in rules adopted under RSA 541-A. The administrative provisions of RSA 82-A shall
30 remain in effect to permit the audit and collection of taxes upon income taxable under RSA 82-A
31 which is received by persons subject to taxation under that chapter through July 1, 2023, and to
32 permit distribution of that revenue.

33 103 New Subparagraph; Department of Revenue Administration; Investigations. Amend RSA
34 21-J:1 by inserting after subparagraph II(c) the following new subparagraph:

35 (d) In order to assist the bureau of emergency communications, division of emergency
36 services and communications, of the department of safety, in its administration of RSA 106-H:9, the
37 department or any officer or employee of the department designated by the commissioner, may

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 37 -

1 undertake investigations concerning matters covered by RSA 106-H:9 and may examine any books,
2 papers, records, or memoranda bearing upon the business transacted or purchased by any such
3 retailer or taxpayer.

4 104 New Paragraph; Department of Revenue; Rulemaking Authority. Amend RSA 21-J:13 by
5 inserting after paragraph XIV the following new paragraph:

6 XV. The undertaking of investigations concerning matters covered by RSA 106-H:9 and RSA
7 21-J:1, II(d).

8 105 Enhanced 911 System. Amend RSA 106-H:9, III(a) to read as follows:

9 III.(a) Notwithstanding any other provision of law, and except as otherwise provided in RSA
10 ~~[82-A]~~ **21-J:1, II(d)**, the records and files of the department, related to this section, are confidential
11 and privileged. Neither the department, nor any employee of the department, nor any other person
12 charged with the custody of such records or files, nor any vendor or any of its employees to whom
13 such information becomes available in the performance of any contractual services for the
14 department shall disclose any information obtained from the department's records, files, or returns
15 or from any examination, investigation, or hearing, nor may any such employee or person be
16 required to produce any such information for the inspection of any person or for the use in any action
17 or proceeding except as provided in this paragraph.

18 106 Enhanced 911 System. Amend RSA 106-H:9, III(b)(3) to read as follows:

19 (3) Disclosure to the department of revenue administration of records, files, and
20 information required by the department of revenue administration to administer ~~[the~~
21 ~~communications services tax pursuant to RSA 82-A]~~ **RSA 21-J:1, II(d)** and to assist the bureau in
22 its administration of RSA 106-H:9.

23 107 Property Taxes; Public Utilities. Amend RSA 72:12 to read as follows:

24 72:12 Public Utilities. All real estate of railroads and other public utility corporations and
25 companies which is not taxed under RSA 82 ~~[and 82-A]~~ shall be appraised and taxed by the
26 authorities of the town in which it is situated.

27 108 Department of Revenue Administration; Substantial Understatement Penalty; Reference
28 Removed. Amend RSA 21-J:33-a, I to read as follows:

29 I. If there is a substantial understatement of tax imposed under RSA 77, RSA 77-A, RSA 77-
30 E, RSA 78-A, RSA 78-C, ~~[RSA 82-A]~~ RSA 83-C, or RSA 84-A for any taxable period, there shall be
31 added to the tax an amount equal to 25 percent of the amount of any underpayment attributable to
32 such understatement.

33 109 Tax Expenditure and Potential Liability Report; Reference Removed. Amend RSA 71-C:4, I
34 and II to read as follows:

35 I. On or before December 15 of every fiscal year the commissioner of the department of
36 revenue administration shall certify in a report to the general court and the governor an analysis of
37 each of the past fiscal year's tax expenditures as identified in RSA 71-C:2, and other credits allowed

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 38 -

1 under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78, RSA 78-A, 78-B, ~~[RSA 82-A,]~~ RSA 84-A,
2 RSA 84-C, and RSA 400-A.

3 II. The report shall be divided into the following parts:

4 (a) Tax expenditures as determined by the joint committee on tax expenditure review
5 under RSA 71-C:3;

6 (b) Potential liabilities against the state's revenues, specifically:

7 (1) Other credits allowed under RSA 77, RSA 77-A, RSA 77-E, RSA 77-G, RSA 78,
8 RSA 78-A, RSA 78-B, RSA 82, ~~[RSA 82-A,]~~ RSA 84-A, RSA 84-C, and RSA 400-A against the
9 business profits tax imposed by RSA 77-A; and

10 (2) Credit carryovers from overpaid taxes.

11 110 State of Emergency Waivers for Out-of-state Businesses and Employees; Definition of
12 Communications Services. Amend RSA 319-D:1, I to read as follows:

13 I. "Communications services" ~~[has the same meaning as provided in RSA 82-A:2, III]~~ **means**
14 **services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or**
15 **intelligence of any nature by any electromagnetic system capable of 2-way communication**
16 **and includes, without limitation, messages or information transmitted through use of**
17 **local, toll and wide area telephone service; private line services and networks, whether**
18 **leased, rented or owned; channel services; telegraph services; teletypewriter services; cable**
19 **television; computer exchange services; mobile telecommunications services; prepaid**
20 **wireless telecommunications services; VoIP; facsimile services; specialized mobile radio;**
21 **stationary 2-way radio; paging services; or any other form, whether stationary, portable or**
22 **mobile, of 2-way communications; or any other transmission of messages or information by**
23 **electronic or similar means, between or among points by wire, cable, fiber-optics, laser,**
24 **microwave, radio, satellite or similar facilities. "Communications services" shall not**
25 **include:**

26 (a) **Value added services in which computer processing applications are used to**
27 **act on the form, content, code, and protocol of the information for purposes other than**
28 **transmission;**

29 (b) **Purchases of communications services by a communications services**
30 **provider for use as a component part of the service provided by him to the ultimate retail**
31 **consumer who originates or terminates the taxable end-to-end communications, including**
32 **carrier access charges, right of access charges, charges for use of inter-company facilities,**
33 **and all communications services resold in the subsequent provision of, used as a**
34 **component of, or integrated into end-to-end communications services;**

35 (c) **The one-way transmission of radio or television programming, by cable,**
36 **broadcast, satellite, microwave or similar facility, which is made available generally to**
37 **any person able to receive such transmission, together with the interaction, if any, of such**

1 *person required for the selection of such programming other than by use of the same*
2 *facility by which such transmission was received; or*

3 **(d) Internet access.**

4 111 Labor Commissioner; Civil Penalties. Amend RSA 273:11-a, I to read as follows:

5 I. In addition to any criminal penalty provided under this title, the commissioner may, after
6 hearing, impose a civil penalty not to exceed \$2,500, as determined by the commissioner, for any
7 violation of the provisions of, or any rule adopted pursuant to, this title, except RSA 273-A, RSA 273-
8 C, and RSA 282-A. All moneys collected under this section shall be deposited [~~in the general fund~~]
9 **into the department of labor restricted fund established in RSA 273:1-b.**

10 112 Workers' Compensation; Liability of Employer Failing to Comply. Amend RSA 281-A:7, I(b)
11 to read as follows:

12 (b) An insurance carrier which insures an employer and fails to file with the
13 commissioner a notice of coverage within a reasonable period of time as prescribed by rule shall be
14 assessed a civil penalty of up to \$50 for each day of noncompliance. The commissioner shall deposit
15 all moneys collected under this subparagraph [~~with the state treasurer for deposit into the general~~
16 ~~fund~~] **into the department of labor restricted fund established in RSA 273:1-b.**

17 113 Occupational Health and Safety Administration Certification. Amend RSA 277:5-a, III to
18 read as follows:

19 III. The labor commissioner shall adopt rules under RSA 541-A relative to implementation
20 and enforcement of this section. The commissioner may also assess a civil penalty of up to \$2,500; in
21 addition, such an employer shall be assessed a civil penalty of \$100 per employee for each day of
22 noncompliance. All funds collected under this section shall be deposited into the [~~general fund~~]
23 **department of labor restricted fund established in RSA 273:1-b.** The labor commissioner shall
24 appoint as many individuals as necessary to carry out the department's responsibilities under this
25 section.

26 114 Penalty Appeal Board. Amend RSA 273:11-b to read as follows:

27 273:11-b Penalty Appeal Board.

28 I. There is hereby created a penalty appeal board which shall hear appeals from penalties
29 imposed by the commissioner.

30 II. The board shall be composed of 3 members, as follows:

31 (a) One person representing the interests of management, to be appointed by the
32 governor and council;

33 (b) One person representing the interests of labor, to be appointed by the governor and
34 council; and

35 (c) One person to serve as chairman, who shall be an attorney and who shall be familiar
36 with the labor laws of this state. The chairman shall be [~~chosen and~~] appointed [~~jointly~~] by **the**
37 **governor and council** [~~the other 2 members of the board; provided, however, that, if such members~~]

1 ~~are unable to agree on the appointment of the chairman within 30 days after the later of their~~
2 ~~appointments, the governor and council shall appoint the chairman].~~

3 III. At the time of making appointments pursuant to paragraph II, the governor and council
4 ~~[or 2 appointing members of the board, as applicable,]~~ shall also appoint an alternate member
5 representing the interests of management, an alternate member representing the interests of labor
6 and an alternate chairman, who shall serve whenever the corresponding member of the board is
7 unable, because of a conflict of interest or otherwise, to participate in the determination of a matter
8 before the board.

9 IV. Members and alternate members shall be appointed for terms of 3 years and shall serve
10 until their successors are appointed and qualified. Vacancies shall be filled for the unexpired terms.
11 ~~[Members and alternate members shall serve without compensation but shall receive mileage at the~~
12 ~~same rate paid to state employees.]~~

13 *V. The attorney member of the board shall receive \$400 per diem and all other*
14 *members of the board shall each receive \$250 per diem for each day devoted to the work of*
15 *the board and shall be reimbursed for necessary travel expenses. Said per diems shall be*
16 *prorated to an hourly basis using 7.5 hours per day for other related work performed by*
17 *board members.*

18 115 Workers' Compensation; Payment for Second Injuries From Special Fund. Amend RSA 281-
19 A:54 to read as follows:

20 281-A:54 Payment for Second Injuries From Special Fund.

21 I. If an employee who has a permanent physical or mental impairment, as defined in RSA
22 281-A:2, XIV, from any cause or origin incurs a subsequent disability by injury arising out of and in
23 the course of such employee's employment on or after July 1, 1975, **but no later than September 1,**
24 **2024**, which results in compensation liability for a disability that is greater by reason of the
25 combined effects of the preexisting impairment than that which would have resulted from the
26 subsequent injury alone, the employer or the employer's insurance carrier shall in the first instance
27 pay all awards of compensation provided by this chapter. However, the commissioner shall
28 reimburse such employer or insurance carrier from the special fund created by RSA 281-A:55 for all
29 compensation payments subsequent to those payable for the first 104 weeks of disability. Provided,
30 however, that prior to the first 104 weeks of disability, the employer shall be reimbursed 50 percent
31 after the first \$10,000 paid on all compensation for temporary total, temporary partial, permanent
32 partial, permanent total, medical, or rehabilitation benefits for all injuries occurring on or after
33 January 1, 1991.

34 II. If the subsequent injury of such an employee occurring on or after July 1, 1975, **but no**
35 **later than September 1, 2024**, shall result in the death of the employee and it shall be determined
36 that the death would not have occurred except for such preexisting permanent physical or mental
37 impairment, the employer or the employer's insurance carrier shall in the first instance pay the

1 compensation prescribed by this chapter. However, the commissioner shall reimburse such employer
2 or insurance carrier from the special fund created by RSA 281-A:55 for all compensation payable in
3 excess of 104 weeks, provided, however, that prior to the 104 weeks, the employer shall be
4 reimbursed 50 percent over and above the first \$10,000 of all compensation, medical, rehabilitation
5 benefits, or funeral expenses which the employer was required to pay for all injuries occurring on or
6 after January 1, 1991.

7 III. In order to qualify under this section for reimbursement from the special fund, an
8 employer shall establish by written records, or by affidavit executed at the time of hire or retention
9 in employment, that the employer had knowledge of the employee's permanent physical or mental
10 impairment at the time that the employee was hired or at the time that the employee was retained
11 in employment after the employer acquired such knowledge.

12 IV. The special fund shall not be bound as to any question of law or fact by reason of an
13 award or an adjudication to which it was not a party or in relation to which it was not notified at
14 least 3 weeks prior to the award or adjudication that it might be subject to liability for the injury or
15 death.

16 V. An employer or insurance carrier shall notify the commissioner of any possible claim
17 against the special fund as soon as practicable but in no event later than 100 weeks after the injury
18 or death.

19 ***VI. Any employer or employer's insurance carrier seeking reimbursement under this***
20 ***section shall establish proof of eligibility as required in this section by September 1, 2024.***
21 ***Failure to establish proof of eligibility by September 1, 2024, shall render the claim against***
22 ***the special injury fund ineligible and bar reimbursement for compensation paid. Nothing***
23 ***in this section shall relieve the employer or employer's insurance carrier from making***
24 ***payment of awards in the first instance of compensation as provided in this chapter.***

25 ~~[VI.]~~ **VII.** Reimbursement for payments by an insurance carrier under this section shall be
26 made periodically at the discretion of the commissioner by orders drawn on the state treasury to be
27 charged against the special fund.

28 ~~[VII.]~~ **VIII.** No benefit shall be payable under this section for injuries or illnesses occurring
29 prior to July 1, 1975 ***or after September 1, 2024***; provided, however, that persons who incurred an
30 injury or illness prior to July 1, 1975, which was of the type specified in former RSA 281:47 shall
31 continue to be paid out of the special fund created by RSA 281-A:55.

32 ~~[VIII.]~~ **IX.** Payments made by an employer or the employer's insurance carrier under RSA
33 281-A:25 and 281-A:32 shall be in lieu of payments under this section.

34 ~~[IX.]~~ **X.** Employers who incur costs for job modification for the purposes of retaining
35 individuals, including those reinstated under RSA 281-A:25-a, for which a plan for modification has
36 been approved by the commissioner shall be reimbursed 50 percent of the cost for such job
37 modifications from the special fund for second injuries under RSA 281-A:55. Such reimbursement

1 shall not exceed \$5,000 per employer per year. Before reimbursement shall be authorized, the
2 employer shall submit **proof of completion** of the plan for modification [~~to the commissioner for~~
3 ~~approval~~] **for reimbursement pursuant to rules adopted by the commissioner no later than**
4 **September 1 for modifications made during the preceding calendar year.**

5 [~~X~~] **XI.** An employer who reinstates an employee under RSA 281-A:25-a shall not be eligible
6 for reimbursement from this fund should the employee become injured.

7 116 Family and Medical Leave Insurance. Amend RSA 275:37-d to read as follows:

8 275:37-d Family and Medical Leave Insurance. If an employer has 50 or more employees and
9 sponsors family and medical leave insurance pursuant to RSA 21-I:99, then any employee of that
10 employer who takes family or medical leave and accesses wage replacement benefits under such
11 family and medical leave insurance coverage shall be restored to the position she or he held prior to
12 such leave or to an equivalent position by her or his employer consistent with the job restoration
13 provisions of the federal Family and Medical Leave Act of 1993, Public Law 103-3, 29 U.S.C. section
14 2601 et seq. Such employers shall continue to provide health insurance to employees during the
15 leave. However, employees shall remain responsible for any employee-shared costs associated with
16 the health insurance benefits. Such employers shall not discriminate or retaliate against any
17 employee for accessing family or medical leave wage replacement benefits. Employers of employees
18 participating in the granite state paid family leave plan may require that paid leave taken under
19 this program be taken concurrently or otherwise coordinated with leave allowed under the terms of a
20 collective bargaining agreement or other established employer policy or the Family and Medical
21 Leave Act, as applicable. **In addition, the commissioner may adopt rules under RSA 541-A to**
22 **facilitate administration and enforcement of this section.**

23 117 Boiler and Pressure Vessels; Exceptions. Amend RSA 157-A:6, III(e) to read as follows:

24 (e) Pressure vessels that do not exceed (1) 5 cubic feet in volume [~~or~~] **and** 250 psig, (2) 1
25 1/2 cubic feet in volume or an inside diameter of 6 inches, and 3,000 psig.

26 118 Workers' Compensation; Appeals Board. Amend RSA 281-A:42-a, I to read as follows:

27 I. There is established a compensation appeals board. **Until January 1, 2024,** the board
28 shall consist of a pool of 33 members, of which 11 members shall represent labor, 11 members shall
29 represent employers or workers' compensation insurers and 11 members shall be attorneys who
30 shall be neutral. **On January 1, 2024, the commissioner shall identify 2 seats from each of**
31 **the 3 sectors that are vacant or of an expired term, and eliminate those seats, reducing the**
32 **entire pool to 27 members in total.** Members of the board shall be appointed by the governor and
33 council from a list of nominees submitted by the commissioner. The commissioner shall submit at
34 least 2 nominees for each vacancy to be filled. Any person appointed by the governor and council
35 who is not qualified or who ceases to be qualified in the capacity in which such person is serving on
36 the appeals board shall be replaced by the governor and council. Terms of board members shall be 3
37 years, except the initial appointments shall be staggered so that no more than 1/3 of the members'

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 43 -

1 terms shall expire in the same year. Members of the board shall have at least 5 years' experience in
2 the area of workers' compensation or human resources or administrative law. As a condition to
3 maintaining eligibility to hear appeals, board members shall have at least 10 hours annually of
4 training and briefing in the area of workers' compensation and relevant disciplines. The
5 commissioner, or designee, with the assistance of the attorney general's staff shall supervise and
6 approve the training. The commissioner shall have the authority to suspend the eligibility of any
7 member of the board who is not in compliance with such annual training requirements, and to
8 reinstate such member's eligibility upon compliance. The commissioner may suspend from active
9 participation any board member who fails to render a decision or order within 30 days of the hearing
10 as required by RSA 281-A:43, I(b). The commissioner may rescind the suspension once the board
11 member is in compliance with RSA 281-A:43, I(b). Appeals from a decision of the commissioner or
12 the commissioner's representative shall be heard de novo by a 3-member panel, composed of an
13 attorney who shall serve as chair, one member representing labor and one member representing
14 employers or workers' compensation insurers. At least 2 like votes shall be necessary for a decision
15 by the panel. The board shall hear appeals, in accordance with RSA 281-A:43, I(b), from the
16 decisions of the commissioner made pursuant to RSA 281-A:43. No person who is an interested
17 party or an employee of an interested party shall participate as a member of the panel. The board
18 shall conduct its proceedings in such a manner as to ensure a fair and impartial hearing.

19 119 Department of Transportation; Appeals Board. Amend RSA 21-L:14, I to read as follows:

20 I. There is established an appeals board consisting of 3 members. One member shall be a
21 registered professional engineer, one member shall be a person admitted to the practice of law in
22 this state, and one member shall be a person skilled in the field of public works and construction
23 who shall represent the general public. There shall be 2 alternate board members, who shall meet at
24 least one of the qualification categories set forth for board members. Each board member and
25 alternate board member shall be appointed by the governor with the consent of the council to a term
26 of 3 years, ~~provided that of the initial members appointed under this section one member shall be~~
27 ~~appointed to a term of one year, one member to a term of 2 years, and one member to a term of 3~~
28 ~~years. Vacancies shall be filled in a like manner for the unexpired term] **or until a successor is**~~
29 **appointed and qualified, whichever is later.** The governor shall designate one member to serve
30 as board chairman, and the board shall elect one member to serve as vice-chairman. In the event of
31 illness or disqualification of a member as set forth in RSA 673:14, the chairman shall designate an
32 alternate member to act in his place.

33 120 Appeals Board; Powers and Duties. Amend RSA 21-L:15, I to read as follows:

34 I. The board shall hear and decide appeals from decisions of the commissioner relative to
35 contract interpretation or other decisions affecting persons not employed by the department,
36 municipalities, or private property, except condemnations of property for public uses, and the
37 assessment of damages therefor. Decisions of division directors shall be appealed to the

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 44 -

1 commissioner. Decisions of the commissioner may be appealed to the appeals board, except decisions
2 relative to aeronautical matters, which may be appealed to the aviation users advisory board
3 established under RSA 21-L:8[~~and decisions relative to common carriers by rail, which may be~~
4 ~~appealed to the railroad appeals board established under RSA 21-L:16].~~

5 121 Repeal. RSA 21-L:16, relative to the railroad appeals board, is repealed.

6 122 New Paragraph; Weight; Permit Fees. Amend RSA 266:22 by inserting after paragraph V
7 the following new paragraph:

8 VI. There is hereby established an over-length, over-width and over-height revolving fund
9 from revenue received under this section. All revenue received by the department of transportation
10 for permit fees shall be credited to the fund and are hereby appropriated to the department of
11 transportation. Funds shall be nonlapsing and continually appropriated for the operation and
12 administration of the permit section at the department.

13 123 New Subparagraph; Application of Receipts; Over-length, Over-width and Over-height
14 Revolving Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new
15 subparagraph:

16 (388) Moneys deposited in the over-length, over-width and over-height revolving fund
17 under RSA 266:22.

18 124 Highway Surveillance Prohibited. Amend RSA 236:130, III(f) to read as follows:

19 (f) Is undertaken for the security of the following bridges and approach structures: I-95
20 Piscataqua River Bridge, Sarah Mildred Long Bridge, and the Memorial Bridge, all in Portsmouth,
21 ***as well as the Little Bay Bridges in Dover and Newington.***

22 125 Local Option; Prime Wetlands. Amend RSA 482-A:15, I-b to read as follows:

23 I-b. ***For the purposes of this chapter, existing state highway rights-of-way, including***
24 ***associated permanent easements, shall not include prime wetlands or their adjacent***
25 ***buffers.***

26 I-c. The commissioner shall adopt rules under RSA 541-A relative to the form, criteria, and
27 methods that shall be used to designate, map, and document prime wetlands, determine boundaries
28 in the field, and amend maps and designations once filed and accepted by the department under
29 paragraph II.

30 126 Agreements for Telecommunications-Related Uses of the State Highway System and State-
31 Owned Railroad Rights-of-Way. Amend RSA 228:31-a to read as follows:

32 228:31-a Agreements for Telecommunications-Related Uses of the State Highway System and
33 State-Owned Railroad Rights-of-Way. The commissioner may, with the approval of the governor and
34 council, execute contracts, leases, licenses, and other agreements relating to the use or occupation of
35 state-owned rights-of-way, whether easement or fee-owned, for purposes of allowing the installation
36 and maintenance of commercial mobile radio service devices. Such agreements, which shall be for
37 commercially reasonable value, shall not extend for a period of more than 10 years. Any leases

1 executed pursuant to this section shall be subject to the requirements of RSA 72:23 with regard to
2 properly assessed real estate taxes and subject to local zoning and planning requirements. Said
3 devices shall take into consideration the scenic beauty of the landscape. There shall be no
4 advertising signs on these devices. The provisions of **RSA 4:39-c and** RSA 4:40 shall not apply to
5 this section.

6 127 State Highways; Notice of Finding. Amend RSA 230:55 to read as follows:

7 230:55 Notice of Finding. Whenever the commissioner of transportation shall alter or relocate
8 any portion of any class I or class II highway, and finds that there is no further occasion to use such
9 portion for class I or class II highway purposes for property acquired by the state in 1945 or earlier,
10 the commissioner shall post notice of such finding in 2 public places in the town in which land is
11 situate and give notice in writing to the selectmen of such town. Notwithstanding any provision of
12 law to the contrary, the commissioner may discontinue **any right-of-way, or portion thereof, that**
13 **was laid out by the state** and declare property acquired after 1945 as surplus and dispose of it in
14 accordance with RSA [4:39] **4:39-c**.

15 128 New Paragraph; New Hampshire Aeronautics Act; Revenue; Fees. Amend RSA 422:31 by
16 inserting after paragraph IX the following new paragraph:

17 X. A credit card use convenience fee may be charged in addition to the required aircraft
18 operating fee for each transaction, which the department is authorized to use towards the credit card
19 fees incurred.

20 129 Turnpike System; Toll Criteria. Amend RSA 237:11, V to read as follows:

21 V. Notwithstanding any other provision of law to the contrary, the discount on the
22 established tolls on any of the New Hampshire turnpikes in the system for vehicles listed on a
23 **funded** New Hampshire E-Z Pass account and using the regional electronic toll collection system
24 with a **working and properly mounted** New Hampshire E-Z Pass transponder shall be 30 percent
25 for passenger vehicles, including motorcycles, and 10 percent for commercial vehicles.

26 130 Statewide Transportation Improvement Program. Amend RSA 228:99 to read as follows:

27 228:99 Statewide Transportation Improvement Program (STIP). The governor shall develop a
28 statewide transportation improvement program as required by 23 U.S.C. sections 134 and 135, as
29 amended. The governor shall revise and update the program every 2 years. Adoption of the STIP
30 and revised STIP shall be as follows:

31 I. Each metropolitan planning organization and rural regional planning commission shall
32 reach agreement with the department of transportation relative to funding unified planning work
33 programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-
34 numbered year. Each metropolitan planning organization and rural regional planning commission
35 shall provide a regional transportation improvement program (TIP) **priorities** to the department of
36 transportation no later than April 1 of each odd-numbered year. Such plans shall include [æ] public

1 involvement [~~plan~~] and education [~~initiative~~] to ensure early and adequate input from residents,
2 municipalities and any other interested parties in New Hampshire.

3 II. The commissioner shall submit the tentative STIP in accordance with the state planning
4 process as required in 23 U.S.C. section 135 to the governor's advisory commission on intermodal
5 transportation no later than [~~July~~] **September** 1 of each odd-numbered year.

6 III. The governor's advisory commission on intermodal transportation shall conduct at least
7 one public hearing in each executive council district to present the tentative STIP to the public and
8 to receive the public's comments and recommendations regarding the program. The governor's
9 advisory commission on intermodal transportation shall submit such program along with the
10 commission's recommendations to the governor no later than December 1 of each odd-numbered
11 year. Each metropolitan planning organization and rural regional planning commission should
12 conduct an informational meeting after the commission submits its recommendations to receive the
13 public's final comments and recommendations regarding the proposed programs before adoption by
14 the governor.

15 IV. The governor shall submit the STIP to the general court to be acted on no later than
16 January 15 of each even-numbered year. [~~After an enactment~~] **The STIP shall be enacted** by the
17 general court [~~of the STIP or~~] by June 1 of each even-numbered year[~~, whichever is earlier, each~~
18 ~~metropolitan planning organization and rural regional planning commission should continue its~~
19 ~~public involvement program by conducting at least one informational meeting concerning the STIP~~].

20 **V. Each metropolitan planning organization and the department of transportation**
21 **shall continue its public involvement program by conducting public comment periods and**
22 **public hearings as required by 23 U.S.C. sections 134 and 135, as amended for the regional**
23 **TIP and statewide STIP.**

24 **VI. Each metropolitan planning organization shall approve the regional TIP and**
25 **the department of transportation shall incorporate the TIPs into the STIP in whole, and**
26 **submit the STIP for federal approval as required by 23 U.S.C. sections 134 and 135, as**
27 **amended.**

28 **VII. Three times per year, the STIP and TIPs shall be amended to make adjustments**
29 **to projects whose scopes, schedules or budgets need to be adjusted. The department of**
30 **transportation will prepare and release STIP/TIP amendments to the metropolitan**
31 **planning organizations and rural regional planning commissions.**

32 **VIII. The metropolitan planning organizations shall have 60 days from the receipt**
33 **of each amendment to prepare, receive public comments, approve and transmit the**
34 **updated TIPs to the department of transportation. The department of transportation shall**
35 **incorporate the TIP amendments into the STIP in whole, and submit the STIP for federal**
36 **approval as required by 23 U.S.C. sections 134 and 135, as amended.**

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 47 -

1 131 Unclaimed and Abandoned Property; Subsequent Claims. Amend RSA 471-C:31-a to read
2 as follows:

3 471-C:31-a Subsequent Claims. For periods after January 1, 1985, any owner who comes
4 forward to make a claim for assets which have escheated to the state **or counties** may petition [~~the~~
5 ~~governor and council~~] for payment of those assets. Upon [~~providing~~] **receiving** sufficient proof of the
6 validity of such owner claim [~~and receiving the approval of governor and council~~], the administrator
7 shall pay such claim to the owner in accordance with the provisions of this chapter. ***In the event***
8 ***subsequent claims exceed amounts appropriated in the operating budget, the***
9 ***administrator shall request, with prior approval of the fiscal committee of the general***
10 ***court, that the governor and council authorize additional funding. For funds requested***
11 ***and approved, the governor is authorized to draw a warrant from any money in the***
12 ***treasury not otherwise appropriated.***

13 132 Revenue Sharing; Suspension. RSA 31-A, relative to revenue sharing with cities and towns
14 shall be suspended for the biennium ending June 30, 2025.

15 133 Electric Utility Restructuring; Implementation. Amend RSA 374-F:4, VIII(f) to read as
16 follows:

17 (f) The [~~department of environmental services and the~~] department of energy shall
18 submit a report to the house science, technology, and energy committee, and the senate energy and
19 natural resources committee by October 1 of each year. The report shall concern the results and
20 effectiveness of the system benefits charge.

21 134 Disclosure of Electric Service Energy Sources and Environmental Characteristics. Amend
22 RSA 378:49, II(c) to read as follows:

23 (c) Provide such information to electric customers at least annually in conjunction with
24 billing, whether distributed through the mail or online, or other mailed or online communication to
25 customers, as approved by the [~~commission~~] **department**, including the [~~commission's~~]
26 **department's** estimated cost on a per kilowatt-hour basis for compliance with the electric renewable
27 portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the
28 compliance year shall be calculated once per year and provided in the customer's December bill,
29 whether distributed through the mail or online. Each customer's bill shall identify the cost as an
30 estimate and provide a link to information about the electric renewable portfolio standard, including
31 its benefits, at the [~~public utilities commission's~~] **department's** website. The costs for a utility to
32 provide this information shall be recovered from electric customers through the distribution rates of
33 the respective electric distribution utility.

34 135 Electric Renewable Portfolio Standard; Renewable Energy Fund. Amend RSA 362-F:10, I to
35 read as follows:

36 I. There is hereby established a renewable energy fund. This nonlapsing special fund shall
37 be continually appropriated to the department of energy to be expended in accordance with this

1 section; provided that at the start of the period in which there is no adopted state operating budget,
2 the department of energy shall in a timely manner seek the approval of the fiscal committee of the
3 general court to continue using moneys from the renewable energy fund to support renewable energy
4 rebate and grant programs in order to ensure there are no interruptions to the programs. The state
5 treasurer shall invest the moneys deposited therein as provided by law. Income received on
6 investments made by the state treasurer shall also be credited to the fund. All payments to be made
7 under this section shall be deposited in the fund. Any remaining moneys paid into the fund under
8 paragraph II of this section, excluding class II moneys, shall be used by the department of energy to
9 support thermal and electrical renewable energy initiatives **and offshore wind initiatives,**
10 **including the office of offshore wind industry development.** Class II moneys shall primarily be
11 used to support solar energy technologies in New Hampshire. All initiatives supported out of these
12 funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys
13 including those from class II may be used to administer this chapter, but all new employee positions
14 shall be approved by the fiscal committee of the general court. No new employees shall be hired by
15 the department of energy due to the inclusion of useful thermal energy in class I production.

16 136 Information Collection. Amend RSA 362-F:8, I to read as follows:

17 I. ~~[By July 1]~~ **No earlier than July 1 and no later than July 15** of each year, each
18 provider of electricity shall submit a report to the department of energy, in a form approved by the
19 department of energy, documenting its compliance with the requirements of this chapter for the
20 prior year. The department of energy may investigate compliance and collect any information
21 necessary to verify and audit the information provided to the department of energy by providers of
22 electricity.

23 137 Phase-In for Existing Supply Contract Load. Amend RSA 362-F:14 to read as follows:

24 362-F:14 Phase-In for Existing Supply Contract Load. The increases in the annual purchase
25 percentages in RSA 362-F:3 as compared to those in effect as of January 1, 2012 shall apply to the
26 electrical load under any electrical power supply contracts for a term of years entered into by
27 providers of electricity prior to or on July 1, 2012, upon the expiration of the term of any such
28 contract. Providers of electricity shall inform the department of energy ~~[by July 1]~~ **no earlier than**
29 **July 1 and no later than July 15** of each year of all such contracts and their terms, including but
30 not limited to the execution date and expiration date of the contract and the annual volume of
31 electrical energy supplied.

32 138 Duties of Commissioner; Department of Energy. Amend RSA 12-P:5, VI to read as follows:

33 VI. Collect and account for all fees, funds, taxes, or assessments levied upon any person
34 subject to the jurisdiction of the department of energy and the public utilities commission.
35 **Notwithstanding any other provision of law, if the expenditure of additional funds over**
36 **budget estimates is necessary for the proper functioning of the department of energy, the**
37 **governor and council, with the prior approval of the fiscal committee of the general court,**

1 *upon request from the department of energy, may authorize an additional assessment*
2 *pursuant to RSA 363-A for such purpose.*

3 139 Public Utilities Commission; Office of the Consumer Advocate. Amend RSA 363:28, I(d) to
4 read as follows:

5 (d) [~~Two~~] **Three** additional staff people appointed by the consumer advocate. When
6 filling these positions, the consumer advocate should consider appointing rate analysts or
7 economists.

8 140 New Paragraph; Public Utilities Commission; Office of the Consumer Advocate. Amend
9 RSA 363:28 by inserting after paragraph VI the following new paragraph:

10 VII. Notwithstanding any other provision of law, if the expenditure of additional funds over
11 budget estimates is necessary for the proper functioning of the office of the consumer advocate, the
12 governor and council, with the prior approval of the fiscal committee of the general court, upon
13 request from the consumer advocate, may authorize an additional assessment pursuant to RSA 363-
14 A for such purpose.

15 141 Public Utilities; Assessment. Amend the introductory paragraph of RSA 363-A:2, I to read
16 as follows:

17 I. The expenses thus ascertained shall be assessed against the public utilities and other
18 entities described in this section in the manner provided in this chapter. The assessment shall be
19 calculated by using the following revenue percentages, ***based on the prior calendar year***:

20 142 Public Utilities; Certification of Assessment. Amend RSA 363-A:3 to read as follows:

21 363-A:3 Certification of Assessment. It shall be the duty of the department of energy to
22 calculate the amount to be assessed against each such public utility and each other entity subject to
23 assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year,
24 the department of energy shall estimate the total expenses for the fiscal year, and then, based on
25 such estimate, shall calculate the amount to be assessed quarterly on [~~August 10, October 15,~~
26 ~~January 15~~] ***September 15, November 15, February 15***, and April 15 of that fiscal year[~~, against~~
27 ~~each such public utility and other assessed entity in accordance with RSA 363-A:1 and RSA 363-A:2~~].

28 ***For entities with assessments less than \$10,000, the department may bill those entities the***
29 ***entire amount on September 15 of that fiscal year.*** The department of energy shall then make a
30 list showing the amount [~~due on August 10, October 15, January 15~~] ***assessed September 15,***
31 ***November 15, February 15***, and April 15 of that fiscal year [~~from~~] ***to*** each of the several public
32 utilities and other entities assessed under the provisions hereof, and, together with a statement of
33 the full name and mailing address of each such public utility and other assessed entity, shall certify
34 the same. After the close of each fiscal year, the department of energy shall ascertain the actual
35 total expenses in accordance with RSA 363-A:1 and RSA 363-A:2, and then shall adjust the
36 assessment for the first [~~quarterly~~] ***or only*** payment of the new fiscal year for each such public

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 50 -

1 utility or other assessed entity for any underpayment or overpayment by each such public utility or
2 other assessed entity for the prior fiscal year.

3 143 Expenses of Public Utilities Commission; Collections. Amend RSA 363-A:4 to read as
4 follows:

5 363-A:4 Collection. Upon the completion of each such list, ~~[on or before August 10, October 10,~~
6 ~~January 10, and April 10]~~ ***within 10 business days of September 15, November 15, February 15,***
7 ***and April 15*** of each fiscal year, the department of energy shall bill each public utility and each
8 other entity subject to assessment ~~[for the quarterly amount assessed against it within 10 working~~
9 ~~days]~~. Such bill shall be sent ~~[registered]~~ ***first-class or electronic*** mail, and shall constitute notice
10 of assessment and demand for payment. Payment shall be made to the department of energy ~~[within~~
11 ~~30 days after the receipt of the bill. After the expiration of 30 days from the receipt of an original~~
12 ~~bill,]~~ ***by the due date stated on the bill, which shall be set no sooner than 30 days after the***
13 ***date the bill is sent. If payment is not made by the due date,*** the department of energy may
14 add to the assessment a late penalty fee and may commence an action at law for the recovery of the
15 assessment. Within 30 days of the ***date that the bill*** assessment for the first ~~[quarterly]~~ ***or only***
16 ***payment is sent,*** each public utility or other assessed entity which has any objection to the amount
17 assessed against it for the prior fiscal year shall file with the department its objection in writing,
18 setting out in detail the grounds upon which it is claimed that said assessment is excessive,
19 erroneous, unlawful, or invalid. If such objections are filed, the department, after reasonable notice
20 to the objecting public utility or other assessed entity, shall hold a hearing on such objections, and if
21 the department finds that said assessment or any part thereof is excessive, erroneous, unlawful, or
22 invalid, the department shall reassess the amount to be paid by such public utility or other assessed
23 entity, and shall order that an amended bill be sent to such public utility or other assessed entity in
24 accordance with such reassessment. The department of energy shall not commence an action at law
25 for recovery of any assessment for the first ~~[quarterly]~~ ***or only*** payment until any such objection has
26 been resolved.

27 144 Expenses of Public Utilities Commission; Exemption from Assessment. Amend RSA 363-
28 A:5 to read as follows:

29 363-A:5 Exemption From Assessment. Any public utility or other assessed entity that is not an
30 entity to which RSA 363-A:2, I(c) or (d) applies, and that earned less than \$10,000 in gross revenue
31 during the preceding ~~[fiscal]~~ ***calendar*** year shall not be liable for any assessment pursuant to this
32 chapter.

33 145 Appropriation; Department of Energy; Establishment of the Regional Energy Advocacy
34 Fund. There is hereby appropriated to the department of energy the sum of \$250,000 for the fiscal
35 year ending June 30, 2023 to be placed in a regional energy advocacy fund. This fund shall be
36 nonlapsing and continually appropriated to the department to be expended to hire consultants and
37 attorneys and related expenses to support the regional advocacy issues specified in RSA 374-F:8.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 51 -

1 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
2 otherwise appropriated.

3 146 Effective Date. Section 145 of this act shall take effect June 30, 2023.

4 147 Department of Energy; Commissioner; Deputy Commissioner; Directors; General Counsel.
5 Amend RSA 12-P:4 to read as follows:

6 12-P:4 Commissioner; Deputy Commissioner; Directors; **General Counsel**.

7 I. The commissioner of the department of energy shall be appointed by the governor, with
8 the consent of the council, and shall serve for a term of 4 years. The commissioner shall be qualified
9 to hold that position by reason of education and experience. Directors of departmental divisions **and**
10 **the general counsel** shall be subject to the supervisory authority of the commissioner, which
11 authority shall include power to establish department and divisional policy as well as to control the
12 actual operations of the department and all divisions therein. The commissioner is authorized to
13 establish any advisory committees and programs which the commissioner may deem necessary to
14 carry out the mission and operations of the department.

15 II. The commissioner of energy shall nominate a deputy commissioner of energy for
16 appointment by the governor and council. The deputy commissioner shall hold office for 4 years and
17 until a successor has been appointed and qualified. The deputy commissioner shall be qualified to
18 hold that position by reason of education and experience. The deputy commissioner shall perform
19 such duties as the commissioner may assign. The deputy commissioner shall perform the duties of
20 the commissioner if for any reason the commissioner is unable to do so.

21 III. Division directors shall be appointed to initial terms as stated below, and then
22 subsequently to terms of 4 years. Terms notwithstanding, each division director shall serve until a
23 successor has been appointed and qualified.

24 **III-a. The commissioner shall appoint a general counsel, who shall serve at the**
25 **pleasure of the commissioner. The general counsel shall perform such duties and exercise**
26 **such powers as the commission may authorize.**

27 (a) The commissioner shall nominate for appointment by the governor and council a
28 director of the division of policy and programs for an initial term of one year. All subsequent terms
29 shall be 4 years. The director of the division of policy and programs shall be qualified to hold that
30 position by reason of education and experience.

31 (b) The commissioner shall nominate for appointment by the governor and council a
32 director of the division of administration for an initial term of 2 years. All subsequent terms shall be
33 4 years. The director of the division of administration shall be qualified to hold that position by
34 reason of education and experience.

35 (c) The commissioner shall nominate for appointment by the governor and council a
36 director of the division of enforcement for an initial term of 3 years. All subsequent terms shall be 4

1 years. The director of the division of enforcement shall be qualified to hold that position by reason of
2 education and experience.

3 (d) The commissioner shall nominate for appointment by the governor and council a
4 director of the division of regulatory support for an initial term of 3 years. All subsequent terms
5 shall be 4 years. The director of the division of regulatory support shall be qualified to hold that
6 position by reason of education and experience.

7 IV. The salaries of the commissioner, the deputy commissioner, and each division director
8 shall be as specified in RSA 94:1-a.

9 148 Auxiliary State Police. Amend RSA 106-B:19 to read as follows:

10 106-B:19 Auxiliary State Police. The director is authorized to recruit, train, and organize an
11 auxiliary state police force [~~of not more than 16 persons~~] for the purpose of providing emergency
12 services throughout the state for peacetime or wartime emergencies or threatened emergencies and
13 for augmenting the state police force in such manner as the director may deem appropriate.
14 Notwithstanding other provisions the director may recruit such auxiliary force from retired state or
15 local police. Such auxiliary force shall at all times be under the direction and control of the said
16 director and shall be subject to rules adopted by the director under RSA 541-A and shall be limited
17 to specific hours in any given calendar year for part-time police officers adopted in rules under RSA
18 541-A by the police standards and training council, pursuant to RSA 106-L:6, III.

19 149 Motor Vehicles; Copies of Certificates and Motor Vehicle Records. Amend RSA 260:15 to
20 read as follows:

21 260:15 Copies of Certificates and Motor Vehicle Records.

22 I. The department may issue a certified copy of any certificate of registration, or of any
23 license to drive motor vehicles which may have been lost or mutilated, upon the written request of
24 the person entitled thereto and the payment of the prescribed fee, and such certified copy shall have
25 the same force and effect as the original.

26 II. The department may issue a copy of any motor vehicle record upon the request of an
27 insurance company or any other authorized agent, and notwithstanding RSA 91-A shall require
28 payment by the insurance company or authorized agent of a fee [~~of \$13 for email or other computer-~~
29 ~~generated requests where payment is debited against an account established with the department,~~
30 ~~or \$15~~] for all [~~other~~] requests, which shall be deposited in the fire standards and training and
31 emergency medical services fund established in RSA 21-P:12-d.

32 ***III. The commissioner of the department of safety shall adopt rules pursuant to***
33 ***RSA 541-A to establish fees and to implement this section.***

34 150 New Paragraph; Motor Vehicles; Provision for Federal Identification Database Prohibited.
35 Amend RSA 260:14-a by inserting after paragraph VII the following new paragraph:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 53 -

1 VIII. Notwithstanding any law to the contrary, the department may provide driver history
2 records to a federal entity for uses authorized in RSA 260:14, IV, RSA 260:14, IV-a, and RSA 260:14,
3 V.

4 151 Health and Human Services; Residential Care and Health Facility Licensing; Rules.
5 Amend RSA 151:9, II(a) to read as follows:

6 II.(a) ~~[In addition to paragraph I of this section, if the state fire marshal authorizes the~~
7 ~~department to conduct life safety code inspections, the department]~~ **The state fire marshal** shall
8 make at least one annual, unannounced inspection of all facilities licensed under this chapter
9 ~~[pursuant to that authorization]~~. If in the course of such inspection the inspector finds that there
10 are violations of the life safety code which the inspector believes must be corrected, the inspector
11 shall provide the facility with a notice to correct. This notice shall identify the specific provisions of
12 the life safety code that the inspector believes have been violated, and contain instructions with
13 respect to corrective action to be taken.

14 152 Department of Safety; Appropriation; Position Created. There is hereby established in the
15 department of safety, division of fire safety, one full-time classified program assistant II position.
16 The sum of \$72,000 for the fiscal year ending June 30, 2024 and \$74,000 for the fiscal year ending
17 June 30, 2025 is hereby appropriated to the division of fire safety. The governor is authorized to
18 draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

19 153 Department of Safety; Unfunded Positions; Authorization. Notwithstanding any other
20 provision of law to the contrary, the department of safety may fill unfunded positions during the
21 biennium ending June 30, 2025, provided that the total expenditure for such positions shall not
22 exceed the amount appropriated for personal services.

23 154 Department of Safety; Transfer Funds and Establish Positions; Authorization.
24 Notwithstanding any other provision of law to the contrary, the department of safety may create
25 full-time temporary positions for any positions on military deployment and transfer funds from class
26 010 into class 059 with approval from the department of administrative services.

27 155 Department of Safety; Substance Abuse Enforcement Program; Appropriations.

28 I. The sum of \$408,297 for the fiscal year ending June 30, 2024 is hereby appropriated to the
29 department of safety. This sum shall be expended as follows:

30 (a) \$119,217 shall be expended for the purpose of funding overtime at the state forensic
31 laboratory as a result of increased caseloads attributable to narcotics related enforcement and
32 investigations, with no more than 50 percent of the appropriation expended in each fiscal year of the
33 biennium ending June 30, 2025.

34 (b) \$289,080 shall be expended for the purpose of funding overtime at the state police for
35 narcotics related enforcement and investigations, with no more than 50 percent of the appropriation
36 expended in each fiscal year of the biennium ending June 30, 2025.

1 II. The sum of \$833,684 for the fiscal year ending June 30, 2024 and \$833,684 for the fiscal
2 year ending June 30, 2025 is hereby appropriated to the department of safety to disburse grants to
3 county and local law enforcement agencies for the purpose of funding overtime costs for county and
4 local law enforcement officers performing law enforcement activities attributable to the substance
5 abuse enforcement program established in RSA 21-P:66.

6 III. The governor is authorized to draw a warrant for said sums out of any money in the
7 treasury not otherwise appropriated.

8 IV. No appropriation made in this section shall lapse until June 30, 2025.

9 156 Public Safety and Welfare; Definitions; Emergency Medical Care Provider. Amend RSA
10 153-A:2, V to read as follows:

11 V. "Emergency medical care provider" means an employee or volunteer member of a public
12 or private organization having responsibility for the delivery of health services to individuals
13 experiencing illness or injury at a location other than a hospital or other medical facility. The term
14 shall not include lifeguards at swimming facilities or members of ski patrols, or New Hampshire fish
15 and game department conservation officers, **or those individuals administering Naloxone**
16 unless said individuals are performing invasive patient care procedures.

17 157 Public Safety and Welfare; Licensure of Emergency Medical Care Providers. Amend RSA
18 153-A:11, I to read as follows:

19 I. Except for automated external defibrillation pursuant to RSA 153-A:28-31, **or the**
20 **administration of Naloxone**, a person shall not provide emergency medical services as a paid or
21 volunteer member of a public or private emergency medical services unit in this state, or as a paid or
22 volunteer member of any police or fire department who, as a condition of employment, may be
23 expected to routinely provide emergency medical services in the line of duty, without being licensed
24 by the commissioner.

25 158 Public Safety and Welfare; Critical Incident Intervention and Management. Amend RSA
26 153-A:17-a, to read as follows:

27 153-A:17-a Critical Incident Intervention and Management.

28 I. In this section:

29 (a) "Critical incident" means an event or events that result in acute or cumulative
30 psychological stress or trauma to an emergency service provider as a result of response to the
31 incident.

32 (b) "Critical incident stress" means an unusually strong emotional, cognitive, or physical
33 reaction that has the potential to interfere with normal functioning and that results from the
34 response to a critical incident or long-term occupational exposure to a series of critical incident
35 responses over a period of time that are believed to be causing debilitating stress that is affecting an
36 emergency service provider and his or her work performance or family situation. This may include,

1 but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of
2 interest in the job, personality changes, or loss of ability to function.

3 (c) "Critical incident stress management" means a process of crisis intervention designed
4 to assist emergency service providers in coping with the psychological trauma resulting from
5 response to a critical incident.

6 (d) "Critical incident stress management and crisis intervention services" means
7 consultation, counseling, debriefing, defusing, intervention services, management, prevention, and
8 referral provided by a critical incident stress management team member.

9 (e) "Critical incident stress management team" or "team" means the group of one or
10 more trained volunteers, including members of peer support groups organized by a unit of state,
11 local, or county government, **or employee organization** who offer critical incident stress
12 management, ~~and~~ crisis intervention, **or peer support** services following a critical incident or long
13 term or continued, debilitating stress being experienced by emergency services providers and
14 affecting them or their family situation.

15 (f)(1) "Critical incident stress management team member" or "team member" means an
16 emergency services provider, including any law enforcement officer, sheriff or deputy sheriff, state
17 police officer, civilian law enforcement employee, firefighter, civilian fire department employee,
18 emergency medical personnel, telecommunicators, and local dispatchers specially trained to provide
19 critical incident stress management and crisis intervention **or peer support** services as a member of
20 an organized and registered team.

21 (2) In this subparagraph:

22 (A) "Telecommunicator" means an employee of the department of safety, division
23 of emergency services and communications who is responsible for receiving at the public safety
24 answering point telephone calls made to E911 and transferring or relaying such calls to public or
25 private safety agencies.

26 (B) "Local dispatcher" means a person who determines the location, status, and
27 assistance required by callers and walk-in customers for public safety services and dispatches the
28 appropriate police, fire, ambulance, or other units to provide needed emergency services at the state,
29 city, town, or private emergency services level.

30 (g) **"Peer support group" means the group of one or more trained volunteers,**
31 **organized by a unit of state, local, county government or employee organization that can**
32 **recognize common behavioral health issues, provide support services, and serve as a bridge**
33 **to community resources or behavioral health treatment when indicated.**

34 II.(a) Team members shall undergo and sustain certification standards set forth in
35 guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by
36 the commissioner of the department of safety, or a similar organization for which the commissioner

1 shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar
2 organization, and maintain training standards to date as required.

3 (b) All critical incident stress management team members **or peer support group**
4 **members**, sworn or civilian, shall be designated by the police chief, sheriff, director of the division of
5 state police, fire chief, or director of the division of emergency services and communications, **or head**
6 **of an employee organization**.

7 III.(a) Any information divulged to the team, ~~[or]~~ a team member, **or peer support group**
8 **member**, during the provision of critical incident stress management, ~~[and]~~ crisis intervention
9 services, **or peer support services** shall be kept confidential and shall not be disclosed to a third
10 party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress
11 management team members **or peer support group** are not subject to subpoena, discovery, or
12 introduction into evidence in a criminal, civil, or administrative action. Except as provided in
13 subparagraph (c), no person, whether critical incident stress management team member, ~~[or]~~ team
14 leader, **or peer support group member** providing or receiving critical incident stress management,
15 ~~[and]~~ crisis intervention, **or peer support** services, shall be required to testify or divulge any
16 information obtained solely through such crisis intervention.

17 (b) The purpose of this section is to provide a consistent framework for the operation of
18 critical incident stress management teams, ~~[and]~~ **peer support groups and** their members. In any
19 civil action against any individual, agency, or government entity, including the state of New
20 Hampshire, arising out of the conduct of a member of such team, this section is not intended and
21 shall not be admissible to establish negligence in any instance where requirements herein are higher
22 than the standard of care that would otherwise have been applicable in such action under state law.

23 (c) A communication shall not be deemed confidential pursuant to this section if:

24 (1) The communication indicates the existence of a danger to the individual who
25 receives critical incident stress management and crisis intervention services or to any other person
26 or persons.

27 (2) The communication indicates the existence of past child abuse or neglect of the
28 individual, abuse of an adult as defined by law, or family violence as defined by law.

29 (3) The communication indicates the existence of past or present acts constituting an
30 intentional tort or crime, provided the applicable statute of limitation has not expired on the act
31 indicated.

32 159 State Budget; Allocation of Gross Appropriations from Highway Fund; Suspension of
33 Allocation to the Department of Safety. For the biennium ending June 30, 2025, RSA 9:9-b, II,
34 relative to the highway fund allocation to the department of safety, shall be suspended.

35 160 Department of Safety; Appropriation; State and Local Cybersecurity Grant Program. The
36 sum of \$1,255,500 for the fiscal year ending June 30, 2024 and the sum of \$1,614,215 for the fiscal
37 year ending June 30, 2025 are hereby appropriated to the commissioner of the department of safety

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 57 -

1 for the state and local cybersecurity grant program. Such funds shall be nonlapsing and continually
2 appropriated to the commissioner of the department. The governor is authorized to draw a warrant
3 for said sum out of any money in the treasury not otherwise appropriated.

4 161 Department of Safety; Appropriation. There is hereby appropriated to the department of
5 safety the sum of \$3,510,000 for the fiscal year ending June 30, 2023 for the purpose of purchasing
6 52 state police cruisers. This appropriation shall not lapse until June 30, 2025, provided that any
7 unexpected amount following the purchases shall lapse to the general fund. The governor is
8 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
9 appropriated.

10 162 Effective Date. Section 161 of this act shall take effect June 30, 2023.

11 163 Education; Education Freedom Accounts; Eligible Student. RSA 194-F:1, VI is repealed and
12 reenacted to read as follows:

13 VI. "Eligible student" means a resident of this state who is eligible to enroll in a public
14 elementary or secondary school except any student in the special school district within the
15 department of corrections established in RSA 194:60 and who meets one or more of the following
16 conditions:

17 (a) Whose annual household income at the time the student applies for the program is
18 less than or equal to 300 percent of the federal poverty guidelines as updated annually in the
19 Federal Register by the United States Department of Health and Human Services under 42 U.S.C.
20 section 9902(2); or

21 (b) Whose annual household income at the time the student applies for the program is
22 less than or equal to 500 percent of the federal poverty guidelines as updated annually in the
23 Federal Register by the United States Department of Health and Human Services under 42 U.S.C.
24 section 9902(2) and is any of the following:

25 (1) With status as a child in foster care. In this chapter, "foster care" means 24-hour
26 substitute care for children placed away from their parents and for whom the agency under Title IV-
27 E of the Social Security Act has placement and care responsibility. This includes, but is not limited
28 to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters,
29 residential facilities, child care institutions, and pre-adoptive homes. A child is in foster in
30 accordance with this definition regardless of whether the foster care facility is licensed and
31 payments are made by the state, tribal, or local agency for the care of the child, whether adoption
32 subsidy payments are being made prior to the finalization of an adoption, or whether there is federal
33 matching of any payments that are made; or

34 (2) With status as a migratory child. In this chapter, "migratory child" means a
35 child or youth who made a qualifying move in the preceeding 36 months as a migratory agricultural
36 worker or a migratory fisher; or with or to join a parent or spouse who is a migratory agricultural
37 worker or a migratory fisher as defined by the federal Department of Education in 34 C.F.R. 200.81.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 58 -

1 (3) With status as a homeless child or youth. In this chapter, "homeless child or
2 youth" has the same meaning as section 725(2) of title VII, subtitle B of the McKinney-Vento
3 Homeless Assistance Act.

4 (4) With status as a student with a parent who (A) is a member of the armed forces
5 on full-time duty in the active military service of the United States, including full time training duty,
6 annual training duty, and attendance, while in the active military service at a school designated as a
7 service school by law or by the secretary of the military department concerned; or (B) serves on full-
8 time National Guard duty, in training or other duty, other than inactive duty, performed by a
9 member of the Army National Guard of the United States or the Air National Guard of the United
10 States in the member's status as a member of the National Guard of a state or territory, the
11 Commonwealth of Puerto Rico, or the District of Columbia under 32 U.S.C. sections 316, 502, 503,
12 504, or 505 for which the member is entitled to pay from the United States or for which the member
13 has waived pay from the United States.

14 (5) With status as an English language learner. In this chapter, "English language
15 learner" means a pupil who has a predominant language other than English or who is educationally
16 disadvantaged by a limited English proficiency, and who participated in the annual assessment of
17 English language proficiency required of such pupils by the Elementary and Secondary Education
18 Act, 20 U.S.C. section 6311(b)(7).

19 (6) With status as a persistently bullied student. In this chapter, "persistently
20 bullied student" means a pupil that has been a victim of 3 or more bullying incidents as defined by
21 RSA 193-F:3 in a single school year.

22 (7) With status as a child with a disability. In this chapter, "child with a disability"
23 has the same definition as in RSA 186-C:2, I.

24 (8) With a documented approve manifest educational hardship as defined by RSA
25 193:3, II(a).

26 (9) Who is a student who lives within the geographic boundaries of a school which
27 has been identified as a comprehensive support and improvement school using the state methodology
28 as defined in RSA 193-H:1, III(a)(2), which includes the lowest performing 5 percent of all schools in
29 the state, and RSA 193-H:1, III(a)(3), which includes any high school that has a graduation rate less
30 than 69 percent during the last 2 consecutive academic years.

31 (10) Any student who lives within the geographical jurisdiction of a school that has
32 been designated as being a persistently dangerous school, as defined by RSA 193-G:1.

33 (11) Any student who is eligible for a free or reduced price meal.

34 164 Education Trust Fund; Distributions. Amend the introductory paragraph of RSA 198:39, I
35 to read as follows:

36 I. The state treasurer shall establish an education trust fund in the treasury. Moneys in
37 such fund shall not be used for any purpose other than to distribute adequate education grants to

1 municipalities' school districts [~~and to approved charter schools~~] pursuant to RSA 198:42, **to**
2 **distribute grants to municipalities' school districts and to approved chartered public**
3 **schools pursuant to RSA 194-B:11, to distribute public school infrastructure grants to**
4 **municipalities' school districts and to approved chartered public schools pursuant to RSA**
5 **198:15-y, to distribute kindergarten grants to municipalities' and school districts pursuant**
6 **to RSA 198:48-c, to provide low and moderate income homeowners property tax relief under RSA**
7 **198:56-198:61, to distribute school building aid to school districts [~~and approved chartered public~~**
8 **schools] pursuant to RSA 198:15-b, to distribute tuition and transportation funds to school districts**
9 **for students attending career and technical education programs pursuant to RSA 188-E:9, to**
10 **distribute funds to scholarship organizations approved under RSA 77-G, that administer**
11 **and implement RSA 194-F, to distribute grants for leased space to approved chartered**
12 **public schools pursuant to RSA 198:15-hh, to distribute special education aid to school districts**
13 **pursuant to RSA 186-C:18, to distribute payments to education service providers on behalf of**
14 **school districts for children with disabilities in certain court ordered placements pursuant**
15 **to RSA 186-C:19-b, to fund costs necessary to provide the statewide assessment program**
16 **required under RSA 193-C, and to fund department of education operating costs for a state**
17 **student data collection and reporting system[~~, and to fund kindergarten programs as may be~~**
18 **determined by the general court]. For the biennium ending June 30, 2025, the education trust**
19 **fund may be used for the purpose of distributing funding for career and technical**
20 **education renovation projects pursuant to RSA 188-E:10. The department of education may**
21 **retain up to 1 percent of the total annual appropriation of the education trust fund, unless**
22 **otherwise specified, to be used to administer the programs funded in the education trust**
23 **fund.** The state treasurer shall deposit into this fund immediately upon receipt:

24 165 New Section; Building Aid Fund; Building Aid Grants. Amend RSA 198 by inserting after
25 section 39 the following new section:

26 198:39-a State Building Aid Fund.

27 I. There is hereby established within the education trust fund, a state building aid fund
28 which shall be kept distinct and separate from all other funds and which shall be administered by
29 the department of education.

30 II. Moneys in such fund shall not be used for any purpose other than to distribute school
31 building aid to school districts and approved chartered public schools pursuant to RSA 198:15-b for
32 new school building projects, to develop a 10-year school facilities plan of potential school building
33 grant projects pursuant to RSA 198:15-a, V(a) and to administer the building aid fund established in
34 this section.

35 III. Any earnings on moneys within this fund shall be added to the fund. All moneys in the
36 building aid fund shall be nonlapsing and continually appropriated.

1 IV. At the end of the fiscal year ending on June 30, 2025, the state treasurer shall transfer
2 an amount of \$75,000,000 from the education trust fund to the building aid fund.

3 V. The department may retain up to 3 percent of the total annual appropriation of the
4 building aid fund to be used to administer the program.

5 VI. This fund shall not be used for building projects approved by the department prior to
6 July 2025 or debt service payments.

7 166 Grant for Special Construction. Amend RSA 198:15-a, IV-V to read as follows:

8 IV. Beginning July 1, ~~[2013]~~ **2025**, and every fiscal year thereafter, school building aid
9 grants for construction or renovation projects approved by the department of education **and funded**
10 **from grants distributed from the building aid fund established in RSA 198:39-a** shall not
11 exceed \$50,000,000 per fiscal year ~~[less any debt service payments owed in the fiscal year,]~~ unless
12 otherwise provided by an act of the general court. School building aid grants shall be funded from
13 ~~[appropriations in the state operating budget]~~ **grants distributed from the building aid fund**
14 **established in RSA 198:39-a** and no state bonds shall be authorized or issued for the purpose of
15 funding such school building aid grants.

16 ***IV-a. Nothing in this section shall prevent the general court from making***
17 ***appropriations for grants for school construction pursuant to RSA 198:15-a from the***
18 ***general fund, education trust fund, or other available funding opportunities.***

19 V. The department of education shall develop and maintain a 10-year school facilities plan of
20 potential school building grant projects. Potential projects shall include, but not be limited to,
21 criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify
22 and enhance school facilities in a safe, healthy, and efficient manner while providing adequate
23 learning environments for New Hampshire's students. The 10-year plan shall be updated every
24 biennium to provide the department a summary of projects and school facility capital expenditures
25 that are anticipated for the next 10 years. The state board of education shall adopt rules pursuant to
26 RSA 541-A relative to this paragraph. The plan shall identify new construction, renovation, and
27 emergency projects, and describe the overall condition of projects contained in the plan.

28 ***(a) In order to comply with the requirements of paragraph IV-a, the department***
29 ***of education shall contract with a vendor to conduct a facility assessment of public schools***
30 ***and chartered public schools, and to create a ranked list of schools most in need of***
31 ***construction or renovation. The contractor shall be selected through the statewide***
32 ***contracting process, pursuant to RSA 4:15.***

33 ***(b) Contracting costs associated with this section shall be funded from the***
34 ***building aid fund established in RSA 198:39-a and not included in administrative costs***
35 ***allowed by this section.***

36 167 Effective Date. Sections 164, 165, and 166 of this act shall take effect upon its passage.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 61 -

1 168 Special Education; Appropriation from Education Trust Fund. RSA 186-C:19-b, V is
2 repealed and reenacted to read as follows:

3 V. The amount necessary to fund any grants or transfers of funds authorized under this
4 chapter is hereby appropriated to the department from the education trust fund created under RSA
5 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the
6 state's obligation under this section. Such warrant for payment shall be issued regardless of the
7 balance of funds available in the education. If the balance in the education trust fund, after the
8 issuance of any such warrant, is less than zero, the comptroller shall transfer sufficient funds from
9 the general fund to eliminate such deficit. The commission of the department of administrative
10 services shall inform the fiscal committee and the governor and council of such balance. This
11 reporting shall not in any way prohibit or delay the distribution of any payment or transfer of funds
12 authorized under this chapter.

13 169 Education; Funding for Renovation and Expansion; CTE. Amend RSA 188-E:10 to read as
14 follows:

15 188-E:10 Funding for Renovation and Expansion.

16 I. The department of education is responsible for maintaining a statewide system of regional
17 career and technical education centers to provide and allow for a variety of career and technical
18 education programs funded within state budget appropriations. The treasurer of the state of New
19 Hampshire is hereby authorized to make funds available to the department of education for the
20 construction, renovation, expansion, or replacement of qualified regional career and technical
21 education centers or regional career and technical education programs authorized in the [capital]
22 budget, provided that:

23 (a) The commissioner of the department of education shall ensure that all requests
24 submitted are both educationally and financially appropriate within the state [capital project]
25 authorization process;

26 (b) The commissioner of the department of education submits on a biennial basis in a
27 [capital] budget request a priority list of facilities and programs eligible for construction, renovation,
28 expansion, or replacement provided that priority shall be given to programs that have been certified
29 by an approved standard or that need additional funds to become certified by an approved standard;

30 (c) Each request for funding follows the [capital] budget procedure [pursuant to RSA 9:3-
31 a], provided that no qualified project funded in a state capital budget as required in this section shall
32 have additional funds for the same project included in a subsequent proposal for [capital]
33 appropriation [under RSA 9:3-a] unless directed by the priority list of the department of education;

34 (d) Each school district requesting funds from the department of education establishes
35 and funds a construction, renovation, expansion, and replacement reserve fund, which shall be used
36 by the school district to pay construction, renovation, expansion, and replacement costs not funded
37 by the state, and which may include funding for the replacement of equipment; and

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 62 -

1 (e) The state shall fund not less than 50 percent nor more than 75 percent of the cost of a
2 qualified project approved pursuant to this section.

3 (f) In this section, "qualified" means the project:

4 (1) Demonstrates need connected to the labor market.

5 (2) Demonstrates adequate numbers of students through enrollment figures based
6 on 3-year averages.

7 (3) Demonstrates alignment with program competencies and academic competencies
8 required by the department of education.

9 (4) Allows for matriculation into a postsecondary venue.

10 (5) Meets all industry and building standards.

11 (6) Meets the procedural requirements for requests under this section and any other
12 requirements in rules of the department of education.

13 (7) Is a regional career and technical education center within a public school, or a
14 public academy as defined in RSA 194:23, II, in the state of New Hampshire.

15 (8) Has the capacity to provide academic courses for students from the sending
16 districts who are approved for full-time attendance at the center.

17 II. The renovation and expansion reserve funding required by subparagraph I(d) may be
18 funded through local community funds, career and technical education tuition payments, gifts,
19 contributions, and bequests of unrestricted funds from individuals, foundations, corporations,
20 organizations, or institutions. School districts shall consider priority funding for programs certified
21 or needing additional funds to become certified as set forth in subparagraph I(b).

22 III. Public academies receiving funds through the [~~capital~~] budget process shall comply with
23 all contracts or agreements required by department of education rules adopted pursuant to RSA 541-
24 A.

25 170 Department of Education; Appropriation; CTE Renovation Projects. The department of
26 education shall be appropriated \$12,514,533 from the education trust fund for career and technical
27 education renovation projects for the fiscal year ending June 30, 2024. Such funding shall be
28 nonlapsing. Any unexpended funds after the completion of the project shall be returned to the
29 education trust fund. Such funds shall be expended to renovate the Sugar Hill River Valley Regional
30 Technical Center in Newport.

31 171 Cost of an Opportunity for an Adequate Education. Amend RSA 198:40-a to read as follows:

32 198:40-a Cost of an Opportunity for an Adequate Education.

33 I. For the biennium beginning July 1, [~~2015~~] **2023**, the annual cost of providing the
34 opportunity for an adequate education as defined in RSA 193-E:2-a shall be as specified in
35 paragraph II. The department shall adjust the rates specified in this paragraph in accordance with
36 RSA 198:40-d.

37 II.(a) A cost of [~~\$3,561.27~~] **\$4,700** per pupil in the ADMR, plus differentiated aid as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 63 -

1 (b) An additional [~~\$1,780.63~~] **\$2,500** for each pupil in the ADMR who is eligible for a free
2 or reduced price meal anytime during the determination year; plus

3 (c) An additional [~~\$697.77~~] **\$756.43** for each pupil in the ADMR who is an English
4 language learner anytime during the determination year; plus

5 (d) An additional [~~\$1,915.86~~] **\$2,079.89** for each pupil in the ADMR who is receiving
6 special education services anytime during the determination year[~~; plus~~

7 ~~(e) An additional \$697.77 for each third grade pupil in the ADMR with a score below the~~
8 ~~proficient level on the reading component of the state assessment administered pursuant to RSA~~
9 ~~193 C:6 or the authorized, locally administered assessment as provided in RSA 193 C:3, IV(i),~~
10 ~~provided the pupil is not eligible to receive differentiated aid pursuant to subparagraphs (b) (d). A~~
11 ~~school district receiving aid under this subparagraph shall annually provide to the department of~~
12 ~~education documentation demonstrating that the district has implemented an instructional program~~
13 ~~to improve non-proficient pupil reading].~~

14 III. The sum total calculated under paragraph II shall be the cost of an adequate education.
15 The department shall determine the cost of an adequate education for each municipality based on
16 the ADMR of pupils who reside in that municipality.

17 172 Annual Adjustment. RSA 198:40-d is repealed and reenacted to read as follows:

18 198:40-d Annual Adjustment. Beginning July 1, 2024 and every year thereafter, the
19 department of education shall adjust the per pupil costs in RSA 198:40-a, II by an increase of 2
20 percent annually.

21 173 Repeal; Relief Funding. RSA 198:40-e, relative to relief funding, is repealed.

22 174 Extraordinary Need Grants. Amend RSA 198:40-f to read as follows:

23 198:40-f Extraordinary Need Grants.

24 I. In addition to aid for the cost of the opportunity for an adequate education provided under
25 RSA 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools
26 and provide that amount of aid to a municipality's school districts as follows:

27 (a) A municipality with an equalized valuation per pupil eligible to receive a free or
28 reduced-priced meal of \$1,000,000 or less shall receive \$650 per pupil eligible to receive a free or
29 reduced-price meal in the municipality's ADMR.

30 (b) A municipality with an equalized valuation per pupil eligible to receive a free or
31 reduced-price meal between \$1,000,001 and \$5,999,999 shall receive a grant equal to \$0.00013 for
32 each dollar of difference between its equalized valuation per pupil eligible to receive a free or
33 reduced-price meal and \$6,000,000, per pupil eligible to receive a free or reduced-price meal in the
34 municipality's ADMR.

35 (c) A municipality with an equalized valuation per pupil eligible to receive a free or
36 reduced-price meal of \$6,000,000 or more shall not receive an extraordinary need grant.

37 ***I-a. In this section:***

1 (a) *The \$1,000,000 in equalized valuation per free or reduced-price meal pupil*
2 *referenced in RSA 198:40-f, I(a) shall be called the “grant floor.”*

3 (b) *The \$6,000,000 in equalized valuation per free or reduced-price meal pupil*
4 *referenced in RSA 198:40-f, I(b) shall be called the “grant ceiling.”*

5 (c) *The \$0.00013 for each dollar difference between equalized valuation per*
6 *pupil eligible to receive a free or reduced-price meal referenced in RSA 198:40-f, I(b) shall*
7 *be called the “factor.”*

8 (d) *The \$650 per pupil eligible to receive a free or reduced-price meal referenced*
9 *in RSA 198:40-f, I(a) shall be called the “max grant.”*

10 ***I-b. The extraordinary needs grants shall be calculated using the formula***
11 ***described in paragraph I with the following adjustments:***

12 (a) *Starting in fiscal year 2026, the max grant shall be increased by 50 percent.*
13 *The factor shall be readjusted by taking the newly adjusted max grant and dividing by the*
14 *difference between the grant floor and grant ceiling.*

15 (b) *Starting in fiscal year 2028, the max grant shall be increased by 50 percent.*
16 *The factor shall be readjusted by taking the newly adjusted max grant and dividing by the*
17 *difference between the grant floor and grant ceiling.*

18 (c) *Starting in fiscal year 2030, the max grant shall be increased by 50 percent.*
19 *The factor shall be readjusted by taking the newly adjusted max grant and dividing by the*
20 *difference between the grant floor and grant ceiling.*

21 (d) *Starting in fiscal year 2032, the max grant shall be increased by 50 percent.*
22 *The factor shall be readjusted by taking the newly adjusted max grant and dividing by the*
23 *difference between the grant floor and grant ceiling.*

24 (e) *Starting in fiscal year 2034, the max grant shall be increased by 50 percent.*
25 *The factor shall be readjusted by taking the newly adjusted max grant and dividing by the*
26 *difference between the grant floor and grant ceiling.*

27 II. In order to receive an extraordinary need grant, the eligible school district shall provide a
28 plan to the department of education outlining how the district intends to use grant award funds to
29 improve the educational achievement and growth of students. The extraordinary need grant plan
30 shall include an accountability component designed to generate data that measures student
31 academic achievement and growth of knowledge and skills in reading and language arts and/or
32 mathematics at what grade levels funds will be used. The school district shall develop and
33 administer its own grant accountability assessment that identifies a pupil's range of learning and
34 yields objective data to use in improving instruction and learning, or use the statewide assessment.
35 The school district shall submit to the department an annual grant accountability progress report
36 that includes evidence of satisfactory program implementation and progress toward grant
37 accountability improvement targets. The primary goal of this grant is to improve student

1 achievement and growth and to help the school district to have funding for successful, best practice
2 student learning approaches.

3 III. Extraordinary need grants shall be distributed pursuant to RSA 198:42.

4 ***III-a. The department of education shall impose the following requirements in***
5 ***implementing the accountability plans required under this section:***

6 ***(a) An accountability plan shall not be a conditional requirement for a district***
7 ***to receive the extraordinary needs grant if the grant award as estimated on November 15***
8 ***pursuant to RSA 198:41, V is less than \$50,000.***

9 ***(b) If a school district shares a town with another school district, both districts***
10 ***shall be required to complete the accountability plan under paragraph II to receive the***
11 ***extraordinary needs grant, unless both districts are exempt under subparagraph (a).***

12 ***(c) Districts shall use the grant award estimate provided on November 15***
13 ***pursuant to RSA 198:41, V when completing the accountability plan.***

14 ***(d) The extraordinary needs grant shall be unrestricted funding as included in***
15 ***the total unrestricted adequacy funding provided to the school districts and may be used***
16 ***for any valid purpose authorized by the school district.***

17 IV. In this section, "equalized valuation per pupil eligible to receive a free or reduced-price
18 meal" means a municipality's equalized valuation [~~excluding properties subject to taxation under~~
19 ~~RSA 82 and equalized payments in lieu of taxes,~~] as determined by the department of revenue
20 administration, that was the basis for the local tax assessment in the determination year, divided by
21 the school district's kindergarten through grade 12 ADMR in the determination year eligible to
22 receive a free or reduced-price meal.

23 175 Determination of Education Grants. Amend RSA 198:41 to read as follows:

24 198:41 Determination of Education Grants.

25 I. Except for municipalities where all school districts therein provide education to all of their
26 pupils by paying tuition to other institutions, the department of education shall determine the total
27 education grant for the municipality as follows:

28 (a) Add the per pupil cost of providing the opportunity for an adequate education for
29 which each pupil is eligible pursuant to RSA 198:40-a, I-III, and from such amount;

30 (b) Subtract the amount of the education tax warrant to be issued by the commissioner
31 of revenue administration for such municipality reported pursuant to RSA 76:8 for the next tax year;
32 and

33 (c) [Repealed.]

34 (d) [~~Add the municipality's additional aid for relief funding pursuant to RSA 198:40-e.~~

35 (e)] Add the municipality's extraordinary need grant pursuant to RSA 198:40-f.

1 II. For municipalities where all school districts therein provide education to all of their
2 pupils by paying tuition to other institutions, the department of education shall determine the total
3 education grant for each municipality as the lesser of the 2 following calculations:

4 (a) The amount calculated in accordance with paragraph I of this section; or

5 (b) The total amount paid for items of current education expense as determined by the
6 department of education minus the amount of the education tax warrant to be issued by the
7 commissioner of revenue administration for such municipality reported pursuant to RSA 76:8 for the
8 next tax year.

9 III.(a) For the biennium ending June 30, 2013, the department of education shall not
10 distribute a total education grant on behalf of all pupils who reside in a municipality that exceeds
11 that municipality's total education grant in the second year of the previous biennium.

12 (b) [Repealed.]

13 IV.(a) For fiscal year ~~[2012]~~ **2024 through fiscal year 2033**, the department of education
14 shall ***distribute a hold harmless grant if the adequacy grant is*** ~~[identify all municipalities in~~
15 ~~which the fiscal year 2012 total education grant will be]~~ less than the fiscal year ~~[2011]~~ **2024** ~~[total~~
16 ~~education]~~ ***adequacy grant as estimated by the department on November 15, 2022 pursuant to***
17 ***RSA 198:41, V. The hold harmless grant shall equal 100 percent of the decrease when***
18 ***comparing the eligible grant award year to the fiscal 2024 estimate. The department shall***
19 ***distribute the grant in addition to the total education grant.*** ~~[The department shall distribute~~
20 ~~a stabilization grant to each of those municipalities equal to 100 percent of the decrease.]~~ ***No***
21 ***municipality with a current adequacy grant amount that exceeds the fiscal year 2024***
22 ***November 15, 2022 estimate shall receive a hold harmless grant.***

23 ~~[(b) For fiscal year 2013, the department of education shall identify all municipalities in~~
24 ~~which the fiscal year 2013 total education grant, including any stabilization grant distributed~~
25 ~~pursuant to subparagraph (a), will be less than the fiscal year 2011 total education grant. The~~
26 ~~department shall distribute funds to each of those municipalities equal to 100 percent of the~~
27 ~~decrease.~~

28 ~~(c) For fiscal year 2014 through fiscal year 2016, the department of education shall~~
29 ~~distribute a total education grant to each municipality in an amount equal to the total education~~
30 ~~grant for the fiscal year in which the grant is calculated plus the amount of the fiscal year 2012~~
31 ~~stabilization grant, if any, distributed to the municipality.]~~

32 ~~(d) [For fiscal year 2017 and each fiscal year thereafter, the department of education~~
33 ~~shall distribute a total education grant to each municipality in an amount equal to the total~~
34 ~~education grant for the fiscal year in which the grant is calculated plus a percentage of the~~
35 ~~municipality's fiscal year 2012 stabilization grant, if any, distributed to the municipality; the~~
36 ~~percentage shall be 96 percent for fiscal year 2017, 92 percent for fiscal year 2018, 88 percent for~~
37 ~~fiscal year 2019, and 100 percent for fiscal year 2020 and each fiscal year thereafter.]~~ ***No hold***

1 **harmless** ~~[stabilization]~~ grant **as described in RSA 198:41, IV(a)** shall be distributed to any
2 municipality for any fiscal year in which the municipality's education property tax warrant pursuant
3 to RSA 76:8 exceeds the total cost of an adequate education or to any municipality for any fiscal year
4 in which the municipality's ADMR is zero.

5 **(e) Beginning in fiscal year 2026, the hold harmless grant calculated under RSA**
6 **198:41, IV shall decrease as a percent of the amount awarded under the following schedule:**

7 **(1) 80 percent of the calculated hold harmless grant shall be awarded for**
8 **fiscal year 2026 and 80 percent for fiscal year 2027.**

9 **(2) 60 percent of the calculated hold harmless grant shall be awarded for**
10 **fiscal year 2028 and 60 percent for fiscal year 2029.**

11 **(3) 40 percent of the calculated hold harmless grant shall be awarded for**
12 **fiscal year 2030 and 40 percent for fiscal year 2031.**

13 **(4) 20 percent of the calculated hold harmless grant shall be awarded for**
14 **fiscal year 2032 and 20 percent for fiscal year 2033.**

15 **(5) Zero percent of the calculated hold harmless grant shall be awarded for**
16 **fiscal year 2034 and each year thereafter.**

17 V. The department shall use the best available data and methods to estimate ADMR and
18 education grants by November 15 of the year preceding the school year for which aid is determined.

19 VI. The department shall produce a revised estimate of grants using actual determination
20 year data for the purpose of settling municipal tax rates. A municipality's grant estimate shall not
21 be less than 95 percent of the estimate reported pursuant to paragraph V. The commissioner of the
22 department of education shall provide the estimate for the current fiscal year to the commissioner of
23 the department of revenue administration no later than October 1 of each year.

24 VII. When final determination year data is available, but not later than April 1, the
25 department shall make a final determination of grant amounts. A municipality's grant estimate
26 shall not be less than 95 percent of the estimate reported pursuant to paragraph V. The department
27 shall adjust the April grant disbursement required pursuant to RSA 198:42 so that the total amount
28 disbursed for the fiscal year shall match the final grant determination.

29 VIII. Reports of grant determinations for municipalities required pursuant to paragraphs V-
30 VII shall be available to the public by the date specified in paragraphs V-VII, and the department
31 shall make available a report for multi-town school districts and municipalities with multiple school
32 districts. The department of education shall provide the department of revenue administration the
33 information needed to set tax rates.

34 176 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1) to read as follows:

35 (b)(1)(A) Except as provided in subparagraph (2), for a chartered public school
36 authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition
37 amounts pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all

1 chartered public schools for the fiscal year ending June 30, 2018, and \$3,411 to all chartered public
 2 schools for the fiscal year ending June 30, 2019 and each fiscal year thereafter, except for the Virtual
 3 Learning Academy Charter School, directly to the chartered public school for each pupil who is a
 4 resident of this state in the chartered public school's ADMA. ***The additional grant amount shall***
 5 ***be \$3,552.28 for all chartered public schools for the fiscal year ending June 30, 2023 and***
 6 ***each fiscal year thereafter, except for the Virtual Learning Academy Charter School.***
 7 Beginning July 1, ~~[2017]~~ **2023** and every ~~[biennium]~~ **fiscal year** thereafter, the department of
 8 education shall adjust the per pupil amount of the additional grant ~~[based on the average annual~~
 9 ~~change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the "services~~
 10 ~~less medical care services" special aggregate index, as published by the Bureau of Labor Statistics,~~
 11 ~~United States Department of Labor]~~ **pursuant to RSA 198:40-d.** The state shall pay amounts
 12 required pursuant to RSA 198:40-a, II(d) directly to the resident district.

13 (B) For the Virtual Learning Academy Charter School authorized pursuant to
 14 RSA 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e), plus
 15 an additional grant of \$2,036 directly to the Virtual Learning Academy Charter School for each
 16 eligible full-time enrolled pupil in the chartered public school's ADMA. The state shall pay amounts
 17 required pursuant to RSA 198:40-a, II(d) directly to the resident district. The state shall also pay
 18 tuition amounts pursuant to RSA 198:40-a, II(a) plus an additional grant of \$2,036 directly to the
 19 Virtual Learning Academy Charter School for each full-time equivalent pupil. Beginning July 1,
 20 2017 and every July 1 thereafter, the department of education shall adjust the per pupil amount of
 21 the additional grant ~~[based on the average annual change in the Consumer Price Index for All Urban~~
 22 ~~Consumers, Northeast Region, using the "services less medical care services" special aggregate~~
 23 ~~index, as published by the Bureau of Labor Statistics, United States Department of Labor. The~~
 24 ~~average change shall be calculated using the 3 calendar years ending 18 months before the~~
 25 ~~beginning of the fiscal year for which the calculation is to be performed]~~ **pursuant to RSA 198:40-d.**

26 177 Repeal; Third Grade Reading Accountability. RSA 193-C:3, IV(i), relative to grade 3
 27 statewide education improvement and assessment program data, is repealed.

28 178 State Maintenance of Equity; Biennium Ending June 30, 2023. Amend 2001, 91:58, III to
 29 read as follows:

30 III. Any state aid distributed under this section shall be an education grant in addition to
 31 the state grant calculated under RSA 198:41 **and RSA 194-B:11** and shall be distributed to school
 32 districts **and chartered public schools** accordingly. Depending on how the United States
 33 Department of Education allows states to define "pupil" as it relates to determining state aid per
 34 pupil under Section 2004(b) of the American Rescue Plan Act of 2021, the department of education
 35 may experience delays in accurately collecting pupil data to meet the definition as defined by the
 36 United States Department of Education, thereby delaying the calculation of the grant award. If such

1 delay occurs, the department of education may issue the grants described in this section up to 120
2 days after the end of the applicable fiscal year being assessed for compliance with federal law.

3 179 Budget and Appropriations; Transfers Authorized. Amend RSA 9:16-a, II-a(c) to read as
4 follows:

5 (c) The appropriations budgeted in class 027-transfers to DoIT, class 028-transfers to
6 general services, **class 040-indirect costs**, class 041-audit funds set aside, class 042-additional
7 fringe benefits, class 049-transfers, class 061-unemployment compensation, class 062-workers
8 compensation, ~~and~~ class 064-retiree pension benefit-health insurance, **class 210-bond insurance**,
9 **and class 211-property and casualty insurance**, shall not be transferred or expended for any
10 other purpose, except that agencies may transfer any portion of funds in class 027 transfers to OIT
11 not related to IT shared services upon consultation with and approval from the CIO.

12 180 New Paragraph; Budget and Appropriations. Amend RSA 9:16-a, II-a by inserting after
13 subparagraph (d) the following new subparagraph:

14 (e) The following classes shall not lapse in the first year of the operating budget: class
15 028-transfers to general services, class 040-indirect costs, class 041-audit funds set aside, class 042-
16 additional fringe benefits, class 061-unemployment compensation, class 062-workers compensation,
17 class 064-retiree pension benefit-health insurance, class-210 bond insurance, and class-211 property
18 casualty insurance.

19 181 Medical and Surgical Benefits. Amend RSA 21-I:30, XV to read as follows:

20 XV. Funds appropriated for the purposes of this section shall not be transferred or used for
21 any other purpose **and shall be nonlapsing**.

22 182 Salary Adjustment Fund. Amend RSA 99:4 to read as follows:

23 99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state
24 departments and institutions include an annual increment for each position, and whereas upon
25 occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as
26 provided by the appropriations are not needed for said positions, each quarter the department of
27 administrative services shall **review accounts and** transfer said amount, **if needed**, from the
28 departmental or institutional appropriation to a special account to be known as the salary
29 adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate
30 fund. Under no circumstances will this fund be used for temporary positions or new positions. Upon
31 the certification of the ~~[director of personnel]~~ **commissioner of the department of administrative**
32 **services**, subject to the approval of governor and council, the salary adjustment fund shall be
33 available for transfer to departments and institutions in amounts that are ~~[deemed necessary to~~
34 ~~comply with RSA 98]~~ **necessary to pay any legally authorized salaries for employees in the**
35 **classified system, followed by an annual informational report to the governor and council**
36 **after fiscal year end.**

37 183 Employee Benefit Adjustment Account. Amend RSA 9:17-c to read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 70 -

1 9:17-c Employee Benefit Adjustment Account. Whereas the appropriations for employee
2 benefits in state departments and institutions may upon occasion not be totally needed for each
3 position due to vacancies and personnel turnover, the department of administrative services shall
4 **review accounts and** transfer said amount, **if needed**, quarterly from the departmental or
5 institutional appropriation to a special account to be known as the employee benefit adjustment
6 account. This fund shall lapse at the end of each fiscal year and revert to the appropriate fund.
7 Upon the certification of the commissioner of administrative services, [~~subject to the approval of~~
8 ~~governor and council,~~] the employee benefit account shall be available for transfer to departments
9 and institutions in amounts that are deemed necessary to pay the state's required proportionate
10 share of any legally authorized employee benefit, **followed by an annual informational report to**
11 **the governor and council after fiscal year end**. Notwithstanding the provisions of RSA 9:17, no
12 transfer shall be made from any appropriation for employee benefits to any other appropriation for
13 any other use or purpose except as provided in this section.

14 184 Department of Administrative Services; State Budget Office. Amend the introductory
15 paragraph of RSA 21-I:6 to read as follows:

16 21-I:6 Budget Office. There is hereby established within the office of the commissioner of
17 administrative services a state budget office under the supervision of an unclassified budget
18 [~~director~~] **officer** who shall:

19 185 Department of Administrative Services; Planning and Design Costs. Amend RSA 21-I:85 to
20 read as follows:

21 21-I:85 Planning and Design Costs. [~~The division of public works design and construction shall~~
22 ~~not perform any design and planning work for any non-general fund state agency unless the division~~
23 ~~is reimbursed for such work by the agency.] **The department of administrative services shall**
24 **bill state agencies for any design, planning, project management, and/or inspection work**
25 **for all capital construction projects administered through the department, and for any**
26 **operating projects that are funded in full or in part with federal funds, agency income, or**
27 **funding sources other than general funds.**~~

28 186 Appropriation; Department of Administrative Services; Technology Upgrades. There is
29 hereby appropriated to the department of administrative services the sum of \$7,800,000 for the fiscal
30 year ending June 30, 2023, for the purpose of technology upgrades to ensure the sustainability of the
31 state's financial, payroll and budgeting system. The sum appropriated shall be nonlapsing, provided
32 that any unexpended amount following completion of the project shall lapse to the general fund. The
33 governor is authorized to draw a warrant for said sum out of any money in the treasury not
34 otherwise appropriated.

35 187 Effective Date. Section 186 of this act shall take effect June 30, 2023.

36 188 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
37 paragraph III the following new paragraph:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 71 -

1 III-a. The commission shall elect a chairperson, vice-chairperson, and a recorder.

2 189 State Commission on Aging. Amend RSA 19-P:1, IV to read as follows:

3 IV. The members appointed pursuant to subparagraph II(j) shall serve 2-year terms;
4 provided that initially such members shall serve staggered terms and no such member shall serve
5 more than 2 consecutive terms, ***with the exception of the chairperson, vice-chairperson, and***
6 ***recorder, who may service an additional term for a total of 3 terms. A council member***
7 ***whose term of office is expiring may continue beyond the end of the term until reappointed***
8 ***or until a successor is nominated.*** Legislative members shall receive mileage at the legislative
9 rate when attending to the duties of the commission. The first named member of the house of
10 representatives shall convene the organizational meeting of the commission on or before 45 days of
11 passage of this chapter for the purpose of electing officers serving on the commission. ~~[Thirteen]~~ **A**
12 ***majority of the*** members shall constitute a quorum. If any member is absent without previously
13 being excused by the chairperson for 3 or more regular meetings, the member may be removed upon
14 a majority vote of the commission.

15 190 State Commission on Aging. Amend RSA 19-P:1, V to read as follows:

16 V. The commission shall be authorized to select and hire select an executive director by a
17 vote of a majority of the members. The executive director shall be in the classified service of the
18 state and shall perform such duties as the commission may require. ~~[The governor is authorized to~~
19 ~~draw a warrant for the amount necessary to pay for the executive director position and related office~~
20 ~~expenditures authorized in this paragraph out of any money in the treasury not otherwise~~
21 ~~appropriated.]~~ The commission shall hold no fewer than 9 regular meetings per year.

22 191 New Paragraph; State Commission on Aging. Amend RSA 19-P:1 by inserting after
23 paragraph V the following new paragraph:

24 VI. The commission on aging shall be an independent agency, administratively attached to
25 the department of administrative services pursuant to RSA 21-G:10.

26 192 New Paragraph; Duties of the State Commission on Aging. Amend RSA 19-P:2 by inserting
27 after paragraph XIV the following new paragraph:

28 XV. Accepting and utilizing for its purposes, functions, and duties as set forth in this
29 chapter public and private grants, gifts, donations, and contributions of money and other assets and
30 properties, real and personal, of all types and kinds, without limitations.

31 193 Corrections Officers' Salaries.

32 I. Effective July 14, 2023, part-time corrections officers and corrections officer corporals
33 shall be compensated in accordance with the salary schedule applicable to full-time corrections
34 officers and corrections officer corporals.

35 II. Effective July 14, 2023, corrections officer majors shall be compensated in accordance
36 with the salary schedule applicable to corrections officer lieutenants, sergeants, and captains.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 72 -

1 194 Parking; Concord. The department of administrative services is authorized to spend such
2 funding as appropriated for additional parking for full-time and part-time employees who are
3 assigned to the downtown Concord area and who are not provided a state-provided parking space for
4 their personal vehicle.

5 195 Compensation for Certain State Officers; Unclassified State Employees; July 14, 2023.
6 RSA 94:1-a, I (a) is repealed and reenacted to read as follows:

7 I.(a) The following salary ranges shall apply to the following grades:

8	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
9	AA	62,406	66,467	70,557	74,618	78,679	82,740	86,830
10	BB	64,894	69,127	73,359	77,592	81,825	86,058	90,291
11	CC	67,897	72,330	76,763	81,196	85,629	90,062	94,495
12	DD	71,500	76,162	80,824	85,514	90,176	94,838	99,500
13	EE	75,705	80,652	85,629	90,577	95,524	100,472	105,449
14	FF	80,938	86,258	91,549	96,869	102,160	107,451	112,770
15	GG	87,373	93,093	98,842	104,562	110,282	116,031	121,751
16	HH	95,153	101,387	107,622	113,886	120,120	126,384	132,619
17	II	100,587	107,193	113,800	120,406	127,042	133,648	140,255
18	JJ	106,049	112,999	119,977	126,956	133,934	140,913	147,891
19	KK	108,738	115,888	123,066	130,216	137,366	144,516	151,666
20	LL	0	0	0	0	0	0	156,500
21	MM	0	0	0	0	0	0	161,791
22	NN	0	0	0	0	0	0	167,997
23	OO	0	0	0	0	0	0	175,233
24	PP	0	0	0	0	0	0	183,927
25	QQ	0	0	0	0	0	0	194,366

26 196 Salary Wages for Councilors and Commissioners; July 14, 2023. RSA 94:1-a, II is repealed
27 and reenacted to read as follows:

28 II. The salary wages for the positions set forth below shall be as follows commencing July
29 14, 2023:

30		Maximum
31	Governor's councilors	\$19,734
32	Racing and charitable gaming commissioners	\$15,301
33	Sweepstakes commission, chairman	\$22,251
34	Sweepstakes commission, members	\$12,527

35 197 Compensation for Certain State Officers; Unclassified State Employees; July 12, 2024. RSA
36 94:1-a, I (a) is repealed and reenacted to read as follows:

37 I.(a) The following salary ranges shall apply to the following grades:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 73 -

1	GRADE	STEP 01	STEP 02	STEP 03	STEP 04	STEP 05	STEP 06	STEP 07
2	AA	63,655	67,797	71,969	76,111	80,253	84,395	88,567
3	BB	66,192	70,510	74,827	79,144	83,462	87,780	92,097
4	CC	69,255	73,777	78,299	82,820	87,342	91,864	96,385
5	DD	72,930	77,686	82,441	87,225	91,980	96,735	101,490
6	EE	77,220	82,266	87,342	92,389	97,435	102,482	107,558
7	FF	82,557	87,984	93,380	98,807	104,204	109,601	115,026
8	GG	89,121	94,955	100,819	106,654	112,488	118,352	124,187
9	HH	97,057	103,415	109,775	116,164	122,523	128,912	135,272
10	II	102,599	109,337	116,076	122,815	129,583	136,321	143,061
11	JJ	108,170	115,259	122,377	129,496	136,613	143,732	150,849
12	KK	110,913	118,206	125,528	132,821	140,114	147,407	154,700
13	LL	0	0	0	0	0	0	159,630
14	MM	0	0	0	0	0	0	165,027
15	NN	0	0	0	0	0	0	171,357
16	OO	0	0	0	0	0	0	178,738
17	PP	0	0	0	0	0	0	187,606
18	QQ	0	0	0	0	0	0	198,254

19 198 Salary Wages for Councilors and Commissioners; July 12, 2024. RSA 94:1-a, II is repealed
20 and reenacted to read as follows:

21 II. The salary wages for the positions set forth below shall be as follows commencing July
22 12, 2024:

23		Maximum
24	Governor's councilors	\$20,129
25	Racing and charitable gaming commissioners	\$15,608
26	Sweepstakes commission, chairman	\$22,697
27	Sweepstakes commission, members	\$12,778

28 199 Department of Justice; Attorney Salaries; July 14, 2023. RSA 94:1-a, I(c) is repealed and
29 reenacted to read as follows:

30 I.(c) For attorney positions in the department of justice, except for the attorney general and
31 deputy attorney general, the following shall apply commencing on July 14, 2023:

32	Minimum	Market anchor	Maximum
33	\$60,778		\$140,802
34	Attorney	\$73,264	
35	Assistant attorney general	\$99,796	
36	Senior assistant attorney general	\$123,208	
37	Associate attorney general	\$135,695	

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 74 -

1 200 Legislative Employees; July 14, 2023. Legislative employees shall receive 10 percent salary
2 increases effective July 14, 2023, if such increases are approved by the appointing authority.

3 201 Legislative Employees; July 12, 2024. Legislative employees shall receive 2 percent salary
4 increases effective July 12, 2024 if such increases are approved by the appointing authority.

5 202 Judicial Salaries; July 14, 2023. RSA 491-A:1 is repealed and reenacted to read as follows:

6 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

7 Chief justice, supreme court	\$204,076
8 Associate justices, supreme court	\$197,937
9 Chief justice, superior court and administrative judges 10 appointed pursuant to supreme court rule 54	\$197,937
11 Associate justices, superior court	\$185,638
12 District court justices prohibited from practice 13 pursuant to RSA 502-A:21	\$185,638
14 Probate judges prohibited from practice 15 pursuant to RSA 547:2-a	\$185,368

16 203 Judicial Salaries; July 12, 2024. RSA 491-A:1 is repealed and reenacted to read as follows:

17 491-A:1 Salaries Established. The salaries for the positions set forth below shall be as follows:

18 Chief justice, supreme court	\$208,157
19 Associate justices, supreme court	\$201,895
20 Chief justice, superior court and administrative judges 21 appointed pursuant to supreme court rule 54	\$201,895
22 Associate justices, superior court	\$189,350
23 District court justices prohibited from practice 24 pursuant to RSA 502-A:21	\$189,350
25 Probate judges prohibited from practice 26 pursuant to RSA 547:2-a	\$189,350

27 204 Judicial Employees; July 14, 2023. All unrepresented judicial employees shall receive 10
28 percent salary increases effective July 14, 2023.

29 205 Judicial Employees; July 12, 2024. All unrepresented judicial employees shall receive 2
30 percent salary increases effective July 12, 2024.

31 206 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II,
32 shall receive a 10 percent salary increases effective July 14, 2023.

33 207 Salary Adjustment for Recruitment or Retention. All employees listed in RSA 94:3-b II,
34 shall receive a 2 percent salary increases effective July 12, 2024.

35 208 Appropriations.

36 I. The following sums are appropriated from the following sources for the purposes of salary
37 and compensation adjustments in this act for the fiscal year ending June 30, 2024:

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 75 -

FY 2024

	All	General	Liquor	Federal	Highway	Turnpike	Fish and Game	Other
	\$101,554,000	\$44,900,000	\$3,394,000	\$16,702,000	\$9,262,000	\$1,826,000	\$875,000	\$24,595,000

II. The following sums are appropriated from the following sources for the purposes of salary and compensation adjustments in this act for the fiscal year ending June 30, 2025:

FY 2025

	All	General	Liquor	Federal	Highway	Turnpike	Fish and Game	Other
	\$123,896,000	\$54,778,000	\$4,140,000	\$20,377,000	\$11,300,000	\$2,228,000	\$1,067,000	\$30,006,000

III. The department of administrative services is authorized to make any rounding adjustments of up to +\$.01 per hour as needed to properly process the employee's payroll within the currently designed human resources/payroll system (NH FIRST).

IV. The governor is authorized to draw a warrant to the general fund portion of said sums out of any money in the treasury not otherwise appropriated.

209 Effective Date.

I. Sections 195, 196, 199, and 202 of this act shall take effect July 14, 2023.

II. Sections 197, 198, and 203 of this act shall take effect July 12, 2024.

210 Business Profits Tax; Distribution to Education Trust Fund. Amend RSA 77-A:20-a to read as follows:

77-A:20-a Distribution of Funds.

I. The commissioner shall determine [~~the additional amounts~~] **35 percent of the** revenue produced [~~by an increase of 1.5 percent in the rate of~~] **the** tax imposed by RSA 77-A:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

II. The commissioner shall make quarterly estimates of the amount of [~~additional~~] revenues that will be produced [~~by the increase in tax rate~~] for the next fiscal year and shall certify such amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39. Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

211 Business Enterprise Tax; Distribution to Education Trust Fund. Amend RSA 77-E:14 to read as follows:

77-E:14 Distribution of Funds.

I. The commissioner shall determine [~~the additional amounts of~~] **35 percent of the** revenue produced by [~~an increase of .50 percent in the rate of~~] **the** tax imposed by RSA 77-E:2 for each fiscal year and shall certify such amounts to the state treasurer by October 1 of that year for deposit in the education trust fund established by RSA 198:39.

1 II. The commissioner shall make quarterly estimates of the amount of ~~[additional]~~ revenues
2 that will be produced ~~[by the increase in tax rate]~~ for the next fiscal year and shall certify such
3 amounts to the state treasurer for deposit in the education trust fund established by RSA 198:39.
4 Such estimates shall be certified on June 1, September 1, December 1, and March 1 of each year.

5 212 Department of Health and Human Services, Division of Public Health Services, Choose
6 Love Program. There is hereby appropriated to department of health and human services, division
7 of public health services the sums of \$250,000 for the fiscal year ending June 30, 2024, and \$250,000
8 for the fiscal year ending June 30, 2025, for the purpose of operating the choose love program and
9 funding 2 classified positions as determined by the director of public health services. The governor is
10 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
11 appropriated.

12 213 Department of Health and Human Services; Unfunded Positions; Authorization.
13 Notwithstanding any other provision of law to the contrary, the department of health and human
14 services may fill unfunded positions during the biennium ending June 30, 2025, provided that the
15 total expenditure for such positions shall not exceed the amount appropriated for personal services.

16 214 Department of Health and Human Services; Foster Grandparent Program. The
17 reimbursements to the foster grandparent program through the senior volunteer grant program,
18 established in RSA 161-F:40, are hereby suspended for the biennium ending June 30, 2025.

19 215 Department of Health and Human Services; Bureau of Adult and Elderly Services;
20 Congregate Housing and Services. Congregate housing provided for under the Medicaid waiver
21 pursuant to RSA 151-E and congregate services provided for in RSA 161-F:37 are suspended for the
22 biennium ending June 30, 2025.

23 216 Department of Health and Human Services; Social Services Block Grant Cost of Living
24 Adjustment to Income Levels. Notwithstanding any other provision of law, for the biennium ending
25 June 30, 2025, the department of health and human services shall raise the income eligibility for
26 elderly and adult clients under the social services block grant program each January, by the
27 percentage amount of the cost of living increase in social security benefits on a yearly basis, provided
28 such amount is consistent with federal law and regulations relative to the social services block grant
29 income eligibility.

30 217 Prospective Repeal Regarding Eligibility for Services Extended. Amend 2011, 209:6, I, as
31 amended by 2013, 140:1, I, as amended by 2015, 276:41, I, as amended by 2017, 156:85, I, as
32 amended by 2019, 346:61, I, as amended by 2021, 91:404 to read as follows:

33 I. Section 5 of this act shall take effect July 1, ~~[2023]~~ **2025**.

34 218 Graduate Medical Education Payments Suspended. The commissioner of the department of
35 health and human services shall submit a Title XIX Medicaid state plan amendment to the federal
36 Centers for Medicare and Medicaid Services to suspend the provision of direct and indirect graduate
37 medical education payments to hospitals as provided in 42 C.F.R. section 413.75 for the biennium

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 77 -

1 ending June 30, 2025. Upon approval of the state plan amendment, and as of the effective date of
2 the state plan amendment, any obligations for payment of direct and indirect graduate medical
3 education shall be suspended for the biennium ending June 30, 2025.

4 219 Health and Human Services; Suspension of Catastrophic Aid Payment to Hospitals. The
5 commissioner of the department of health and human services shall submit a Title XIX Medicaid
6 state plan amendment to the federal Centers for Medicare and Medicaid Services to suspend all
7 catastrophic aid payments to hospitals effective for the biennium ending June 30, 2025.

8 220 Medicaid to Schools Program; Fiscal Committee Approval of Supplemental Funding. For
9 the biennium ending June 30, 2025, in the event funds appropriated in accounting unit 05-95-47-
10 0010-7207 Medicaid to schools, are insufficient, the department of health and human services may
11 accept and expend additional federal funds with the prior approval of the fiscal committee of the
12 general court. Any request to the fiscal committee shall include a detailed explanation of the types
13 of assistance the department is providing to school districts to ensure eligibility for reimbursement
14 under the Medicaid to schools program.

15 221 Department of Health and Human Services; Division of Medicaid Services. Any funds
16 appropriated to activity 05-95-47-470010, division of Medicaid services, for the biennium ending
17 June 30, 2023 shall not lapse until June 30, 2025, and shall be treated as restricted revenue for the
18 purpose of funding expenditures in account 05-95-47-470010-7948, Medicaid care management. The
19 department of health and human services is authorized to accept and expend any matching federal
20 funds for the purposes of this section without prior approval of the fiscal committee of the general
21 court.

22 222 Department of Health and Human Services; Preventative Health Care Benefits; Medicaid
23 Program. The commissioner of the department of health and human services shall, if necessary,
24 submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and
25 Medicaid Services to establish and provide preventative health care benefits under the state
26 Medicaid program, including but not limited to nicotine cessation, transitional care management,
27 chronic care management, diabetes prevention program, and screening, brief intervention, and
28 referral to treatment (SBIRT) services. In addition, the commissioner may adopt rules under RSA
29 541-A, relative to the preventative health care benefits described in this section.

30 223 Appropriation; Department of Health and Human Services; Sununu Youth Services Center.
31 The sum of \$11,128,527 for the fiscal year ending June 30, 2024, and the sum of \$11,426,311 for the
32 fiscal year ending June 30, 2025, are hereby appropriated to the department of health and human
33 services for the purpose of operating the Sununu youth services center as the department transitions
34 to a replacement facility. Of the amount appropriated for fiscal year ending June 30, 2024,
35 \$11,103,527 shall be state general funds and \$25,000 shall be other funds. Of the amount
36 appropriated for fiscal year ending June 30, 2025, \$11,396,311 shall be state general funds and
37 \$30,000 shall be other funds. Such funds shall not lapse until June 30, 2025. The governor is

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 78 -

1 authorized to draw a warrant for the sums out of any money in the treasury not otherwise
2 appropriated.

3 224 Department of Health and Human Services; Transfer Between Certain Classes.
4 Notwithstanding any other provision of law, the department of health and human services is hereby
5 authorized to transfer funds between classes 072, 074, 102, and 103, and create new class lines for
6 classes 072, 074, 102, and 103, in order to comply with federal Uniform Administrative
7 Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200).

8 225 Health Facility Licensing; Inspection. Amend RSA RSA 151:6, II to read as follows:

9 II. The department of health and human services may require by rule that any licensee or
10 prospective applicant desiring to make specified types of alterations or additions to its facilities or to
11 construct new facilities shall, before commencing such alteration, addition or new construction,
12 submit plans and specifications therefor to the [~~department of health and human services~~]
13 **department of safety, division of fire safety** for preliminary inspection and approval or
14 recommendations.

15 226 Delayed Effective Date; Workplace Violence Prevention and Health Care Workplace Safety
16 Commission. Amend 2022, 340:5, II to read as follows:

17 II. The remainder of this act shall take effect July 1, [~~2023~~] **2025**.

18 227 Department of Health and Human Services; Prospective Repeal Regarding the Exemption
19 from Certain Transfer Procedures Extended. Amend 2018, 163:11, IV, as amended by 2019, 346:64
20 and 2021, 91:27 to read as follows:

21 IV. Section 10 of this act shall take effect June 30, [~~2023~~] **2025**.

22 228 Effective Date. Section 227 of this act shall take effect June 30, 2023.

23 229 Department of Health and Human Services; Unclassified Positions Established.

24 I. The following unclassified positions are established in the department of health and
25 human services:

26 (a) Medicaid pharmacy director.

27 (b) Pharmaceutical service specialist.

28 II. The salary of the unclassified positions established in paragraph I shall be determined
29 after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I for positions
30 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

31 III. The following classified positions are abolished upon completion of the salary and letter
32 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever
33 is sooner: #30278; #12433 .

34 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
35 opportunity to transfer into the unclassified positions established in paragraph I.

36 230 Department of Health and Human Services; Unclassified Positions Established;
37 Appropriation.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 79 -

1 I. The following unclassified positions are established in the department of health and
2 human services:

- 3 (a) Twenty four staff attorney positions.
- 4 (b) Five supervisory staff attorney positions.
- 5 (c) Three supervising attorney positions.

6 II. The salary of the unclassified positions established in paragraph I shall be determined
7 after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I, for positions
8 which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

9 III. The following classified positions are abolished upon completion of the salary and letter
10 appointment for the unclassified positions as required by paragraph II, or June 30, 2025, whichever
11 is sooner:

12 (a) Attorney II:

13 #11677	#15803	#16212	#16248	#19145
14 #40083	#40084	#40085	#40086	#40087
15 #40088	#40089	#40090	#40091	#40092
16 #40093	#40095	#40096	#40396	#43485
17 #44216	#44217	#44355	#44380	#44539
18 #44560	#44561	#TMPPT5726	#TMPPT5779	

19 (b) Attorney III:

20 #15402 #19766 #44562

21 IV. The incumbents in the classified positions abolished in paragraph III shall be offered the
22 opportunity to transfer into the newly established unclassified positions.

23 V. There is hereby appropriated to the department of health and human services the sums
24 of \$141,000 for the fiscal year ending June 30, 2024, and \$140,000 for the fiscal year ending June 30,
25 2025, for the purpose of compensating the newly established unclassified positions in this section.
26 The sum appropriated shall be nonlapsing. The governor is authorized to draw a warrant for said
27 sums out of any money in the treasury not otherwise appropriated.

28 231 Department of Health and Human Services; Admissions to the Forensic Psychiatric
29 Hospital. The commissioner of the department of health and human services shall ensure that no
30 admissions to the forensic psychiatric hospital occur until after June 30, 2025 unless necessary
31 funding is appropriated.

32 232 Department of Health and Human Services; Developmental Services, Acquired Brain
33 Disorder Services, and In-home Support Waiver. Pursuant to RSA 171-A:8-b, the department of
34 health and human services shall be authorized to carry forward funds from state fiscal year 2023 in
35 the developmental services fund, acquired brain disorder services fund, and in-home support waiver
36 fund for the purpose of carrying out the provisions of RSA 171-A for the biennium ending June 30,
37 2025.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 80 -

1 233 County Reimbursement of Funds; Limitations on Payments. Amend RSA 167:18-a, II(a) to
2 read as follows:

3 (a) The total billings to all counties made pursuant to this section shall not exceed the
4 amounts set forth below for state fiscal years ~~[2022-2023]~~ **2024-2025**:

5 (1) State fiscal year ~~[2022]~~ **2024**, ~~[\$129,362,411]~~ **\$134,486,652**

6 (2) State fiscal year ~~[2023]~~ **2025**, ~~[\$131,849,659]~~ **\$137,176,385**;

7 234 Appropriation; Department of Health and Human Services; Choices for Independence. The
8 sums of \$4,750,000 in the fiscal year 2024 and \$10,350,000 in the fiscal year 2025 are hereby
9 appropriated to the department of health and human services for the purpose of funding Choices for
10 Independence, a Medicaid-funded program that provides a wide range of service choices that enable
11 eligible adults to stay in their own homes and communities. The funds shall be nonlapsing until
12 June 30, 2025. The department may accept and expend matching federal funds without prior
13 approval of the fiscal committee. The governor is authorized to draw a warrant for said sums out of
14 any money in the treasury not otherwise appropriated.

15 235 Appropriation; Department of Health and Human Services; Medicaid Management
16 Information System. The sum of \$20,531,625 for the fiscal year ending June 30, 2023, is hereby
17 appropriated to the department of health and human services for the purpose of funding one-time
18 maintenance of the legacy Medicaid management information system as the department transitions
19 to new modular information technology systems. These sum appropriated shall be nonlapsing until
20 June 30, 2025. The department may accept and expend matching federal funds without prior
21 approval of the fiscal committee. The governor is authorized to draw a warrant for said sum out of
22 any money in the treasury not otherwise appropriated.

23 236 Effective Date. Section 235 of this act shall take effect June 30, 2023.

24 237 Appropriation; Department of Health and Human Services. There is hereby appropriated to
25 the department of health and human services the sum of \$16,358,878 for the fiscal year ending June
26 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of funding the elevated
27 enrollment unwinding related to the end of continuous enrollment in accordance with the Centers for
28 Medicare and Medicaid Services guidance. The department may accept and expend matching
29 federal funds without prior approval of the fiscal committee. The governor is authorized to draw a
30 warrant for said sum out of any money in the treasury not otherwise appropriated.

31 238 Effective Date. Section 237 of this act shall take effect June 30, 2023.

32 239 Appropriation; Department of Health and Human Services; Integrated Eligibility System.
33 There is hereby appropriated the sum of \$838,502 for the fiscal year ending June 30, 2023, which
34 shall be nonlapsing until June 30, 2025, to the department of health and human services for the
35 purpose of funding an audit of the integrated eligibility system. The department may accept and
36 expend matching federal funds without prior approval of the fiscal committee. The governor is

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 81 -

1 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
2 appropriated.

3 240 Effective Date. Section 239 of this act shall take effect on June 30, 2023.

4 241 Appropriation; Department of Health and Human Services; Moving One District Office.
5 There is hereby appropriated the sum of \$533,000 for the fiscal year ending June 30, 2023, which
6 shall be nonlapsing until June 30, 2025, to the department of health and human services for the
7 purpose of moving one district office. The governor is authorized to draw a warrant for said sum out
8 of any money in the treasury not otherwise appropriated.

9 242 Effective Date. Section 241 of this act shall take effect June 30, 2023.

10 243 Appropriation; Department of Health and Human Services; Vehicles and Equipment at New
11 Hampshire Hospital. There is hereby appropriated the sum of \$200,000 to the department of health
12 and human services for the fiscal year ending June 30, 2023, which shall be nonlapsing until June
13 30, 2025, for the purpose of replacing vehicles and clinical equipment at New Hampshire hospital.
14 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
15 otherwise appropriated.

16 244 Effective Date. Section 243 of this act shall take effect June 30, 2023.

17 245 Appropriation; Department of Health and Human Services; IT Consultants; Analysis. The
18 sum of \$1,500,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing until June 30,
19 2025, is hereby appropriated to the department of health and human services for the purpose of
20 hiring IT consultants to manage projects and perform analysis to support IT building automated
21 solutions to streamline business processes. The governor is authorized to draw a warrant for said
22 sum out of any money in the treasury not otherwise appropriated.

23 246 Effective Date. Section 245 of this act shall take effect June 30, 2023.

24 247 Appropriation; Department of Health and Human Services; IT Consultants; Automated
25 Solutions. The sum of \$1,950,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing
26 until June 30, 2025, is hereby appropriated to the department of health and human services for the
27 purpose of hiring IT consultants to develop and implement automated solutions to streamline
28 business processes. The governor is authorized to draw a warrant for said sum out of any money in
29 the treasury not otherwise appropriated.

30 248 Effective Date. Section 247 of this act shall take effect June 30, 2023.

31 249 Appropriation; Department of Health and Human Services; Food Stamp Eligibility. There
32 is hereby appropriated the sum of \$125,000 for the fiscal year ending June 30, 2023, which shall be
33 nonlapsing until June 30, 2025, to the department of health and human services, for the purpose of
34 replacing a legacy database used for pulling quality samples for food stamp eligibility reviews. The
35 governor is authorized to draw a warrant for said sum out of any money in the treasury not
36 otherwise appropriated.

37 250 Effective Date. Section 249 of this act shall take effect June 30, 2023.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 82 -

1 251 Appropriation; Department of Health and Human Services; DHHS Offices. There is hereby
2 appropriated the sum of \$410,100 to the department of health and human services for the fiscal year
3 ending June 30, 2023, which shall be nonlapsing until June 30, 2025, for the purpose of replacing
4 aging switches, routers, and wireless access point at DHHS offices. The department may accept and
5 expend matching federal funds without prior approval of the fiscal committee. The governor is
6 authorized to draw a warrant for said sum out of any money in the treasury not otherwise
7 appropriated.

8 252 Effective Date. Section 251 of this act shall take effect June 30, 2023.

9 253 Appropriation; Department of Health and Human Services; Temporary Assistance For
10 Needy Families; Maintenance of Effort. There is hereby appropriated to the department of health
11 and human services the sums of \$3,000,000 for the fiscal year ending June 30, 2024, and \$3,000,000
12 for the fiscal year ending June 30, 2025, to ensure maintenance of effort funding is sufficient to meet
13 the federal temporary assistance for needy families maintenance of effort levels. The governor is
14 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
15 appropriated.

16 254 Appropriation; Department of Health and Human Services; Family Resource Centers.
17 There is hereby appropriated to the department of health and human services the sums of
18 \$1,000,000 for the fiscal year ending June 30, 2024, and \$1,000,000 for the fiscal year ending June
19 30, 2025, to support family resource center (FRC) infrastructure and shall be allocated to the FRC
20 Facilitating Organization to distribute to FRCs. The use of the funds shall include, but not be
21 limited to, better serving families, preparing for FRC-Q designation, enhancing coordination with
22 other early childhood systems, and supporting evidence-based programs such as home visiting
23 programs, ACERT, and community collaborations. The governor is authorized to draw a warrant for
24 said sums out of any money in the treasury not otherwise appropriated.

25 255 Appropriation; Department of Health and Human Services; Nutrition and Transportation
26 Services. There is hereby appropriated to the department of health and human services the sums of
27 \$3,404,991 for the fiscal year ending June 30, 2024, and \$3,404,991 for the fiscal year ending June
28 30, 2025, for the purpose of funding Title XX service rates for nutrition and transportation service
29 rates. The governor is authorized to draw a warrant for said sums out of any money in the treasury
30 not otherwise appropriated.

31 256 Appropriation; Department of Health and Human Services; Foster Care Rates. There is
32 hereby appropriated to the department of health and human services the sums of \$870,481 for the
33 fiscal year ending June 30, 2024, and \$957,529 for the fiscal year ending June 30, 2025, for the
34 purpose of increasing foster care rates. The department may accept and expend matching federal
35 funds without prior approval of the fiscal committee. The governor is authorized to draw a warrant
36 for said sums out of any money in the treasury not otherwise appropriated.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 83 -

1 257 Appropriation; Department of Health and Human Services; Medicaid Rate Increases. There
2 is hereby appropriated to the department of health and human services the sums of \$17,000,000 for
3 the fiscal year ending June 30, 2024, and \$17,000,000 for the fiscal year ending June 30, 2025, for
4 the purpose of increasing Medicaid provider rates. The department shall utilize such funds to
5 increase rates pursuant to section 1902 (a)(30)(A) of the Social Security Act, to promote efficiency,
6 economy, and quality of care within New Hampshire's Medicaid program. The governor is
7 authorized to draw a warrant for said sums out of any money in the treasury not otherwise
8 appropriated.

9 258 Repeals; Department of Business and Economic Affairs. The following are hereby repealed:

10 I. RSA 12-O:46 through 12-O:50, relative to the New Hampshire college graduate retention
11 incentive partnership (NH GRIP).

12 II. RSA 12-O:64, relative to the COVID-19 micro enterprise relief fund.

13 III. RSA 6:12,I(b)(365), relative to the COVID-19 micro enterprise relief fund.

14 IV. RSA 12-O:19, relative to the package plan program.

15 259 Department of Business and Economic Affairs; Bureaus. Amend RSA 12-O:2, I to read as
16 follows:

17 I. There shall be a department of business and economic affairs under the executive
18 direction of a commissioner of business and economic affairs, consisting of but not limited to a
19 division of economic development [~~which shall include but not be limited to a bureau of workforce~~
20 ~~development~~] and a division of travel and tourism [~~development which shall include but not be~~
21 ~~limited to a bureau of visitor service~~]. The department's purpose shall be to ensure the efficient
22 coordinated function of the department, economic development policies of the state of New
23 Hampshire and the collaborative participation of all related state departments, agencies, and
24 authorities.

25 260 Workforce Development. Amend RSA 12-O:42 to read as follows:

26 12-O:42 Workforce Development. The commissioner of business and economic affairs shall work
27 with the [~~workforce development~~] director ***of the office of workforce opportunity*** to plan, develop,
28 and administer workforce investment activities, programs, and grants under the federal ***Workforce***
29 ***Innovation and Opportunity Act of 2014*** [~~Workforce Investment Act of 1998, 29 U.S.C. section~~
30 ~~2801 et seq.~~], as such may be amended, reauthorized, and in effect from time to time, and shall
31 discharge the day-to-day operational responsibilities and obligations of the State Workforce
32 Innovation Board established under RSA 12-O:44. The commissioner shall coordinate with the State
33 Workforce Innovation Board to promote state and local investment systems that increase the
34 employment, retention, and earnings of participants, and increase occupational skill attainment by
35 participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and
36 enhance the productivity and competitiveness of the nation.

37 261 Workforce Development Director. Amend RSA 12-O:43 to read as follows:

1 12-O:43 Workforce Development Director. There is established within the ~~[bureau]~~ **office** of
2 workforce ~~[development]~~ **opportunity** the position of ~~[workforce development coordinator]~~ **director**,
3 which shall be an administrator ~~[H]~~ **IV** position, classified at labor grade ~~[29]~~ **33**. The ~~[workforce~~
4 ~~development]~~ director shall lead the **office of workforce opportunity** ~~[workforce development~~
5 ~~bureau]~~. The ~~[workforce development]~~ director shall perform all duties which the commissioner may
6 assign.

7 262 State Workforce Innovation Board; Duties Removed. RSA 12-O:44 is repealed and
8 reenacted to read as follows:

9 12-O:44 State Workforce Innovation Board.

10 I. There is established a State Workforce Innovation Board within the **Office of Workforce**
11 **Opportunity**.

12 II. Membership of the **board** shall be as set forth in **the Workforce Innovation and**
13 **Opportunity Act of 2014** as such may be amended, reauthorized, and in effect from time to time.
14 Members of the board shall be appointed by the governor and shall serve at the pleasure of the
15 governor. The governor shall select a chairperson for the board from among the members of the
16 board.

17 III. The board shall meet no less frequently than semi-annually, shall have the powers and
18 responsibilities of the state workforce investment board under the **Workforce Innovation and**
19 **Opportunity Act of 2014**.

20 263 Broadband Infrastructure Bonds. Amend RSA 33:3-g, IV to read as follows:

21 IV. The ~~[office of planning and development]~~ **department of business and economic**
22 **affairs** shall maintain a list by town of all providers interested in receiving requests for information.
23 The list shall include physical and electronic address information for interested providers and shall
24 be updated as needed, but at least annually. For purposes of issuing requests for information
25 pursuant to paragraph III, a municipality, county, or communications district shall reference the
26 interested provider list maintained by the ~~[office of planning and development]~~ **department** and
27 shall issue requests for information to all interested providers in that municipality, county, or
28 communications district, both electronically and by United States mail.

29 264 Tax on Meals and Rooms; Population Figures. Amend RSA 78-A:25, III to read as follows:

30 III. On or before April 30 of each year, the office of planning and development shall notify
31 the chief administrative officer in each community of all the data components which will be used as
32 the basis for the estimate of population. Municipalities believing that such data components are
33 incorrect shall file their specific objections and evidence in support thereof with the office of planning
34 and development on or before May 30 of the same year. After due consideration of such evidence, the
35 director of ~~[energy and planning]~~ **the office of planning and development** shall determine the
36 final components and resulting estimates.

37 265 Reference Deleted. Amend RSA 126-A:4, V(b)(1) to read as follows:

1 (1) May request and shall receive the assistance of all other state agencies, including
2 ~~[the office of planning and development, and]~~ the departments of transportation, administrative
3 services, and business and economic affairs.

4 266 Appropriation; Department of Natural and Cultural Resources; State Historic Sites Fund.
5 The sum of \$449,986 for the fiscal year ending June 30, 2024, and the sum of \$458,558 for the fiscal
6 year ending June 30, 2025, are hereby appropriated to the department of natural and cultural
7 resources for deposit in the state historic sites fund established under RSA 12-A:10-f. The governor
8 is authorized to draw a warrant for said sums out of any money in the treasury not otherwise
9 appropriated.

10 267 Agricultural Advisory Board. Amend RSA 425:23 to read as follows:

11 425:23 Advisory Board; Duties. The board shall consult with and advise the commissioner of
12 agriculture, markets, and food with respect to the policies, programs, and operations of the
13 department on a continuing basis and for such purposes shall meet with the commissioner not less
14 than ~~[semi-annually]~~ **quarterly** at the call of the chairperson or 3 board members. ~~[The board shall~~
15 ~~designate and advertise at least one meeting annually as a public hearing]~~ **At each quarterly**
16 **meeting the board shall allow for public comment** at which interested persons may appear and
17 be heard regarding matters affecting agriculture, markets, and food and related laws. The board
18 shall review and make biennial recommendations relative to administrative, legal, and regulatory
19 factors affecting the viability of the agricultural economy. The board shall promote close
20 coordination of the activities of the department with activities of the United States Department of
21 Agriculture, Environmental Protection Agency and other federal agencies; the University of New
22 Hampshire, including cooperative extension work; other state agencies; and farm organizations of
23 the state. Upon expiration of the term of office of the commissioner of agriculture, markets, and
24 food, or upon the occurrence of a vacancy in such office, it shall be the duty of the board to submit
25 advisory recommendations to the governor and council concerning such new appointment or the
26 filling of such vacancy.

27 268 Assistant Deputy Medical Examiners. Amend RSA 611-B:5 to read as follows:

28 611-B:5 Assistant Deputy Medical Examiners. The chief medical examiner shall ~~[appoint]~~
29 **employ** assistant deputy medical examiners to perform the duties of medical examiner under this
30 chapter. Assistant deputy medical examiners shall serve without geographic restriction. An
31 assistant deputy medical examiner shall be a person educated in the science of medicine and shall
32 serve under the direction and supervision of the chief medical examiner. An assistant deputy
33 medical examiner shall possess all the powers granted to medical examiners under this chapter and
34 be sworn in the same manner. Assistant deputy medical examiners shall **be appointed by the**
35 **attorney general pursuant to RSA 21-M:3, XIV and shall** serve at the pleasure of the chief
36 medical examiner.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 86 -

1 269 Department of Justice; Assistant Deputy Medical Examiners Established. There is
2 established within the department of justice unclassified positions of assistant deputy medical
3 examiners. The assistant deputy medical examiners shall be qualified to hold the position by reason
4 of education and experience and shall be appointed to serve at the pleasure of the chief medical
5 examiner pursuant to RSA 611-B:5. The salary of the assistant deputy medical examiners shall be
6 determined after assessment and review of the appropriate letter grade allocation in RSA 94:1-a, I
7 for positions which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c. Funding shall be
8 appropriated from expenditure class 014 within accounting unit 02-20-20-202010-1037.

9 270 New Paragraphs; Department of Justice; Permanent Assistant Deputy Medical Examiners;
10 Deputy Chief Forensic Investigator. Amend RSA 21-M:3 by inserting, after paragraph XIII, the
11 following new paragraphs:

12 XIV. The attorney general, subject to the approval of the governor and council, may appoint
13 permanent assistant deputy medical examiners within the limits of the appropriation made for the
14 appointment, each of whom shall serve at the pleasure of the chief medical examiner pursuant to
15 RSA 611-B:5.

16 XV. The attorney general, subject to the approval of the governor and council, may appoint a
17 permanent chief forensic investigator and/or a deputy chief forensic investigator, within the limits of
18 the appropriation made for the appointment, who shall hold office for a term of 5 years. Any vacancy
19 in such position may be filled for the unexpired term. The chief forensic investigator and deputy
20 chief forensic investigator may be removed only as provided by RSA 4:1.

21 271 Department of Justice; Planning Analyst/Data Systems; Reclassified and Established;
22 Deputy Chief Forensic Investigator. The planning analyst/data systems position number 9T3175,
23 within the department of justice shall be designated as an unclassified position. There is established
24 within the department of justice an unclassified position of deputy chief forensic investigator. The
25 deputy chief forensic investigator shall be qualified to hold the position by reason of education and
26 experience and shall be appointed to serve for a term of 5 years. The salary of the deputy chief
27 forensic investigator shall be determined after assessment and review of the appropriate letter grade
28 allocation in RSA 94:1-a, I for positions which shall be conducted pursuant to RSA 94:1-d and RSA
29 14:14-c. Funding shall be appropriated from expenditure class 014 within accounting unit 02-20-20-
30 202010-1033. Upon completion of this action and appointments to the unclassified position,
31 classified position number 9T3175 shall be abolished to allow for the transition of the available
32 appropriations to the unclassified position. Funding shall be transferred into the proper unclassified
33 expenditure class in the chief medical examiner general accounting unit. The incumbent in the
34 abolished classified position shall be offered the opportunity to seek the attorney general's
35 nomination for the unclassified deputy chief forensic investigator position.

36 272 Chief Medical Examiner; Reference Deleted. Amend RSA 611-B:10 to read as follows:

1 611-B:10 Administrative and Technical Assistance. The chief medical examiner may employ
2 adequate administrative, clerical, and technical assistants to carry out the purposes of this chapter[
3 ~~all of whom shall be in the classified service of the state~~].

4 273 Office of the Solicitor General. Amend RSA 21-M:12-a, I to read as follows:

5 I. There is established [~~in~~] ***within*** the [~~division of legal counsel~~] ***department*** an office of the
6 solicitor general. The office shall be supervised by the solicitor general who shall be a senior
7 assistant attorney general appointed by the attorney general in accordance with the provisions of
8 RSA 21-M:3, and who shall carry out the duties imposed by the section under the supervision of the
9 attorney general and perform such other work as the attorney general may assign. The attorney
10 general shall appoint such other assistant attorneys general pursuant to the provisions of RSA 21-
11 M:3 and such support staff as may be necessary to carry out the provisions of this section within the
12 limits of the appropriations made for the [~~office~~] ***department***.

13 274 Division of Legal Counsel. Amend RSA 21-M:7, II to read as follows:

14 II. The division of legal counsel shall consist of the following units:

15 (a) A bureau of civil law.

16 (b) A [~~transportation and construction~~] ***public safety and infrastructure*** bureau.

17 [~~(c) An office of the solicitor general.~~]

18 275 Department of Justice; Name Change; Public Safety and Infrastructure Bureau. Amend the
19 section heading of RSA 21-M:12 and RSA 21-M:12, I to read as follows:

20 21-M:12 [~~Transportation and Construction~~] ***Public Safety and Infrastructure Bureau***.

21 I. There is established in the division of legal counsel a bureau of [~~transportation and~~
22 ~~construction~~] ***public safety and infrastructure***. The bureau shall be supervised by a senior
23 assistant attorney general who shall be appointed by the attorney general in accordance with the
24 provisions of RSA 21-M:3 and who shall carry out the duties imposed by this section under the
25 supervision of the attorney general and do such other work as the attorney general may assign. The
26 attorney general shall appoint such other assistant attorneys general pursuant to the provisions of
27 RSA 21-M:3 and such additional clerical, stenographic, and other staff as may be necessary to carry
28 out the provisions of this section within the limits of the appropriations made for the bureau.

29 276 Department of Justice; Positions Transferred. The attorney general shall transfer national
30 violent death reporting system positions 9T2789 and 9T2644 to the department of health and human
31 services effective July 1, 2023. The department of justice appropriation 02-20-20-20-201510-
32 59390000, national violent death reporting system, shall be repealed effective September 30, 2023.

33 277 New Section; Charitable Trusts. Amend RSA 7 by inserting after section 28-f the following
34 new section:

35 7-28-g Handling Charges. If the attorney general collects a fee electronically for any
36 registration, any annual report, any notice, any document, or any other purpose related to the duties
37 of the director of charitable trusts, the attorney general shall collect a handling charge for each fee

1 paid electronically. The amount of the handling charge shall be equal to the amount charged to the
2 attorney general for processing the fee by credit card, electronic check, or other electronic means.

3 278 Charitable Trusts; Investigations. Amend RSA 7:24 to read as follows:

4 7:24 Investigation. The attorney general may investigate at any time charitable trusts,
5 charitable solicitations, and charitable sales promotions for the purpose of determining and
6 ascertaining whether they are administered in accordance with law and with the terms and
7 purposes thereof. For the purposes of such investigation the attorney general may require any
8 person, agent, trustee, fiduciary, beneficiary, institution, association, corporation, or political agency
9 administering a trust, charitable solicitation, or charitable sales promotion or having an interest
10 therein, or knowledge thereof, to appear ~~[at the state house]~~ at such time and place as the attorney
11 general may designate then and there under oath to produce for the use of the attorney general any
12 and all books, memoranda, papers of whatever kind, documents of title or other evidence of assets or
13 liabilities which may be in the ownership or possession or control of such person, agent, trustee,
14 fiduciary, beneficiary, institution, association, corporation, or political agency and to furnish such
15 other available information relating to said trust, charitable solicitation, or charitable sales
16 promotion as the attorney general may require.

17 279 Victim Assistance Programs. Amend RSA 21-M:8-i, IV to read as follows:

18 IV. No more than ~~[15]~~ **30** percent of the money in the victims' assistance fund shall be used
19 by the attorney general for the costs of administration of the victims' assistance fund and the
20 administrative costs of the victims' assistance commission.

21 280 New Hampshire Retirement System. Administration of Benefit Payments to Existing
22 Beneficiaries; Appropriation.

23 I. For each person receiving an annual allowance under the former RSA 100-A:19 as of the
24 effective date of this section, the retirement system shall continue to pay the annual allowance to
25 each such person as had been provided under RSA 100-A:19 prior to its repeal in 2014.

26 II. There hereby is appropriated the amount of \$40,000 to fund the benefit for the remaining
27 surviving beneficiaries. The governor is hereby authorized to draw a warrant for said sum out of any
28 money in the treasury not otherwise appropriated. Such amount shall be transferred from the
29 state's general fund to the New Hampshire retirement system, which shall maintain such funds in a
30 segregated account exclusively for payment of the call firefighter benefits.

31 III. The New Hampshire retirement system shall be reimbursed from available funds a
32 reasonable annual fee for administration of the benefit until payments under paragraph I have
33 terminated.

34 IV. Funds shall be nonlapsing until termination of all benefit payments under paragraph I
35 and any remaining funds held by the New Hampshire retirement system in this segregated account
36 at that time, shall be returned to the state's general fund.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 89 -

1 281 Business Finance Authority; Unified Contingent Credit Limit Increased. Amend RSA 162-
2 A:22 to read as follows:

3 162-A:22 Unified Contingent Credit Limit. The total amount of state guarantees in force under
4 RSA 162-A:7-a, RSA 162-A:8, RSA 162-A:10, III, RSA 162-A:13, RSA 162-A:13-a, RSA 162-A:17, and
5 RSA 162-I:9-b shall not exceed in the aggregate at any time \$50,000,000 plus interest, provided that
6 such amount shall be increased to \$80,000,000 plus interest on January 1, 1993, to \$95,000,000 plus
7 interest on January 1, 1994, and to \$115,000,000 plus interest on May 1, 2015, **and to \$200,000,000**
8 **plus interest on June 1, 2023.**

9 282 Receiving Facility. Amend RSA 135-C:26, I to read as follows:

10 I. New Hampshire hospital and any other facility approved by the commissioner shall be
11 designated as receiving facilities for the care, custody, and treatment of persons subject to
12 involuntary admissions. Any community mental health program, [~~hospital,~~] community residence,
13 nursing home, or other treatment or sheltered care facility may apply to the commissioner for
14 designation. No designation shall occur without the express written consent of the administrator of
15 the facility to be designated.

16 283 New Paragraph; New Hampshire Mental Health Services; Receiving Facility. Amend RSA
17 135-C:26 by inserting after paragraph I the following new paragraph:

18 I-a. All hospitals defined in accordance with RSA 151:2, I(a), not including rehabilitation
19 hospitals or substance abuse treatment hospitals licensed to operate in New Hampshire shall, as a
20 condition of their license, apply to the commissioner to be designated as a receiving facility and shall
21 maintain the following number of designated receiving facility beds as part of their designation
22 based upon their licensed beds:

23 (a) Hospitals with 25 or less licensed beds: 2 beds shall be designated as receiving
24 facility beds.

25 (b) Hospitals with more than 25 and less than or equal to 100 licensed beds: 4 beds shall
26 be designated as receiving facility beds.

27 (c) Hospitals with more than 100 and less than or equal to 200 licensed beds: 6 beds
28 shall be designated as receiving facility beds.

29 (d) Hospitals with more than 200 licensed beds: 9 beds shall be designated as receiving
30 facility beds.

31 284 Involuntary Admissions; Delivery to Receiving Facility. Amend RSA 135-C:29, I to read as
32 follows:

33 I. Upon completion of an involuntary emergency admission certificate under RSA 135-C:28
34 **and upon confirmation that the receiving facility identified in the certificate which shall**
35 **be the closest geographically with an available bed for the person allowing for**
36 **participation in his or her community while achieving the purposes of rehabilitation and**
37 **treatment**, a law enforcement officer shall, except as provided in paragraph II, take custody of the

1 person to be admitted and shall [~~immediately~~] deliver such person to the receiving facility identified
2 in the certificate. The mode and circumstances of transport to the receiving facility shall be
3 determined in accordance with paragraph II.

4 285 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and
5 reenacted to insert the following new chapter:

6 CHAPTER 310

7 OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

8 310:1 Purpose. The purpose of the office of professional licensure and certification is to promote
9 efficiency and economy in the administration of the business processing, recordkeeping, and other
10 administrative and clerical operations of professional licensing and certification boards, including
11 both professional healthcare licensing and professional technical licensing. The individual licensing
12 and certification boards that are organized under the office of professional licensure and certification
13 have specialized knowledge and experience and are separate and distinct for the purpose of
14 regulating their various professions. Notwithstanding the unique regulatory role of each board, the
15 legislature finds that there are opportunities for improving efficiency and customer service by
16 providing for the joint administration of the boards' administrative, clerical, business processing,
17 and recordkeeping functions. Except as provided in this section, the licensing and certification
18 boards and entities organized under the office of professional licensure and certification shall
19 exercise the powers, duties, functions, and responsibilities granted by statute.

20 310:2 Definitions; Establishment.

21 I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

22 (a) "Board" means a board, council, commission, committee, or other regulatory body
23 with jurisdiction over professions listed in paragraph II.

24 (b) "Executive director" shall mean the executive director of the office of professional
25 licensure and certification.

26 (c) "Lapse" when referring to licenses shall mean expire.

27 (d) "License" shall include certifications or registrations required to practice a regulated
28 profession.

29 (e) "Office" or "OPLC" shall mean the office of professional licensure and certification.

30 (f) "Telehealth" means the use of audio, video, or other electronic media for
31 the purpose of diagnosis, consultation, or treatment.

32 (g) "Telemedicine" means the use of audio, video, or other electronic media for
33 the purpose of diagnosis, consultation, or treatment.

34 II. The office of professional licensure and certification shall consist of the division of
35 licensing and board administration and the division of enforcement, under the executive director as
36 the administrative head of the agency. The boards within the office of professional licensure and
37 certification shall consist of the following:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 91 -

- 1 (a) Advisory board of acupuncture licensing under RSA 328-G.
- 2 (b) Advisory board of body art practitioners under RSA 314-A.
- 3 (c) Advisory board of board of dental hygiene under RSA 317.
- 4 (d) Advisory board of family mediator certification under RSA 328-C.
- 5 (e) Advisory board of guardians ad litem under RSA 490-C.
- 6 (f) Advisory board of massage therapists, reflexology, structural integration, and Asian
- 7 bodywork therapy under RSA 328-B and RSA 328-H.
- 8 (g) Advisory board of examiners of nursing home administrators under RSA 151-A.
- 9 (h) Advisory board of recreational therapists established under RSA 326-J.
- 10 (i) Advisory board of respiratory care practitioners established under RSA 326-E.
- 11 (j) Assessing certification advisory board under 310-C.
- 12 (k) Board of accountancy under RSA 309-B.
- 13 (l) Board of architects under RSA 310-A:29.
- 14 (m) Board of barbering, cosmetology, and esthetics under RSA 313-A.
- 15 (n) Board of chiropractic examiners under RSA 316-A.
- 16 (o) Board of dental examiners under RSA 317-A.
- 17 (p) Board of home inspectors under RSA 310-A:186.
- 18 (q) Board of licensing for interpreters for the deaf, deafblind, and hard of hearing under
- 19 RSA 326-I.
- 20 (r) Board of licensed dietitians under RSA 326-H.
- 21 (s) Board of medicine under RSA 329.
- 22 (t) Board of mental health practice under RSA 330-A.
- 23 (u) Board of nursing under RSA 326-B.
- 24 (v) Board of pharmacy under RSA 318.
- 25 (w) Board of professional engineers and land surveyors under RSA 310-A:3.
- 26 (x) Board of professional geologists under RSA 310-A:120.
- 27 (y) Board of registration of funeral directors and embalmers under RSA 325.
- 28 (z) Board of registration in optometry under RSA 327.
- 29 (aa) Board of veterinary medicine under RSA 332-B.
- 30 (bb) Boxing and wrestling commission under RSA 285.
- 31 (cc) Electricians' board under RSA 319-C.
- 32 (dd) Electrology advisory committee under RSA 314.
- 33 (ee) Genetic counselors governing board established under RSA 328-F and RSA 326-K.
- 34 (ff) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.
- 35 (gg) Installation standards board advisory board under RSA 205-D.
- 36 (hh) Mechanical licensing board under RSA 153:27-a.
- 37 (ii) Midwifery advisory council under RSA 326-D.

1 (jj) Naturopathic advisory board of examiners under RSA 328-E.

2 (kk) Occupational therapy governing board established under RSA 326-F and RSA 326-

3 C.

4 (ll) Physical therapy governing board established under RSA 328-F and 328-A.

5 (mm) Professional bondsmen under RSA 598-A.

6 (nn) Real estate appraiser board under RSA 310-B.

7 (oo) Real estate commission under RSA 331-A.

8 (pp) Registration of ophthalmic dispensers under RSA 327-A.

9 (qq) Speech-language pathology and hearing care provider governing board established
10 under RSA 328-F and 326-F.

11 (rr) State board of auctioneers under RSA 311-B.

12 310:3 Executive Director; Directors; Unclassified Personnel.

13 I. The executive director of the office of professional licensure and certification shall be an
14 unclassified employee of the state. The executive director shall be appointed by the governor, with
15 consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified
16 to hold that position by reason of professional competence, education, and experience. A vacancy
17 shall be filled for the remainder of the unexpired term in the same manner as the original
18 appointment.

19 II. The executive director shall nominate for appointment by the governor and council the
20 unclassified positions of director of the division of licensing and board administration and director of
21 the division of enforcement. Each director shall be qualified for the position by reason of education,
22 competence, and experience and shall serve at the pleasure of the executive director for a term of 4
23 years.

24 III. The executive director shall nominate for appointment by the governor and council the
25 unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy
26 investigator positions. Each director shall be qualified for the position by reason of education,
27 competence, and experience and shall serve at the pleasure of the executive director.

28 IV. The executive director shall nominate for appointment by the governor and council the
29 unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be
30 qualified for the position by reason of education, competence, and experience and shall serve at the
31 pleasure of the executive director.

32 V. The salaries of the executive director, each division director, each legal officer, the chief
33 pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a. The
34 governor is hereby authorized to transfer such funds appropriated to the boards, councils, and
35 committees identified in RSA 310:2 as are necessary to pay the salary and benefits of these positions.

36 310:4 Duties of Executive Director.

1 I. The executive director, as the administrative head of the office of professional licensure
2 and certification, may employ such clerical or other assistants as are necessary for the proper
3 performance of the office's work and may make expenditures for any purpose which are reasonably
4 necessary, according to the executive director, for the proper performance of the office's duties under
5 this chapter. The office may contract for the services of investigators, hearing officers, legal counsel,
6 and experts as necessary and in consultation with the appropriate board.

7 II. The executive director of the office of professional licensure and certification shall be
8 responsible for:

9 (a) Supervision of the division directors and chief legal officers.

10 (b) Employment of personnel needed to carry out the functions of the office and the
11 boards.

12 (c) The examination, processing and approval or denial of an application for licensure,
13 certification, or registration for all license types governed by the office or a board listed in RSA 310:2,
14 based on set objective standards developed by the boards, and in accordance with RSA 541-A.

15 (d) The investigation of all complaints of professional misconduct in accordance with
16 RSA 310:9.

17 (e) Maintenance of the official record of the office and the boards in accordance with the
18 retention policy established by the office.

19 (f) Drafting and coordinating rulemaking for all boards within the office in
20 accordance with RSA 541-A, with the advice and recommendations of the boards.

21 (g) Maintaining the confidentiality of information, documents, and files in accordance
22 with RSA 91-A.

23 (h) Submitting, by November 1, to the speaker of the house of representatives, the
24 president of the senate, the chairpersons of the house and senate executive departments and
25 administration committees, and the governor, an annual report summarizing the transactions of the
26 preceding fiscal year and a complete statement of the receipts and expenditures of the office of
27 professional licensure and certification. The report shall be posted on the website of the office of
28 professional licensure and certification immediately upon submission.

29 (i) Notwithstanding any other provisions of law to the contrary, for the performance of
30 the administrative, clerical, and business processing responsibilities under paragraph II(b), the office
31 and all boards shall accept electronic signatures and scans of signed documents in addition to
32 original signatures.

33 310:5 Administration of the Office of Professional Licensure and Certification; Funding.

34 I. The executive director of the office of professional licensure and certification shall
35 establish and collect all license, certification, and renewal fees, as well as any necessary
36 administrative fees for each professional regulatory board administered by the office. Such fees shall
37 be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the

1 office, as determined by averaging the operating expenses for the office for the previous 2 fiscal
2 years.

3 II. There is hereby established the office of professional licensure and certification fund into
4 which the fees collected under paragraph I shall be deposited. The fund shall be a separate,
5 dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs
6 and salaries associated with the office. Funds in excess of \$5,000,000 shall lapse to the general fund
7 at the close of each biennium.

8 III. There is hereby established a dedicated, nonlapsing fund to be known as the New
9 Hampshire health professionals' program administration fund for the administration of the
10 professionals' health program, including the professionals' health program in RSA 329:13-b, the
11 alternative recovery monitoring program in RSA 326-B:36-a, and the impaired pharmacist program
12 set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal
13 licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners,
14 pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of
15 chiropractic examiners, board of mental health practice, midwifery council, board of registration in
16 optometry, board of licensed dietitians, and board of licensing for alcohol and other drug use
17 professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and
18 technical professions boards may be added to program at the same annual fee per licensee. The
19 moneys in this fund shall be continually appropriated to the office.

20 IV. The office of professional licensure and certification shall be responsible for the financing
21 of any interstate compact joined by the state that affects a profession governed by a board listed in
22 RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and
23 certification fund.

24 310:6 Rulemaking Authority; Reciprocity Licensing Process. The executive director of the office
25 of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

26 I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective
27 board. Fees shall be reassessed, at a minimum, every 5 years.

28 II. Such organizational and procedural rules necessary to administer the boards in the
29 office, including rules governing the administration of complaints and investigations, hearings,
30 disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and
31 application procedures.

32 III. The rate of per diem compensation and reimbursable expenses for all boards within the
33 office.

34 IV. Rules governing the professionals' health program as set forth in RSA 310:5.

35 V. Temporary and permanent licenses to out-of-state health care professionals who present
36 evidence of an active license in good standing from another jurisdiction, provided that the
37 jurisdiction's licensing requirements are substantially similar to New Hampshire's licensing

1 requirements, as determined by the executive director in consultation with the boards, commissions,
2 and councils within the office. All individuals licensed under rules adopted pursuant to this
3 subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

4 310:7 Telemedicine and Telehealth Services.

5 I. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315;
6 RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA
7 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I;
8 may provide services through telemedicine or telehealth, provided the services rendered are
9 authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of
10 practice for individuals regulated under this chapter.

11 II. Notwithstanding any provision of law to the contrary, an out-of-state healthcare
12 professional providing services by means of telemedicine or telehealth shall be required to be
13 licensed, certified, or registered by the appropriate licensing board within the office of professional
14 licensure and certification. This paragraph shall not apply to out-of-state physicians who provide
15 consultation services pursuant to RSA 329:21, II.

16 III. An individual providing services by means of telemedicine or telehealth directly to a
17 patient shall:

18 (a) Use the same standard of care as used in an in-person encounter;

19 (b) Maintain a medical record; and

20 (c) Subject to the patient's consent, forward the medical record to the patient's primary
21 care or treating provider, if appropriate.

22 IV. Under this section, Medicaid coverage for telehealth services shall comply with the
23 provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

24 310:8 License Renewals; Lapse.

25 I. The executive director of the office of professional licensure and certification shall issue
26 licenses, certifications, or registrations, as set forth in RSA 310:4, to applicants meeting the
27 eligibility requirements as defined in statute, and rules adopted by each individual board.

28 II. Licenses shall be valid for 2 years from the date of issuance, except that timely and
29 complete application for license renewal by eligible applicants shall continue the validity of the
30 licenses being renewed until the office has acted on the renewal application.

31 III. Applicants shall submit completed applications for renewal, the renewal fee, and any
32 supporting documents required for that renewal on or before the expiration of the license,
33 certification, or registration. Licenses shall lapse when completed renewal applications, renewal fee,
34 and supporting documents have not been filed by the expiration of the license and the holders of a
35 lapsed license are not authorized to practice until the licenses have been reinstated. Holders of
36 lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses within one year of

1 the date of the lapse upon submitting an application and meeting the eligibility requirements as
2 defined in statute, and rules adopted by each individual board.

3 IV. The office of professional licensure and certification shall provide licensees, at least 2
4 months before the date of expiration of their license, with notice of the need to complete their
5 renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to
6 renew their license, comply with the rules of the office, the rules of the board, or this section.
7 Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or
8 for applications submitted electronically the electronic time stamp of submission.

9 V. Upon the request of a licensee who is a member of any reserve component of the armed
10 forces of the United States or the national guard and is called to active duty, the office of
11 professional licensure and certification shall place the person's license on inactive status. The
12 license may be reactivated within one year of the licensee's release from active status by payment of
13 the renewal fee and with proof of completion of the most current continuing education requirement
14 unless still within the renewal period.

15 310:9 Complaints and Investigations.

16 I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

17 II. Upon receipt of an allegation of professional misconduct, the office shall determine
18 whether the allegation states a viable claim. If the office determines that the allegation is not
19 viable, it shall make a recommendation to the board for dismissal. The board shall review the
20 office's recommendation and dismiss the allegation if it determines that the allegation does not state
21 a claim of professional misconduct.

22 III. Notwithstanding any other law to the contrary, the office shall investigate allegations of
23 misconduct by licensees:

24 (a) Upon its own initiative; or

25 (b) Upon written complaint alleging misconduct of a licensed, or unlicensed, individual
26 or entity of a profession regulated under the office.

27 IV. Allegations of misconduct received by the office, information and records acquired by the
28 office during an investigation, and reports and records made by the office because of its
29 investigation, shall be held confidential and shall be exempt from the disclosure requirements of
30 RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing.
31 However, the office may disclose information acquired in an investigation to law enforcement or
32 licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory
33 requirements or court orders.

34 V. To carry out investigations, the executive director is authorized to:

35 (a) Retain qualified experts.

36 (b) Conduct inspections of places of business of a profession regulated under the office.

1 (c) Issue subpoenas for persons, relevant documents and relevant materials in
2 accordance with the following conditions:

3 (1) Subpoenas for persons shall not require compliance in less than 48 hours after
4 receipt of service.

5 (2) Subpoenas for documents and materials shall not require compliance in fewer
6 than 15 days after receipt of service.

7 (3) Service shall be made on licensees and certified individuals by certified mail to
8 the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

9 (4) Service shall be made on persons who are not licensees or certified individuals in
10 accordance with the procedures and fee schedules of the superior court, and the subpoenas served on
11 them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure
12 and Certification."

13 VI. When an allegation of misconduct is determined to be unfounded after an investigation,
14 the board shall dismiss the allegation and explain in writing to the complainant and the licensee its
15 reason for dismissing the complaint. The office shall retain all information concerning investigations
16 in accordance with the retention policy established by the office.

17 VII. Every clerk of the superior court shall report to the office the filing and final disposition
18 of any action for medical injury as defined in paragraph VIII within 30 days after such filing and
19 within 30 days after such final disposition.

20 VIII. Every insurer, including self-insurers, providing professional liability insurance to a
21 licensee regulated by a board within the office shall send a complete report to the office as to all
22 reservable claims coincident with medical injury that take place in this state or in any other state
23 within 30 days after establishing the reserve. For the purpose of this paragraph, "medical injury"
24 means any adverse, untoward or undesired consequences arising out of or sustained in the course of
25 professional services rendered by a medical care provider, whether resulting from negligence, error
26 or omission in the performance of such services; from rendition of such services without informed
27 consent or in breach of warranty or in violation of contract; from failure to diagnose; from premature
28 abandonment of a patient or of a course of treatment; from failure properly to maintain equipment or
29 appliances necessary to the rendition of such services; or otherwise arising out of or sustained in the
30 course of such services.

31 IX. Every facility administrator, or designee, for any licensed hospital, health clinic,
32 ambulatory surgical center, or other health care facility within the state shall report to the office any
33 disciplinary or adverse action, within 30 days after such action is taken, including situations in
34 which allegations of misconduct are settled by voluntary resignation without adverse action, against
35 a person licensed by a board within the office. Disciplinary or adverse action shall include the
36 requirement that a licensee undergo counseling or be subject to any policy with regard to disruptive
37 behavior.

1 X. Every professional society within the state comprised primarily of persons licensed by a
2 board within the office shall report to the board any disciplinary action against a member relating to
3 professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse within 30 days
4 after such disciplinary action is taken.

5 XI. Regulated persons and entities, including but not limited to licensees, insurance
6 companies, health care organizations, and health care facilities, shall report to the board any
7 conviction by a court of law or determination by an agency that a licensee has committed an act that
8 constitutes a violation of this chapter or the board practice acts. Persons and entities shall be
9 immune from civil liability, whether direct or derivative, for providing information in good faith to
10 the board pursuant to this section.

11 310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

12 I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All
13 non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that
14 the board shall disclose any final remedial action that affects the status of a license, including any
15 non-disciplinary restrictions imposed. The docket file for each such proceeding shall be retained in
16 accordance with the retention policy established by the office of professional licensure and
17 certification.

18 II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in
19 accordance with procedural rules adopted by the executive director.

20 III. The office shall employ sufficient administrative prosecutors qualified by reason of
21 education, competence, and experience to serve as hearing counsel in all disciplinary proceedings
22 before the boards.

23 IV. The office shall employ sufficient personnel qualified by reason of education, competence,
24 and experience to serve as presiding officer in all disciplinary or non-disciplinary remedial
25 proceedings before the boards. The presiding officer shall have the authority to preside at such
26 hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other
27 procedural matters, and issue final orders based on factual findings of the board.

28 V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue
29 subpoenas for persons, relevant documents and relevant materials in accordance with the following
30 conditions:

31 (a) Subpoenas for persons shall not require compliance in less than 48 hours after
32 receipt of service.

33 (b) Subpoenas for documents and materials shall not require compliance in fewer than
34 15 days after receipt of service.

35 (c) Service shall be made on licensees and certified individuals by certified mail to the
36 address on file with the office or by hand and shall not entitle them to witness or mileage fees.

1 (d) Service shall be made on persons who are not licensees or certified individuals in
2 accordance with the procedures and fee schedules of the superior court, and the subpoenas served on
3 them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure
4 and Certification."

5 VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding
6 officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which
7 shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and to
8 render legal opinions and make conclusions of law.

9 VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial
10 proceedings, and shall determine sanctions, if any.

11 VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings,
12 complaints may be dismissed or disposed of, in whole or in part:

13 (a) By written settlement agreement approved by the board, provided that any
14 complainant shall have the opportunity, before the settlement agreement has been approved by a
15 board, to comment on the terms of the proposed settlement; or

16 (b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a
17 proper basis for disciplinary action.

18 IX. Disciplinary action taken by the board at any time, and any dispositive action taken
19 after the issuance of a notice of public hearing, shall be reduced to writing and made available to the
20 public. Such decisions shall not be public until they are served upon the parties, in accordance with
21 rules adopted by the executive director.

22 X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at
23 least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an
24 itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to
25 whether the action has been initiated by a written complaint or upon the board's own motion, or
26 both. If a written complaint is involved, the notice shall provide the complainant with a reasonable
27 opportunity to intervene as a party.

28 XI. Neither the office nor the boards shall have an obligation or authority to appoint
29 attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or
30 disciplinary or non-disciplinary remedial proceedings.

31 XII. No civil action shall be maintained against the office or the board, or any member of the
32 board, office, or its agents or employees, against any organization or its members, or against any
33 other person for or by reason of any statement, report, communication, or testimony to the board or
34 determination by the board or office in relation to proceedings under this chapter.

35 XIII. Misconduct sufficient to support disciplinary proceedings under this section includes:

36 (a) Violating any provision of this chapter or substantive rule adopted under this
37 chapter.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 100 -

1 (b) Violating any provision of a board practice act, substantive rule of a board
2 promulgated pursuant to RSA 541-A, or order issued by the board.

3 (c) Engaging in practice of the licensed profession in a manner harmful or dangerous to
4 a patient, client, or the public.

5 (d) Fraud or deceit in procuring or attempting to procure a license, certification, or other
6 authorization to practice a profession.

7 (e) An act or omission causing another state or territory of the United States to revoke or
8 suspend a license, certification, or other authorization to practice a profession, or to discipline the
9 person authorized to practice a profession.

10 (f) Engaging in false or misleading advertising.

11 (g) Any other misconduct set forth in rules adopted by a board pursuant to RSA 541-A.

12 XIV. In cases involving imminent danger to life or health, a board within the office may
13 order suspension of a license pending hearing for a period of no more than 120 days. In such cases,
14 the basis for the board's finding of imminent danger to life or health shall be reduced to writing and
15 combined with a hearing notice which complies with RSA 541-A. A licensee may be allowed
16 additional time to prepare for a hearing, but any additional time for preparation shall result in an
17 extension of license suspension commensurate with the additional time extended.

18 310:11 Licensing Proceedings.

19 I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by
20 the executive director.

21 II. If a board denies a license following a licensing proceeding, its final decision shall be
22 issued in accordance with RSA 541-A.

23 III. In carrying out licensing proceedings, the board shall have the authority to:

24 (a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;

25 (b) Appoint a board member or other qualified person as presiding officer; and

26 (c) Administer, and authorize an appointed presiding officer to administer, oaths and
27 affirmations.

28 IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay
29 the fees of attorneys representing licensees, certified individuals, or witnesses during investigations
30 or adjudicatory proceedings.

31 V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

32 310:12 Sanctions.

33 I. Upon making an affirmative finding that a licensee has committed professional
34 misconduct, boards may take disciplinary action in any one or more of the following ways:

35 (a) By reprimand.

36 (b) By suspension of a license for a period of time as determined reasonable by the board.

37 (c) By revocation of license.

1 (d) By placing the licensee on probationary status. The board may require the person to
2 submit to any of the following:

3 (1) Regular reporting to the board concerning the matters which are the basis of the
4 probation.

5 (2) Continuing professional education until a satisfactory degree of skill has been
6 achieved in those areas which are the basis of probation.

7 (3) Submitting to the care, counseling, or treatment of a physician, counseling
8 service, health care facility, professional assistance program, or any comparable person or facility
9 approved by the board.

10 (4) Practicing under the direct supervision of another licensee for a period of time
11 specified by the board.

12 (e) By assessing administrative fines in amounts established by the board which shall
13 not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the
14 violation continues, whichever is greater.

15 II. The board may issue a non-disciplinary confidential letter of concern to a licensee
16 advising that while there is insufficient evidence to support disciplinary action, the board believes
17 the licensee or certificate holder should modify or eliminate certain practices, and that continuation
18 of the activities which led to the information being submitted to the board may result in action
19 against the licensee's license. This letter shall not be released to the public or any other licensing
20 authority, except that the letter may be used as evidence to establish a relevant pattern or course of
21 conduct in subsequent adjudicatory proceedings by the board.

22 III. In the case of sanctions for discipline in another jurisdiction, the decision of the other
23 jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any
24 of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard
25 prior to imposing any sanctions.

26 IV. In cases involving imminent danger to public health, safety, or welfare, a board may
27 order immediate suspension of a license or certification pending an adjudicative proceeding before
28 the board to determine if the suspension should remain in place pending final adjudication of the
29 matter, and which shall commence not later than 10 working days after the date of the order
30 suspending the license unless the licensee or certified individual agrees in writing to a longer period.
31 In such cases of immediate danger, the board shall comply with RSA 541-A:30.

32 V. For any order issued in resolution of a disciplinary proceeding by the board, where the
33 board has found misconduct sufficient to support disciplinary action, the board may require the
34 licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed
35 the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in
36 addition to any otherwise authorized administrative fines levied by the board as part of the penalty.
37 The investigative and prosecution costs shall be assessed by the office and any sums recovered shall

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 102 -

1 be credited to the office's fund and disbursed by the office for any future investigations of complaints
2 and activities that violate this chapter or rules adopted under this chapter.

3 310:13 Unlicensed Practice.

4 I. Whoever, not being licensed or otherwise authorized to practice according to the laws of
5 this state, advertises oneself as engaging in a profession licensed or certified by the office of
6 professional licensure and certification, engages in activity requiring professional licensure, or in any
7 way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does
8 such acts after receiving notice that such person's license to practice has been suspended or revoked,
9 is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon
10 making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the
11 amount of any gain or economic benefit that the person derived from the violation, or up to \$10,000
12 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice
13 shall be deemed a separate offense.

14 II. The board, the state's attorney general, or a prosecuting attorney of any county or
15 municipality where the act of unlawful practice takes place may maintain an action to enjoin any
16 person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not
17 replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to
18 any board.

19 III. Any person convicted of violating this section shall be guilty of a class A misdemeanor if
20 a natural person, or guilty of a felony if any other person.

21 310:14 Rehearing; Appeals.

22 I. Any person who has been denied a license or certification by the office or a board shall
23 have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made
24 in writing to the appropriate board within 30 days of receipt of the original final decision.

25 II. Any person who has been disciplined by a board shall have the right to petition in writing
26 for a rehearing within 30 days of receipt of the original final decision.

27 III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant
28 to RSA 541. No sanction shall be stayed by the board during an appeal.

29 286 Repeal. RSA 310-A:1 through 310:1-p, relative to the organization of the office of
30 professional licensure and certification, are repealed.

31 287 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees;
32 Rulemaking. Amend RSA 309-B:4, I(a) to read as follows:

33 I.(a) There is hereby created the New Hampshire board of accountancy, which shall have
34 responsibility for the administration and enforcement of this chapter. The board shall consist of [7]
35 **5** members, all of whom shall be residents of this state appointed by the governor with the approval
36 of council. [~~Five~~] **Four** members shall be holders of certificates under RSA 309-B:5 or corresponding
37 provisions of prior law, and [~~2 members~~] **1 member** shall be **a** public [~~members~~] **member**, who [~~are~~]

1 ~~is~~ not, and never [~~were, members~~] **was, a member** of the accounting profession, or the spouses of
2 such persons, but who [~~have, or have~~] **has, or has** had, professional or practical experience in the
3 use of accounting services and financial statements so as to be qualified to make judgments about
4 the qualifications and conduct of persons and firms subject to regulation under this chapter.

5 288 Board of Accountancy Repeals. The following provisions of RSA 309-B are repealed:

6 I. RSA 309-B:4, VI(b), relative to rules of investigations.

7 II. RSA 309-B:11, relative to investigations.

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

9 IV. RSA 309-B:13, relative to reinstatement.

10 V. RSA 309-B:15, relative to injunctions.

11 289 Acupuncture; Rulemaking Transferred. To eliminate workforce barriers and provide state
12 supervision over regulatory bodies comprised of active market participants, the responsibility for
13 implementation RSA 328-G, relative to acupuncture, shall be transferred to the executive director of
14 the office of professional licensure and certification effective July 1, 2023. The executive director
15 shall consult with the advisory board of acupuncture licensing when implementing RSA 328-G.
16 Rules in effect upon the effective date of this section shall remain in effect until repealed by the
17 executive director of the office of professional licensure and certification or until the rules expire,
18 whichever occurs first.

19 290 Acupuncture; Definitions. Amend RSA 328-G:2, III to read as follows:

20 III. "Board" means the **advisory** board of acupuncture licensing established under RSA 328-
21 G:3.

22 291 Acupuncture; Board Established. RSA 328-G:3 is repealed and reenacted to read as follows:

23 328-G:3 Board Established.

24 I. The executive director shall establish an advisory board of acupuncture licensing
25 consisting of 3 members. One member shall be a certified acupuncture detoxification specialist. Two
26 members shall be licensed acupuncturists. Each member shall be appointed to a term of 3 years. No
27 member shall serve more than 2 consecutive full terms. The advisory board shall advise the
28 executive director regarding the implementation of this chapter.

29 II. The executive director, in consultation with the advisory board, shall adopt rules
30 pursuant to RSA 541-A relative to the practice of acupuncture and acupuncture detoxification,
31 including rules regarding the procedure for granting, revoking, and reinstating a license.

32 292 Repeal. RSA 328-G:3, relative to the organization and meetings of the acupuncture board,
33 is repealed.

34 293 Acupuncture; Rulemaking Authority. Amend the introductory paragraph of RSA 328-G:7 to
35 read as follows:

36 328-G:7 Rulemaking Authority. The [~~board~~] **executive director, in consultation with the**
37 **advisory board**, shall adopt rules, under RSA 541-A, relative to:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 104 -

1 294 Acupuncture; Rulemaking Authority. Amend RSA 328-G:7, X to read as follows:

2 X. A student practicing acupuncture under the direct supervision of a licensed acupuncturist
3 as part of a course of study approved by the [board] **executive director**.

4 295 Acupuncture; Licensure Required; Renewal; Reissuance; Continuing Education. Amend
5 RSA 328-G:9 to read as follows:

6 328-G:9 Licensure Required; Renewal; Reissuance; Continuing Education.

7 I. No person shall practice acupuncture within this state without first obtaining a license
8 from the [board] **executive director** except physicians licensed under RSA 329 and doctors of
9 naturopathic medicine certified under RSA 328-E:12.

10 II. The [board] **executive director** shall issue a license to any applicant who satisfies all of
11 the following requirements:

12 (a) Has reached the age of majority.

13 (b) Has current, active NCCAOM certification, or prior NCCAOM certification with
14 documentation of continuing education pursuant to paragraph X of this section, or equivalent
15 certification approved by the [board] **executive director** through examination or Credentials
16 Documentation Review.

17 (c) Has paid the required license application fee and filed the [board] **executive**
18 **director** approved licensure application.

19 (d) Is of good professional character.

20 (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from
21 an accredited institution, and has a current, valid license to practice acupuncture from another state
22 whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or

23 (2) Has successfully completed a post-secondary acupuncture college program which
24 is approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"),
25 including its successors or predecessors, or the board; or

26 (3) Has successfully completed an apprenticeship program that, at the time of
27 completion, was in compliance with certification standards set by NCCAOM, including its successors
28 or predecessors. All applicants seeking licensure via apprenticeship route who have not graduated
29 from an accredited acupuncture school must be able to meet all NCCAOM standards for certification
30 or hold a valid license to practice acupuncture from another state whose requirements are
31 substantially similar to or exceed the requirements of RSA 328-G:9, II.

32 III. Only a person licensed under this chapter or a physician licensed under RSA 329 or a
33 doctor of naturopathic medicine certified under RSA 328-E:12, shall hold out to members of the
34 public that such person is practicing acupuncture, or use a title or description which suggests such,
35 including any of the following:

36 (a) C.A. or Certified Acupuncturist.

37 (b) Acupuncturist.

1 (c) M.D., C.A. or M.D., Certified Acupuncturist.

2 (d) Any other letters or words denoting that the person practices acupuncture.

3 IV. Notwithstanding paragraph III, the title, "Licensed Acupuncturist", and its
4 abbreviations, "L.Ac." or "Lic. Ac.", shall be used only by persons licensed under this chapter.

5 V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise
6 oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice
7 acupuncture, or whoever does so after receiving notice that one's license has been revoked, and
8 whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to
9 be advertised or called a physician or a doctor in such a way as to imply that such credential relates
10 to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes
11 shall be in violation of this chapter.

12 (b) Notwithstanding subparagraph (a), the only persons licensed under this chapter that
13 shall be allowed to call themselves a doctor shall be those who have earned a doctoral degree in the
14 practice of acupuncture from an accredited educational institution or other program approved by the
15 board pursuant to administrative rules.

16 VI. Persons licensed pursuant to this chapter who engage in the practice of acupuncture
17 without complying with this chapter shall be subject to refused renewal, limitation, revocation, or
18 suspension of their license.

19 VII. Nothing in this chapter is intended to limit, interfere with, or prevent any other
20 licensed health care professionals from practicing within the scope of their licenses as defined by
21 each profession's New Hampshire licensing statutes, but they shall not hold themselves out to the
22 public or any private group of business by any title or description of services that includes any of the
23 terms in paragraphs III or IV unless they are licensed under this chapter, RSA 329, or RSA 328-
24 E:12.

25 VIII. Notwithstanding any other provisions of law to the contrary, those health care
26 professionals licensed under RSA 316-A who are practicing acupuncture as of July 1, 1997 may
27 petition the [board] *executive director* for an exemption to the licensure requirements of this
28 chapter. The [board] *executive director* shall consider the educational qualifications and the
29 clinical experience of those individuals licensed under RSA 316-A seeking exemption to the licensure
30 requirements of this chapter.

31 IX. The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-
32 h.

33 X. As a condition of renewal of license, the [board] *executive director* shall require each
34 licensee to show proof of having completed for each biennial period continuing education units at
35 approved institutions or as approved by the board in accordance with rules adopted by the board.
36 Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement.

1 296 Acupuncture; Certified Acupuncture Detoxification Specialist. Amend RSA 328-G:9-a to
2 read as follows:

3 328-G:9-a Certified Acupuncture Detoxification Specialist.

4 I. The [board] **executive director** shall certify as an acupuncture detoxification specialist a
5 qualified individual, not licensed by the [board] **executive director** as an acupuncturist, who has
6 successfully completed NADA training or other training in acupuncture detoxification protocols as
7 determined by the [board] **executive director** and complied with the rules of the [board] **executive**
8 **director** adopted pursuant to RSA 328-G:7, XIV.

9 II.(a) A "qualified individual" shall mean a licensed health care professional, recovery coach,
10 peer counselor, or other [board] **executive director** approved professional, trained in acu-detox, a
11 standardized auricular acupuncture protocol developed by the NADA, or a training that meets or
12 exceeds the NADA training, as determined by the [board], provided she or he is under the general
13 supervision of a licensed acupuncturist, trained in the NADA protocol or equivalent for the purposes
14 of behavioral health applications, including addictions, mental health, and disaster and emotional
15 trauma.

16 (b) "General supervision" shall be provided by site visit, phone, or other electronic means
17 during business hours with at least 2 site visits per year by a licensed acupuncturist currently
18 licensed in New Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall
19 not be required to be on site for direction and supervision, but shall be available at least by
20 telecommunications.

21 III. Nothing in this chapter is intended to limit, interfere with, or prevent an acupuncture
22 detoxification specialist certified by the [board] **executive director** from practicing within the scope
23 of his or her certification.

24 297 Acupuncture; Scope of Practice. Amend RSA 328-G:10, II to read as follows:

25 II. Notwithstanding paragraph I, the scope of practice may be further defined by the [board]
26 **executive director** in accordance with RSA 541-A.

27 298 Acupuncture; Scope of Practice. Amend RSA 328-G:10, V to read as follows:

28 V. Persons licensed by the [board] **executive director** to practice acupuncture shall be
29 permitted to provide services through the use of telemedicine. "Telemedicine" means the use of
30 audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.

31 299 Acupuncture; Powers and Duties of the Executive Director. Amend RSA 328-G:11 to read
32 as follows:

33 328-G:11 Powers and Duties of the [Board] **Executive Director**.

34 I. The [board] **executive director** shall:

35 (a) Ensure that licensed acupuncturists serving the public meet minimum standards of
36 proficiency and competency to protect the health, safety, and welfare of the public.

1 (b) Administer and enforce all provisions of this chapter, which pertain to licensees and
2 applicants, and all rules adopted by the ~~[board]~~ **executive director** under the authority granted in
3 this chapter.

4 (c) Maintain an accurate account of all receipts, expenditures, and refunds granted
5 under this chapter through the office ~~[of licensure and certification]~~ and in accordance with the
6 retention policy established by the office ~~[of professional licensure and certification]~~.

7 (d) Maintain a record of its acts and proceedings, including the issuance, refusal,
8 suspension, or revocation of licenses in accordance with the retention policy established by the office
9 ~~[of professional licensure and certification]~~.

10 (e) Keep all applications for licensure in accordance with the retention policy established
11 by the office ~~[of professional licensure and certification]~~.

12 (f) Maintain a record of the results of all examinations it gives in accordance with the
13 retention policy established by the office ~~[of professional licensure and certification]~~.

14 (g) Keep all examination records including written examination records and tape
15 recordings of the questions and answers in oral examinations in accordance with the retention policy
16 established by the office ~~[of professional licensure and certification]~~.

17 (h) Keep the records of the ~~[board]~~ **executive director** open to public inspection at all
18 reasonable times.

19 (i) Adopt and use a seal, the imprint of which, together with the ~~[signatures of the~~
20 ~~chairperson or vice-chairperson and the secretary-treasurer of the board]~~ **signature of the**
21 **executive director**, shall evidence its official acts.

22 II. The ~~[board]~~ **executive director** may appoint qualified personnel to administer any part
23 or all of any examinations provided for under this chapter.

24 III. The ~~[board]~~ **executive director** shall have the power to subpoena witnesses and
25 administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces
26 tecum, the production of papers and records.

27 IV. Witnesses summoned before the ~~[board]~~ **executive director** shall be paid the same fees
28 as witnesses summoned to appear before the superior court, and such summons shall have the same
29 effect as though issued for appearance before such court.

30 V. [Repealed.]

31 VI. [Repealed.]

32 300 Acupuncture, Disciplinary Actions. Amend RSA 328-G:12 to read as follows:

33 328-G:12 Disciplinary Actions.

34 I. The ~~[board]~~ **executive director** may undertake disciplinary proceedings:

35 (a) Upon ~~[its]~~ **his or her** own initiative; or

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 108 -

1 (b) Upon written complaint of any person which charges that a person licensed by the
2 [board] **executive director** has committed misconduct under paragraph II and which specifies the
3 grounds for the misconduct.

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

5 (a) The practice of fraud or deceit in procuring or attempting to procure a license to
6 practice under this chapter.

7 (b) Conviction of any crime which demonstrates unfitness to practice acupuncture.

8 (c) Violation of the standards adopted under RSA 328-G:7, V.

9 (d) Demonstrable gross incompetence of the licensee.

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

12 (f) A legal finding of mental incompetence.

13 (g) Willful or repeated violation of the provisions of this chapter.

14 (h) Suspension or revocation without subsequent reinstatement of a license, similar to
15 one issued under this chapter, in another jurisdiction.

16 III.(a) The [board] **executive director** may take disciplinary action in any one or more of
17 the following ways:

18 (1) By public or private reprimand.

19 (2) By suspension, limitation, or restriction of license.

20 (3) By revocation of license.

21 (4) By assessing administrative fines in amounts established by the [board]
22 **executive director** which shall not exceed \$2000 per offense, or in the case of a continuing offense,
23 \$250 for each day the violation continues.

24 (b) Disciplinary action taken under this paragraph may be ordered by the board in a
25 decision made after a hearing in the manner provided by the rules adopted by the [board] **executive**
26 **director** and reviewed in accordance with RSA 541.

27 (c) No person licensed under this chapter shall continue to practice acupuncture while
28 the person's license is suspended or revoked.

29 301 Acupuncture; Penalties. Amend RSA 328-G:14 to read as follows:

30 328-G:14 Penalties. It shall be a class A misdemeanor for any natural person, and a felony if
31 any other person, to violate RSA 328-G:9, or to act as an acupuncture detoxification specialist
32 without current certification by the [board] **executive director** under RSA 328-G:9-a.

33 302 Architects Repeals. The following provisions of RSA 310-A are repealed:

34 I. RSA 310-A:32, I(g), relative to administrative rules.

35 II. RSA 310-A:32, I(h), relative to rulemaking regarding hearings procedures.

36 III. RSA 310-A:33, relative to fees.

1 IV. RSA 310-A:46, relative to relative to expiration and renewals of licensure and
2 certification.

3 V. RSA 310-A:47, relative to investigations and disciplinary proceedings.

4 VI. RSA 310-A:48, relative to hearings.

5 VII. RSA 310-A:49, relative to reissuance of licenses.

6 VIII. RSA 310-A:51, relative to restraint of violations.

7 303 Assessing Certification Board; Rulemaking and Implementation. To reduce workforce
8 barriers and provide state supervision over regulatory bodies comprised of active market
9 participants, the responsibility for implementation of RSA 310-C, relative to assessing standards,
10 shall be transferred to the executive director of the office of professional licensure and certification
11 effective July 1, 2023. The executive director shall consult with the assessing certification advisory
12 board when implementing RSA 310-C. Rules in effect upon the effective date of this section shall
13 remain in effect until repealed by the executive director of the office of professional licensure and
14 certification or until the rules expire, whichever occurs first.

15 304 Assessing Certification Board; Advisory Board Established. RSA 310-C:1 is repealed and
16 reenacted to read as follows:

17 310-C:1 Assessing Certification Advisory Board.

18 I. There is established an assessing certification advisory board (“board”) within the office of
19 professional licensure and certification, that shall advise the executive director of the office of
20 professional licensure and certification on the implementation of this chapter.

21 II. The board shall be composed of the following members:

22 (a) The commissioner of the department of revenue or designee;

23 (b) One certified assessor supervisor appointed by the executive director of the office of
24 professional licensure and certification; and

25 (c) One member who shall be a municipal governing body official who shall not be an
26 assessor, and who is appointed by the executive director of the office of professional licensure and
27 certification.

28 III. The members shall be appointed for 3-year terms and shall not serve more than 2 full
29 terms.

30 305 Assessing Certification Board; Rulemaking Authority. Amend the introductory paragraph
31 of RSA 310-C:17, I to read as follows:

32 I. The *executive director in consultation with the advisory* board shall adopt rules
33 pursuant to RSA 541-A, relative to:

34 306 Assessing Certification Board Repeal. The following are repealed:

35 I. RSA 310-C:9, relative to the term of certification.

36 II. RSA 310-C:12, I, relative to the assessing certificate.

37 III. RSA 310-C:13, relative to disciplinary proceedings.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 110 -

1 IV. RSA 310-C:14, relative to hearings and investigations.

2 V. RSA 310-C:16, relative to summons and oaths.

3 307 Repeal. RSA 332-J, relative to athlete agents, is repealed.

4 308 Repeal. RSA 311-B:2, III and IV, relative to the members of the state board of auctioneers,
5 is repealed.

6 309 Auctioneers; State Board of Auctioneers; Transfer. To promote efficiency and economy,
7 eliminate redundancies in licensure requirements, reduce administrative costs, and facilitate
8 customer service, the responsibility for administration of the state board of auctioneers shall be
9 transferred to the office of professional licensure and certification effective July 1, 2023.

10 310 Auctioneers; Rulemaking Authority. RSA 311-B:3 is repealed and reenacted to read as
11 follows:

12 311-B:3 Rulemaking Authority.

13 I. The board, with the approval of the secretary of state, shall adopt rules, pursuant to RSA
14 541-A, relative to:

15 (a) The qualifications of applicants for initial, renewal, and reinstatement licensure in
16 addition to those requirements set by statute, and the means to be used by applicants to
17 demonstrate good professional character;

18 (b) Ethical and professional standards required to be met by each holder of a license
19 under this chapter;

20 (c) How disciplinary actions by the board shall be implemented for violations of these
21 standards and for misconduct by licensees; and

22 (d) Establishing eligibility for certificates of authorization issued under RSA 311-B:4,

23 III.

24 II. The board may adopt rules, pursuant to RSA 541-A, relative to:

25 (a) Required maintenance of competence including requirements for continuing
26 education;

27 (b) Board approval of auctioneering educational programs; and

28 (c) Standards governing auctioneering apprenticeships.

29 311 Auctioneers; Acts Prohibited; Use of Name by Business Organization. Amend RSA 311-B:4,
30 III to read as follows:

31 III. The ~~[secretary of state]~~ **executive director** shall not issue a certificate of incorporation
32 to an applicant for incorporation or for registration as a foreign business organization which includes
33 the words "auction," "auctioneer," or "auctioneering" or any modification or derivative thereof in its
34 corporate or business name or which includes the practice of auctioneering among the objectives for
35 which it is established unless the board shall have issued, with respect to such applicant, a
36 certificate of authorization, a copy of which shall have been presented to the ~~[secretary of state]~~
37 **executive director**. The board shall issue such a certificate only to an authorized business

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 111 -

1 organization. The ~~[secretary of state]~~ **executive director** shall decline to register any trade name or
2 service mark which includes such words or modifications or derivatives thereof in its firm or
3 business name except for trade names and service marks of business entities which have presented
4 to the ~~[secretary of state]~~ **executive director** proof that they qualify as authorized business
5 organizations under this chapter.

6 312 Auctioneers; Qualifications; Application. Amend RSA 311-B:5 to read as follows:

7 311-B:5 Qualifications; Application. The ~~[board]~~ **executive director** shall grant licensure to
8 any applicant who:

9 I. Shall have attained the age of 18 years by the date the board receives the application;

10 II. Submits professional references or recommendations that comply with other standards
11 specified by rule, certifying that the applicant is trustworthy and competent to auction real,
12 personal, and mixed property in such a manner as to safeguard the interests of the public. Each
13 such recommendation shall set forth the writer's name, address, and occupation, the extent of the
14 writer's acquaintanceship with the applicant, the writer's familiarity with the applicant's past
15 business experience and dealings, and any additional knowledge of the applicant's background upon
16 which the writer bases the recommendation;

17 III. Pays the initial licensure fee;

18 IV. ~~[Repealed.]~~

19 V. Has good professional character;

20 VI. Meets the eligibility standards established by the board through rulemaking;

21 VII. Pays the examination fee ~~[specified by the board through rulemaking]~~ if the
22 examination is one developed or administered by the board; and

23 VIII. Passes an examination ~~[administered by the board or an examination]~~ administered by
24 another entity and approved by the board through rulemaking.

25 313 Auctioneers; Repeals. The following are repealed:

26 I. RSA 311-B:4-a, relative to cease and desist orders for auctioneering without a license.

27 II. RSA 311-B:6, relative to nonresidents.

28 III. RSA 311-B:10, relative to renewals and reinstatement.

29 IV. RSA 311-B:11, relative to disciplinary action.

30 V. RSA 311-B:11-a, relative to hearings.

31 314 Auctioneers; Disposition of Revenue. Amend RSA 311-B:14 to read as follows:

32 311-B:14 Disposition of Revenue. All moneys collected under this chapter shall be paid into the
33 ~~[general fund and are appropriated therefrom to the secretary of state for the purpose of carrying out~~
34 ~~the provisions of this chapter]~~ **office of professional licensure and certification fund.**

35 315 Barbering, Cosmetology, and Esthetics; Board. Amend RSA 313-A:2, I to read as follows:

36 I. There shall be a board of barbering, cosmetology, and esthetics consisting of 7 members as
37 follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one licensed

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 112 -

1 manicurist, [~~one owner of a licensed barbering, cosmetology, esthetics, or manicuring school who~~
2 ~~shall be a resident of New Hampshire or a designee of such owner who shall be a licensee and a~~
3 ~~resident of New Hampshire, one owner of a registered tanning facility]~~ and one public member; each
4 to be appointed by the governor with the consent of the council to a term of 5 years. No board
5 member shall be appointed to more than 2 consecutive terms. Appointees to the unexpired portion of
6 a full term shall become members of the board on the day following such appointment. Time served
7 in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full
8 terms. Only board members provided for in this paragraph shall have the authority to vote in board
9 determinations.

10 316 Barbering, Cosmetology and Esthetics; Repeals. The following provisions of RSA 313-A are
11 repealed:

- 12 I. RSA 313-A:4, relative to maintenance of records.
- 13 II. RSA 313-A:8, V, relative to fees.
- 14 III. RSA 313-A:8, VIII, relative to procedural rules for hearings.
- 15 IV. RSA 313-A:14, relative to nonresidents.
- 16 V. RSA 313-A:15, relative to examinations.
- 17 VI. RSA 313-A:19, II(b), relative to shop licensure requirements for booths.
- 18 VII. RSA 313-A:20, relative to expiration and renewal of licensure.
- 19 VIII. RSA 313-A:22, relative to disciplinary action.
- 20 IX. RSA 313-A:23, relative to hearings.

21 317 Allied Health Professionals; Governing Boards Established. Amend RSA 328-F:3 as follows:

22 328-F:3 Governing Boards Established[~~; Board of Directors; Office of Licensed Allied Health~~
23 ~~Professionals]~~.

24 [~~I.]~~ There shall be established governing boards of athletic trainers, occupational therapists,
25 physical therapists, speech-language pathologists and hearing care providers, and genetic
26 counselors. ***In order to eliminate a redundant regulatory framework and promote efficiency***
27 ***and economy, and as set forth in RSA 310, the responsibility for administration of the***
28 ***governing boards shall be with the office of professional licensure and certification, and***
29 ***the authority of the board of directors of allied health professionals is repealed.***

30 [~~II.]~~ ~~The governing boards' chairpersons or their appointees shall make up the board of~~
31 ~~directors of the office of licensed allied health professionals. The board of directors shall have the~~
32 ~~authority to delegate to the person in the supervisory position matters of administrative and~~
33 ~~personnel management.~~

34 [~~III.]~~ ~~There shall be an office of licensed allied health professionals established in Concord~~
35 ~~within the office of professional licensure and certification.]~~

36 318 Allied Health Professionals; Completion of Survey; Rulemaking. Amend RSA 328-F:11-a as
37 follows:

1 328-F:11-a Completion of Survey; Rulemaking. The ***governing*** board shall adopt rules,
2 pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a
3 survey or opt-out form provided by the office of rural health, department of health and human
4 services, for the purpose of collecting data regarding the New Hampshire primary care workforce,
5 pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall
6 provide the licensee with written notice of his or her opportunity to opt-out from participation in the
7 survey.

8 319 Allied Health Professionals; Criminal History Record Checks. Amend RSA 328-F:18-a as
9 follows:

10 328-F:18-a Criminal History Record Checks.

11 I. The ~~[board of directors]~~ ***governing boards*** shall require ~~[one of the following types of~~
12 ~~criminal background checks]~~ from applicants for initial licensure or certification, reinstatement of
13 licensure or certification, or conditional licensure or certification[~~]:~~

14 ~~(a) An original criminal offender record report issued by each state where the applicant~~
15 ~~has resided or been licensed within the past 6 years; or~~

16 ~~(b) A~~ ***a*** criminal history record release form, as provided by the New Hampshire
17 division of state police which authorizes the release of his or her criminal history record, if any, to
18 the office of ~~[licensed allied health professionals]~~ ***professional licensure and certification***.

19 ~~[(1)]~~ ***(a)*** The applicant shall submit with the release form a complete set of
20 fingerprints taken by a qualified law enforcement agency or an authorized employee of the
21 department of safety. In the event that the first set of fingerprints is invalid due to insufficient
22 pattern, a second set of fingerprints shall be necessary in order to complete the criminal history
23 records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the
24 office of ~~[licensed allied health professionals]~~ ***professional licensure and certification*** may, in
25 lieu of the criminal history records check, accept police clearances ~~[described in subparagraph (a)]~~.

26 ~~[(2)]~~ ***(b)*** The office of ~~[licensed allied health professionals]~~ ***professional licensure***
27 ***and certification*** shall submit the criminal history records release form and fingerprint form to the
28 division of state police which shall conduct a criminal history records check through its records and
29 through the Federal Bureau of Investigation. Upon completion of the records check, the division of
30 state police shall release copies of the criminal history records to the office of ~~[licensed allied health~~
31 ~~professionals]~~ ***professional licensure and certification***.

32 II. The office of ~~[licensed allied health professionals]~~ ***professional licensure and***
33 ***certification*** shall review the criminal record information prior to the respective governing board
34 making a decision on licensure or certification and shall maintain the confidentiality of all criminal
35 history records received pursuant to this section.

36 III. The applicant shall bear the cost of all criminal history record checks.

1 IV. The ~~board~~ **office of professional licensure and certification** shall consider military
2 security clearance for an individual actively serving in any component of the Department of Defense
3 in lieu of criminal background checks.

4 V. Pending the results of a criminal history record check, an applicant for licensure may be
5 employed in a profession of the allied health field on a conditional basis for up to 90 calendar days
6 before the office of ~~licensed allied health professionals~~ **professional licensure and certification**
7 receives the results of a criminal history record check required for licensure, if the conditional
8 employee:

9 (a) Is under the direct supervision of a licensee;

10 (b) Has provided a written attestation to the employer and the ~~board~~ **office of**
11 **professional licensure and certification** that no disqualifying criminal history exists; and

12 (c) The ~~allied health~~ governing board is not a member of an interstate licensure
13 compact.

14 320 Recreational Therapists; Eligibility for Licensure. Amend RSA 326-J:5, II to read as
15 follows:

16 II. The executive director may, upon notice and opportunity for a hearing, deny an
17 application for reinstatement of a license or reinstate the license with conditions. Conditions
18 imposed may include a requirement for continuing education, practice under the supervision of a
19 licensed recreational therapist~~, or any other conditions set forth in RSA 328-F:18, III~~.

20 321 Repeals; Allied Health. The following are repealed:

21 I. RSA 328-F:1, relative to allied health professionals purpose.

22 II. RSA 328-F:2, relative to allied health professionals definitions.

23 III. RSA 328-F:5, I-V, relative to allied health professionals governing board authority.

24 IV. RSA 328-F:7, relative to allied health professionals removal of members and vacancies.

25 V. RSA 328-F:8, relative to allied health professionals organization and meetings.

26 VI. RSA 328-F:9, relative to allied health professionals records of the boards.

27 VII. RSA 328-F:10, relative to allied health professionals records of disciplinary history.

28 VIII. RSA 328-F:11-b, relative to allied health professionals telemedicine.

29 IX. RSA 328-F:12, relative to allied health professionals the board of directors.

30 X. RSA 328-F:13, relative to allied health professionals board of directors' rulemaking
31 authority.

32 XI. RSA 328-F:15, relative to allied health professionals fees.

33 XII. RSA 328-F:18, relative to allied health professionals issuance of licenses.

34 XIII. RSA 328-F:19, relative to allied health professionals renewal.

35 XIV. RSA 328-F:20, relative to allied health professionals reinstatement of lapsed licenses.

36 XV. RSA 328-F:21, II, relative to allied health professionals notification of stolen licenses.

37 XVI. RSA 328-F:23, relative to allied health professionals disciplinary action and hearings.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 115 -

- 1 XVII. RSA 328-F:24, relative to allied health professionals investigations.
2 XVIII. RSA 328-F:25, relative to allied health professionals obligation to report.
3 XIX. RSA 328-F:26, relative to allied health professionals temporary suspension.
4 XX. RSA 328-F:27, relative to allied health professionals unauthorized practice.
5 XXI. RSA 328-F:29, relative to allied health professionals revocation of licensure.

6 322 Boxing and Wrestling Commission; Transfer. To promote efficiency and economy, reduce
7 administrative costs, and facilitate customer service, the responsibility for administration of the
8 boxing and wrestling commission shall be transferred to the office of professional licensure and
9 certification effective July 1, 2023.

10 323 Boxing and Wrestling Commission; Members; Removal; Conflicts of Interest. Amend RSA
11 285:3, I as follows:

12 I. The commission shall consist of [~~3~~] **5** members appointed by the governor and council.
13 Members appointed by the governor and council shall have had some experience in the fighting
14 sports and shall be residents of the state. Members shall have no financial interest, direct or
15 indirect, in professional fighting sports regulated by the commission.

16 324 Boxing and Wrestling Commission; Establishment of Commission. Amend RSA 285:7 as
17 follows:

18 285:7 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

- 19 I. The conduct of amateur and professional fighting sports competitions;
20 II. Requirements and qualifications for licenses, permits and amateur cards for persons
21 involved in fighting sports competitions;
22 III. The grounds for revocation or suspension of a license or permit, and the reinstatement of
23 suspended licenses and permits;
24 [~~IV. A fee schedule for permits and amateur cards and for the renewal of amateur cards;~~
25 ~~V.] IV. Promoters' bonds; and~~
26 [~~V.] V. Insurance coverage required by the commission.~~

27 325 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
28 Cooperation With Amateur Local Boxing Committee Required. Amend RSA 285:9-a, VI as follows:

29 VI. The [~~commission~~] ***office of professional licensure and certification*** shall collect 5
30 percent of the gross receipts of paid admissions to all amateur bouts, as mandated by RSA 285:14.

31 326 Boxing and Wrestling Commission; Licenses Required. Amend RSA 285:11 as follows:

32 285:11 Licenses Required. No person shall participate in a professional fighting sports
33 competition as a contestant, manager, referee, judge, second or timekeeper without a license from
34 the commission. [~~The fee for all licenses issued by the commission shall be \$20. Licenses granted by~~
35 ~~the commission shall be valid for one year from the date of issue unless revoked or suspended by the~~
36 ~~commission. The commission shall, upon application, renew any license unless good cause is shown~~

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 116 -

1 ~~that the license should not be renewed. The fee for all license renewals issued by the commission~~
2 ~~shall be \$20.]~~

3 327 Boxing and Wrestling Commission; Suspension or Revocation; Appeals. Amend RSA 285:12
4 as follows:

5 285:12 Suspension or Revocation; Appeals.

6 ~~[I.] The commission may revoke or suspend any permit or license for cause.~~

7 ~~[II. Rehearings and appeals from any decision of the commission shall be in accordance with~~
8 ~~RSA 541.]~~

9 328 Office of Professional Licensure and Certification; Boxing and Wrestling Commission;
10 Permit and License Fees; Amateur Cards. Amend RSA 285:14, II as follows:

11 II. The promoter also shall, at the same time, pay to the ~~[commission]~~ **office of**
12 **professional licensure and certification** by certified check a tax of 5 percent of the gross receipts
13 of paid admissions after deduction of any federal taxes. **Payments made pursuant to this section**
14 **shall be deposited into a dedicated fund, which shall lapse annually at the close of each**
15 **fiscal year to the general fund.**

16 329 Boxing and Wrestling Commission; Deputy Inspectors. Amend RSA 285:19 as follows:

17 285:19 Deputy Inspectors. A member of the commission is not required to be present at all
18 fighting sports competitions. If a member of the commission is not present at a fighting sports
19 competition held under this chapter, the commission shall appoint a deputy inspector who shall, for
20 the duration of the contest, have the full duties and powers of a member of the commission. Deputy
21 inspectors shall be entitled to compensation as the commission, **with the approval of the**
22 **executive director**, may deem proper.

23 330 Repeals; Boxing and Wrestling Commission. The following are repealed:

24 I. RSA 285:5, relative to boxing and wrestling commission chairperson, treasurer, and
25 quorum.

26 II. RSA 285:6, relative to boxing and wrestling commission compensation.

27 III. RSA 285:8, relative to boxing and wrestling commission report.

28 331 Chiropractic; Privileged Communications. Amend RSA 316-A:27 to read as follows:

29 316-A:27 Privileged Communications. The confidential relations and communications between
30 any person licensed under provisions of this chapter and such licensed person's patient are placed on
31 the same basis as those provided by law between attorney and client, and, except as otherwise
32 provided by law, no such doctor of chiropractic shall be required to disclose such privileged
33 communications. Confidential relations and communications between a patient and any person
34 working under the supervision of a doctor of chiropractic that are customary and necessary for
35 diagnosis and treatment are privileged to the same extent as though those relations or
36 communications were with such supervising doctor of chiropractic. This section shall not apply to
37 disciplinary hearings or actions conducted under ~~[RSA 316-A:22, relative to the board of chiropractic~~

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 117 -

1 ~~examiners,]~~ RSA 326-B, relative to the board of nursing, RSA 151-A:11, relative to the board of
2 examiners of nursing home administrators, or any other statutorily created medical occupational
3 licensing board conducting disciplinary proceedings. This section shall not apply to hearings
4 conducted pursuant to RSA 135-C:27-54.

5 332 Repeals. The following are repealed:

6 I. RSA 316-A:3, X, relative to chiropractic procedures for investigations.

7 II. RSA 316-A:3, XI, relative to chiropractic hearings procedures.

8 III. RSA 316-A:3, XII, relative to chiropractic methods of informing the public of results of
9 disciplinary action.

10 IV. RSA 316-A:5, relative to chiropractic fees.

11 V. RSA 316-A:8, relative to chiropractic income.

12 VI. RSA 316-A:11, I, relative to chiropractic fees and qualifications.

13 VII. RSA 316-A:15-a, relative to chiropractic services provided by telemedicine.

14 VIII. RSA 316-A:18, relative to chiropractic applicants from other states.

15 IX. RSA 316-A:20, relative to chiropractic renewal.

16 X. RSA 316-A:21, relative to chiropractic inactive list.

17 XI. RSA 316-A:22, relative to chiropractic disciplinary action.

18 XII. RSA 316-A:23, relative to chiropractic notice and hearing procedure.

19 XIII. RSA 316-A:23-a, relative to chiropractic investigations.

20 XIV. RSA 316-A:25, relative to chiropractic penalties.

21 333 Dentists and Dentistry; Board; Appointment; Term; Compensation. Amend RSA 317-A:2, I
22 as follows:

23 I. There shall be a board of dental examiners consisting of [9] 5 members; including [6] 4
24 dentists,~~[-2 dental hygienists,]~~ and one public member, each to be appointed by the governor, with
25 the approval of the council, to a term of 5 years. No member of the board shall be appointed to more
26 than 2 consecutive terms. Only board members provided for in this paragraph shall have the
27 authority to vote in board determinations.

28 334 Dentists and Dentistry; Eligibility. Amend RSA 317-A:3 as follows:

29 317-A:3 Eligibility. All members of the board shall be residents of this state for a period of at
30 least 5 years prior to their appointment. ~~[The dental hygiene members shall have been engaged in~~
31 ~~the practice of dental hygiene in this state for a period of at least 5 years prior to appointment.]~~
32 There shall be no more than one member of the board who is also a full-time faculty member of a
33 school of dentistry or school of dental hygiene.

34 335 Dentists and Dentistry; Duties; Organization; Meetings; Records. RSA 317-A:4 is repealed
35 and reenacted to read as follows:

36 317-A:4 Duties; Organization; Meetings; Records.

37 I. The board of dental examiners will have the following powers and duties:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 118 -

1 (a) To determine eligibility requirements for licensure in dentistry; and

2 (b) To undertake, when appropriate, disciplinary proceedings and disciplinary action
3 against licensees

4 II. The board shall choose one of its members as its president and one of its members as
5 vice-president. A majority of the members of the board who have been approved by the governor and
6 council shall constitute a quorum. No board action shall be taken without an affirmative vote of the
7 majority of board members present and eligible to participate in the matter in question. Board
8 members shall not be eligible to participate in a vote when the board member has secured himself or
9 herself from participation due to a conflict of interest.

10 336 Dentists and Dentistry; License Required. Amend RSA 317-A:7 as follows:

11 317-A:7 License Required. No person shall begin the practice of dentistry~~[, or dental hygiene,]~~
12 without first obtaining a license for such purpose from the ~~[board]~~ **office of professional licensure**
13 **and certification.**

14 337 Dentists and Dentistry; License by Endorsement. Amend the introductory paragraph RSA
15 317-A:7-a to A-7-a, I as follows:

16 317-A:7-a Licensure by endorsement ~~[may be considered by the board]~~ **shall be issued by the**
17 **office of professional licensure and certification in accordance with board rules** for each
18 applicant who holds a current, unrestricted license and registration certificate to practice dentistry
19 ~~[or dental hygiene]~~ and who submits to the ~~[board]~~ **office of professional licensure and**
20 **certification** the required credentials if, for the 3 years immediately preceding the application, the
21 applicant:

22 I. Has practiced clinical dentistry ~~[or practiced clinical dental hygiene]~~ in one or more states;
23 or

24 II. Has been in dental specialty training; or

25 III. Has been in active military service as a dentist; or

26 IV. Has been in any combination of these.

27 338 Dentists and Dentistry; Applications. Amend RSA 317-A:8 as follows:

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

33 II. ~~[Any person applying for any license or privilege under this chapter, including any person~~
34 ~~seeking to convert from inactive to active status, shall provide the board with information relating to~~
35 ~~dental competence and professional conduct, to permit the board to make a fully informed decision~~
36 ~~that the applicant possesses sufficient competence and character to be issued a license under this~~
37 ~~chapter.~~

1 ~~III.]~~ A temporary license may be issued~~[, at the discretion of the board,]~~ to a person for
2 research projects and programs of professional education having clinical dental components *in*
3 *accordance with eligibility requirements established by the board pursuant to RSA 541-A.*

4 ~~[IV.]~~ *III.* A temporary license may be issued~~[, at the discretion of the board,]~~ to dentists and
5 dental hygienists for the provision of voluntary dental or dental hygiene services *in accordance*
6 *with eligibility requirements established by the board pursuant to RSA 541-A.* To qualify for
7 licensure under this paragraph, the applicant shall be an active, inactive, or former licensee in New
8 Hampshire or in another state or Canadian province as determined by the board.

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

13 339 Dentists and Dentistry; Criminal History Record Checks. Amend RSA 317-A:8-a as follows:
14 317-A:8-a Criminal History Record Checks.

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

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

27 III. The~~[board of dental examiners]~~ *office of professional licensure and certification*
28 shall submit the criminal history records release form and fingerprint form to the division of state
29 police which shall conduct a criminal history records check through its records and through the
30 Federal Bureau of Investigation. Upon completion of the records check, the division of state police
31 shall release copies of the criminal history records to the ~~[board of dental examiners]~~ *office of*
32 *professional licensure and certification.*

33 IV. ~~[The board shall review the criminal record information prior to making a licensing~~
34 ~~decision and shall maintain the confidentiality of all criminal history records received pursuant to~~
35 ~~this section.~~

36 ~~V.]~~ The applicant shall bear the cost of a criminal history record check.

37 340 Dentists and Dentistry; Examinations. Amend RSA 317-A:9 as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 120 -

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

6 341 Dentists and Dentistry; Rulemaking Authority. Amend RSA 317-A:12, XII-a, as follows:

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

9 (a) Required credentials.

10 (b) Application [~~and application fee~~].

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

14 ~~(d) Fee for the on-site evaluations under subparagraph (c). If the evaluation is done by~~
15 ~~a third party, the fee need not be established by rule under or pursuant to RSA 541-A. Third party~~
16 ~~fees shall be paid directly to the third party.~~

17 ~~(e)~~ **(d)** The issuance of permits for use of general anesthesia, deep sedation, and
18 moderate sedation, or of permits for use of moderate sedation.

19 ~~(f)~~ **(e)** The requirement that the physical presence of the dentist licensed under RSA
20 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-
21 B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

22 ~~(g)~~ **(f)** The establishment of the qualifications of dentists to administer general
23 anesthesia or deep sedation which may include a residency training program accredited by the
24 Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for
25 established practitioners to document his or her qualifications. Administration of general anesthesia
26 or deep sedation to patients under the age of 13 shall be subject to additional rules including:

27 (1) In addition to the dentist performing the procedure, there shall be a dedicated
28 anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated
29 anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep
30 sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board
31 may exempt dentists who are board eligible or board certified in either dental anesthesiology or oral
32 and maxillofacial surgery from this requirement.

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 121 -

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

4 ~~[(h)]~~ **(g)** A physical evaluation and medical history shall be taken before the
5 administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt
6 rules regarding the minimum requirements for physical evaluation and medical history;

7 342 Dentists and Dentistry; Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

8 II.(a) Any dentist who wishes to administer general anesthesia, deep sedation, or moderate
9 sedation shall apply to the board for the appropriate permit ~~[and pay an application fee]~~ set by the
10 board in accordance with RSA 317-A:12, XII-a.

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

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

15 343 Dentists and Dentistry; Professional Misconduct. Amend RSA 317-A:17, II(n) to read as
16 follows:

17 (n) Failing to perform an adequate history and physical as defined in rules under RSA
18 317-A:12, ~~[XII-a(h)]~~ **XII-a(g)** or to obtain the written informed consent of a patient prior to the
19 administering general anesthesia, deep sedation, or moderate sedation. In the case of a minor, the
20 consent shall be obtained from the child's parent or guardian.

21 344 Dentists and Dentistry; Professionals' Health Program. Amend RSA 317-A:16-a, I, as
22 follows:

23 I. Any peer review committee may report relevant facts to the board **or office** relating to the
24 acts of any dentist in this state if it has knowledge relating to the dentist which, in the opinion of the
25 peer review committee, might provide grounds for disciplinary action ~~[as specified in RSA 317-A:17,~~
26 ~~II]~~.

27 345 Dentists and Dentistry Professionals' Health Program. Amend RSA 317-A:16-a, V, as
28 follows:

29 V. The ~~[board]~~ **office of professional licensure and certification** may contract with
30 other organizations to operate the professionals' health program for dentists who are impaired or
31 potentially impaired because of mental or physical illness including substance abuse or disruptive
32 behavior. This program shall be available to all dentists licensed in this state and all dentists
33 seeking licensure in this state, and shall include, but shall not be limited to, education, intervention,
34 ongoing care or treatment, and post-treatment monitoring.

35 346 Dentists and Dentistry; Professionals' Health Program. Amend RSA 317-A:16-a, VII, as
36 follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 122 -

1 VII. Rules governing the professional health program shall be implemented through the
2 office of professional licensure and certification pursuant to ~~[RSA 310-A:1 d, II(h)(4)]~~ **RSA 541-A.**

3 347 Dentists and Dentistry; Practice of Dentistry. Amend RSA 317-A:20, IV to read as follows:

4 IV. Such things as the board shall determine to be "dental hygiene" under RSA 317-A:12 ~~[or~~
5 ~~RSA 317-A:21-e]~~ shall not be deemed to be the practice of dentistry within the meaning of this
6 section.

7 348 Dentists and Dentistry; Proceedings of Dental Peer Review Committee. Amend RSA 317-
8 A:37, as follows:

9 317-A:37 Proceedings of Dental Peer Review Committee. All proceedings, records, findings, and
10 deliberations of any dental peer review committee of a duly established state dental society or
11 component dental society are confidential and privileged and shall not be used or available for use or
12 subject to process in any other proceeding. The manner in which a dental peer review committee
13 and each member thereof deliberates, decides, or votes on any matter submitted to it is likewise
14 confidential and privileged and shall not be the subject of inquiry in any other proceeding. Nothing
15 in this statute shall prevent a dental peer review committee from referring complaints to the New
16 Hampshire board of dental examiners **or office of professional licensure and certification** and
17 providing the board **or office** with the name and contact information of the complainant.

18 349 Repeals; Dentists and Dentistry. The following are repealed:

19 I. RSA 317-A:2-a, relative to the dental hygienists committee.

20 II. RSA 317-A:7-b, relative to dentistry telemedicine.

21 III. RSA 317-A:12, IV(a), relative to time and place for examinations.

22 IV. RSA 317-A:12, IX, relative to procedures for hearings.

23 V. RSA 317-A:12, XII, relative to imposition of administrative fines.

24 VI. RSA 317-A:12, XII-e, relative to requirements for dental assistants or hygienists to
25 provide services as an expanded function of dental auxiliary.

26 VII. RSA 317-A:13, relative to licensure renewal.

27 VIII. RSA 317-A:15, relative to failure to register.

28 IX. RSA 317-A:15-a, relative to reinstatement of lapsed licenses.

29 X. RSA 317-A:16, relative to inactive list.

30 XI. RSA 317-A:17, relative to professional misconduct.

31 XII. RSA 317-A:17-a, relative to dentists immunity.

32 XIII. RSA 317-A:18, relative to investigatory powers.

33 XIV. RSA 317-A:18-a, relative to hearings.

34 XV. RSA 317-A:18-b, relative to temporary suspension.

35 XVI. RSA 317-A:20-a, relative to adverse events.

36 XVII. RSA 317-A:21, relative to hygienists licensure.

37 XVIII. RSA 317-A:21-a, relative to examinations.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 123 -

- 1 XIX. RSA 317-A:21-b, relative to display of license.
2 XX. RSA 317-A:21-c, relative to practice of dental hygiene.
3 XXI. RSA 317-A:21-d, relative to practice limitations.
4 XXII. RSA 317-A:21-e, relative to certified public health dental hygienist.
5 XXIII. RSA 317-A:21-g, relative to expanded function dental auxiliary.
6 XXIV. RSA 317-A:23, II, relative to non-practicing hygienists.
7 XXV. RSA 317-A:24, relative to applicants from out of states.
8 XXVI. RSA 317-A:25, relative to certificates of good standing.
9 XXVII. RSA 317-A:29, relative to lists of dentists.
10 XXVIII. RSA 317-A:33, relative to penalty.
11 XXIX. RSA 317-A:34, relative to injunction.
12 XXX. RSA 317-A:35, relative to disposal of fines.

13 350 Dental Hygienists. To reduce workforce barriers, eliminate anticompetitive behavior, and
14 provide state supervision over regulatory bodies comprised of active market participants, the
15 responsibility for regulating dental hygienists shall be transferred to the executive director of the
16 office of professional licensure and certification effective July 1, 2023. The executive director of
17 OPLC shall consult with the advisory board established when implementing RSA 317.
18 Administrative rules in effect upon the effective date of this section shall remain in effect until
19 repealed by the executive director of the office of professional licensure and certification or until the
20 rules expire, whichever occurs first.

21 351 New Chapter; Dental Hygienists. RSA 317 is repealed and reenacted to insert the following
22 new RSA chapter:

23 CHAPTER 317
24 DENTAL HYGIENISTS

25 317:1 Advisory Board Established. The executive director shall establish the advisory board of
26 dental hygienists. The board shall consist of 2 dental hygienists and one dentist. Each member
27 shall be appointed by the executive director to a term of 3 years. No member shall serve more than 2
28 consecutive full terms. The advisory board shall advise the executive director regarding the
29 implementation of this chapter.

30 317:2 License Required.

31 I. For the protection of the public health, safety, and welfare, any person providing dental
32 hygiene services in New Hampshire shall submit evidence that such person is qualified to provide
33 those services and shall be licensed as provided in this chapter. No person shall provide dental
34 hygiene services in New Hampshire or use any sign, card, device or the abbreviation R.D.H. or any
35 other designation indicating such person is providing dental hygiene services, unless such person
36 has been licensed under the provisions of this chapter.

1 II. Applications for licensure as a dental hygienist shall be made to the office in writing and
2 shall be accompanied by the requisite fee and by satisfactory proof that the applicant is a graduate of
3 a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an
4 institution of higher education, the program of which is accredited by a national accrediting agency
5 recognized by the United States Office of Education and the Commission on Dental Accreditation.

6 317:3 Examinations. Except as otherwise provided, applicants satisfactorily pass an
7 examination approved by the executive director, with the advice of the advisory board. The
8 examinations may be oral, clinical, written or a combination and shall be of such character as to test
9 the qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to
10 any applicant who shall not pass such examination satisfactorily. The office shall have the authority
11 to grant a license in dental hygiene to applicants who have successfully passed the requirements of
12 any national or regional testing agency acceptable to the executive director, with the advice of the
13 advisory board.

14 317:4 Certified Public Health Dental Hygienist.

15 I. A dental hygienist licensed under this chapter may obtain a certification to practice as a
16 certified public health dental hygienist by submitting an application to the office in writing and
17 completing additional educational and training requirements as required by the executive director,
18 with advice of the advisory board. A certified public health dental hygienist practicing under this
19 section may:

20 (a) Collect and assess medical and dental histories, including preliminary inspection of
21 the oral cavity and surrounding structures, and periodontal probing and charting.

22 (b) Instruct in oral hygiene techniques.

23 (c) Prepare a treatment plan within the public health dental hygienist scope of practice.

24 (d) Perform complete oral prophylaxis as appropriate, including the removal of
25 calciferous deposits and the removal of subgingival accretions and stains by scaling and root planing.

26 (e) Perform professional application of topical fluoride, including fluoride varnish.

27 (f) Place sealants, if qualified and when authorized by a dentist with an active license,
28 provided that:

29 (1) Written informed consent shall be obtained from the patient's legal guardian;

30 and

31 (2) The supervising dentist and the public health dental hygienist shall be
32 responsible for the sealants being indicated and correctly placed.

33 (g) Place temporary restorations without excavation.

34 (h) Perform radiographic imaging limited to bite wings, and occlusal and periapical
35 radiography, as needed.

36 (i) Provide nutritional counseling for the control of dental disease.

37 (j) Provide referrals.

1 (k) Perform any procedure that is within the scope of practice that has been authorized
2 under public health supervision.

3 II. A certified public health dental hygienist, acting under the public health supervision of
4 an actively licensed dentist, may practice in a school, hospital, or other institution, or for a
5 homebound person without the dentist having to be present, provided the dentist has reviewed the
6 records once in a 12-month period.

7 317:5 Practice of Dental Hygiene.

8 I. A person shall be regarded as practicing dental hygiene within the meaning of this
9 chapter, who performs any of the actions listed in this section or who uses the title "registered dental
10 hygienist", the abbreviation "R.D.H.", or any other words or symbols that indicate that the person is
11 a licensed dental hygienist.

12 II. Dental hygiene services shall include:

13 (a) The assessment of medical and dental histories, including preliminary inspection of
14 the oral cavity, surrounding structures, and periodontal charting.

15 (b) The assessment of the patient to collect and evaluate complete data to identify dental
16 hygiene care needs.

17 (c) The performance of the complete prophylaxis including the removal of calciferous
18 deposits, excess cements, excess bond materials from orthodontic appliances, accretions, and stains
19 from the supragingival and subgingival surfaces of the teeth by scaling, root planning, and polishing.

20 (d) The performance of procedures requiring additional education and any other
21 procedures authorized by the executive director, with the advice of the advisory board, through rules
22 adopted under RSA 541-A.

23 (e) The administration of local anesthesia.

24 (f) The administration of nitrous oxide/oxygen minimal sedation (anxiolysis); provided
25 the dental hygienist is qualified by the board after training and after passing an examination
26 approved by the executive director, with advice of the advisory board, pursuant to rules adopted
27 pursuant to RSA 541-A.

28 (g) The administration, prescription and dispensing of a fluoride supplement, topically
29 applied fluoride and chlorhexidine gluconate oral rinse.

30 III. Dental hygiene services shall be provided under the supervision of a licensed dentist in
31 accordance with rules adopted by the executive director, with advice of the advisory board, pursuant
32 to rules adopted pursuant to RSA 541-A.

33 IV. The practice of dental hygiene conducted under the authority of a health care charitable
34 trust as provided in RSA 317-A:20, III(c) shall be performed by licensed dentists or by dental
35 hygienists and who practice under the supervision of a dentist licensed pursuant to RSA 317-A. The
36 health care charitable trust shall notify the office in writing of the name and location of the dental

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 126 -

1 clinic and the name of the supervising dentist and shall notify the office within 10 days of any
2 change of the supervising dentist.

3 317:6 Rulemaking. The executive director of the office of professional licensure and certification
4 shall adopt rules, pursuant to RSA 541-A, with the advice of the advisory board, relative to the
5 practice of dental hygiene. Such rules shall include eligibility requirements for licensure, including
6 continuing education requirements.

7 352 Pharmacists and Pharmacies; Dealing in or Possessing Prescription Drugs. Amend RSA
8 318:42, II(c) to read as follows:

9 (c) Nothing in this section shall prohibit a dental hygienist from possessing,
10 administering, dispensing, or prescribing a fluoride supplement, topically applied fluoride, and
11 chlorhexidine gluconate oral rinse [~~pursuant to RSA 317-A:21-e, I(g)~~].

12 353 Electricians; Definitions. Amend RSA 319-C:2, IV as follows:

13 IV. "Journeyman electrician" means a person doing work of installing electrical wires,
14 conduits, apparatus, fixtures and other electrical equipment. A journeyman electrician shall be
15 employed by a master electrician[~~, except as provided in RSA 319-C:10~~]. Each journeyman
16 electrician shall work under the direction and supervision of a master electrician.

17 354 Electricians; Inspectors. Amend RSA 319-C:5, I as follows:

18 I. The [~~board~~] **office of professional licensure and certification** shall be empowered to
19 appoint such inspectors as may be necessary to carry out the purposes of this chapter. Any person so
20 employed shall be under the administration and supervisory direction of the [~~board~~] **office of**
21 **professional licensure and certification**.

22 355 Electricians; Licensing Requirements. Amend RSA 319-C:7, II, as follows:

23 II. After June 30, 1976, the board shall issue a license as a master or journeyman electrician
24 to any person who files an application and meets the following qualifications:

25 (a) Completion of 8,000 hours of service as an apprentice electrician. The board may
26 give credit toward such service for the satisfactory completion of a course of instruction in the field
27 at a school recognized by the board **or experience in the field received in military service, in**
28 **accordance with rules adopted by RSA 541-A**; and

29 (b) Satisfactory passing of an examination [~~conducted~~] **approved** by said board as
30 provided in RSA 319-C:8 to determine [~~his~~] **the person's** fitness to receive such license.

31 356 Repeals. The following are repealed:

- 32 I. RSA 319-C:6-a, VI, relative to electricians rulemaking for investigations.
- 33 II. RSA 319-C:6-a, VII, relative to electricians procedural rules for hearings.
- 34 III. RSA 319-C:6-b, relative to electricians fees.
- 35 IV. RSA 319-C:9, relative to electricians renewal of licenses.
- 36 V. RSA 319-C:10, relative to electricians corporations and partnerships.
- 37 VI. RSA 319-C:12, relative to electricians disciplinary action.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 127 -

1 VII. RSA 319-C:12-a, relative to electricians hearings.

2 VIII. RSA 319-C:12-b, relative to electricians appeals.

3 IX. RSA 319-C:14, relative to electrician nonresidents.

4 357 Family Mediators; Transfer. To reduce workforce barriers and promote efficiency and
5 economy, the responsibility for implementation this chapter shall be transferred to the executive
6 director of the office of professional licensure and certification effective July 1, 2023.

7 358 Family Mediators; Purpose. Amend RSA 328-C:1 as follows:

8 328-C:1 Purpose. The purpose of this chapter is to protect and assist the public by providing
9 standards for the practice of family mediation, training and continuing education for certified family
10 mediators and certified family mediator training programs, and disciplinary procedures for violating
11 ethical rules and requirements.

12 359 New Section; Family Mediators; Executive Director. Amend RSA 328-C by inserting after
13 section 1 the following new section:

14 328-C:1-a Executive Director. The executive director shall consult with the advisory board
15 established when implementing this chapter. Rules in effect upon the effective date of this section
16 shall remain in effect until repealed by the executive director of the office of professional licensure
17 and certification or until the rules expire, whichever occurs first.

18 360 Definitions. Amend RSA 328-C:2, I as follows:

19 I. "Board" means the **advisory** board of family mediator certification established by RSA
20 328-C:4.

21 361 Family Mediators; Board. Amend RSA 328-C:4 as follows:

22 328-C:4 Board.

23 I. There shall be [a] **an advisory** board of family mediator certification consisting of the
24 following [11] **3** members, **who shall advise the executive director of the office of professional**
25 **licensure and certification on the implementation of this chapter:**

26 (a) One judge who regularly sits in the judicial branch family division, appointed by the
27 chief justice of the supreme court.

28 ~~[(b) One full-time marital master, appointed by the administrative judge of the judicial~~
29 ~~branch family division.~~

30 ~~[(c) One attorney licensed to practice law in this state, specializing in family law~~
31 ~~matters, appointed by the [governor with the consent of the council] executive director.~~

32 ~~[(d) Two members of the public, appointed by the governor with the consent of the~~
33 ~~council.~~

34 ~~[(e) One mental health professional, appointed by the governor with the consent of the~~
35 ~~council.~~

1 ~~(f) Five~~ **(c) One** certified family ~~[mediators]~~ **mediator**, ~~[nominated by the New~~
2 ~~Hampshire Conflict Resolution Association and appointed by the governor with the consent of the~~
3 ~~council]~~ **appointed by the executive director.**

4 II.(a) Appointments and reappointments to the board shall be for 3-year terms. Vacancies
5 shall be filled by appointment for the unexpired term. No member shall be appointed to more than 2
6 consecutive terms.

7 ~~[(b) Notwithstanding subparagraph (a), the first term of members appointed after the~~
8 ~~effective date of this subparagraph shall be as follows: 3 members shall be appointed to 3-year terms;~~
9 ~~3 members shall be appointed to 2-year terms; and 3 members shall be appointed to 1-year terms.~~

10 ~~(e)~~ **(b)** Any member who is absent from at least 3 consecutive meetings of the board may
11 be replaced by such member's appointing authority.

12 III. The board shall elect its own chairman every 2 years by a majority vote.

13 IV. A majority of the members of the board appointed by the ~~[governor]~~ **executive director**
14 and council shall constitute a quorum.

15 362 Family Mediators; Duties of the Executive Director. Amend RSA 328-C:4-a as follows:

16 328-C:4-a Duties of the ~~[Board]~~ **Executive Director**. The **executive director, in consultation**
17 **with the advisory** board shall:

18 ~~[I. Compile and maintain a list of certified family mediators and certified family mediator~~
19 ~~training programs and make such list available to the general public online through the official~~
20 ~~Internet site for the state of New Hampshire.~~

21 ~~II. [Repealed.]~~

22 ~~III]~~ **I.** Establish eligibility requirements for the certification, renewal certification, and
23 reinstatement certification of family mediators and family mediator training programs.

24 ~~[IV]~~ **II.** Establish family mediator training and continuing education requirements.

25 ~~[V]~~ **III.** Adopt ethical standards and standards of practice for family mediators.

26 ~~[VI. Investigate complaints and take necessary disciplinary action as authorized by this~~
27 ~~chapter.]~~

28 ~~[VII]~~ **IV.** Establish reporting requirements for certified training programs.

29 ~~[VIII]~~ **V.** Establish procedures, fees, standards, and other requirements for qualified interns.

30 363 Family Mediators; Qualifications. RSA 328-C:5 is repealed and reenacted to read as follows:

31 328-C:5 Qualifications.

32 I. To be eligible for certification, conditional certification, reinstatement of certification,
33 renewal of certification and temporary renewal of certification as a family mediator, an applicant
34 shall be of good character.

35 II. To be eligible for certification or conditional certification as a family mediator, an
36 applicant shall meet the following requirements:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 129 -

1 (a) Satisfactory completion of a program of instruction approved by the office and at
2 least 48 hours in length, including at least 8 hours in domestic violence, and components in family
3 dynamics and relevant law.

4 (b) Completion of an internship approved by the office and at least 20 hours in length
5 with a certified family mediator or certified family mediation program.

6 (c) Submission of a completed application to the office.

7 (d) Submission of at least 3 recommendations satisfactory to the office from persons who
8 have participated with the applicant in family mediation work. These recommendations shall meet
9 any additional requirements established by rules adopted by the office pursuant to RSA 541-A.

10 III. Notwithstanding subparagraphs II(a) and (b), the office may accept applicants found to
11 have training and internship experience equivalent to the programs of instruction and internship
12 approved by the office.

13 364 Family Mediators; Confidentiality of Information. Amend RSA 328-C:5-a as follows:

14 328-C:5-a Confidentiality of Information.

15 I. Unless waived by the person to whom the information pertains, the following information
16 relative to certified family mediators, applicants for certification, qualified interns, and formerly
17 certified family mediators which may be in the possession of the ~~board~~ **office** shall be confidential
18 and shall not be subject to disclosure, except as provided in paragraph II, absent an order of the
19 court:

20 (a) The person's date of birth, social security number, residence address, and home
21 telephone number.

22 (b) The person's reason for leaving any past employment or the facts giving rise to any
23 reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline
24 given by any professional organization or entity supervising or overseeing a profession, other than
25 the board.

26 (c) Whether or not the person has been a defendant in any criminal proceeding,
27 information concerning such proceedings, any executed criminal records release, and the results of
28 any criminal records check.

29 (d) The addresses and telephone numbers of the individuals who have submitted letters
30 of reference in support of any application for certification.

31 (e) Any photograph identification card or other document issued by a governmental
32 agency submitted in support of an application that includes an applicant's date of birth, social
33 security number, residence address, or home telephone number.

34 (f) Any information deemed confidential under RSA 91-A or other applicable law.

35 II. Notwithstanding paragraph I and RSA 91-A, the ~~board~~ **office** may disclose to any New
36 Hampshire court with the authority to appoint a family mediator, or which possesses oversight
37 authority over the professional activities of individuals who may serve as family mediators, any

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 130 -

1 records, documents, or information in the possession of the board relating to a certified family
2 mediator, an applicant for certification, or a formerly certified family mediator, except for his or her
3 social security number.

4 365 Family Mediators; Rulemaking Authority. RSA 328-C:8 is repealed and reenacted to read
5 as follows:

6 I. The executive director, with advise of the advisory board, shall adopt rules for family
7 mediators and family mediator training programs pursuant to RSA 541-A, relative to the following:

8 (a) The eligibility requirements for certification, renewal of certification, recertification,
9 and reinstatement of certification.

10 (b) Content of training programs and training equivalents allowed under RSA 328-C:5,

11 III.

12 (c) Content of internships and duration and content of internship equivalents allowed
13 under RSA 328-C:5, III.

14 (d) The ethical standards and standards of practice for family mediators certified in New
15 Hampshire.

16 (e) Procedures for the reporting of activities conducted by certified family mediators and
17 certified family mediator training programs.

18 (f) Disciplinary penalties and sanctions for certified family mediators and martial
19 mediator training programs.

20 (g) Reporting requirements for certified training programs.

21 II. The executive director may adopt rules for family mediators and family mediator training
22 programs, pursuant to RSA 541-A, relative to the application requirements and criteria for
23 temporary renewal of certification and conditional certification.

24 366 Repeals; Family Mediators. The following are repealed:

25 I. RSA 328-C:5-b, relative to immunity.

26 II. RSA 328-C:6, relative to continuing education.

27 III. RSA 328-C:7, relative to disciplinary action.

28 IV. RSA 328-C:7-a, relative to appeals.

29 V. RSA 328-C:11, relative to fees.

30 VI. RSA 328-C:13, relative to family mediator certification administrative functions.

31 367 Repeals; Foresters. The following are repealed:

32 I. RSA 310-A:98, relative to foresters licensing general provisions.

33 II. RSA 310-A:99, relative to foresters licensing definitions.

34 III. RSA 310-A:100, relative to foresters licensing board establishment and expenses.

35 IV. RSA 310-A:101, relative to foresters licensing procedures.

36 V. RSA 310-A:102, relative to foresters licensing rulemaking.

37 VI. RSA 310-A:103, relative to foresters licensing disclosure.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 131 -

- 1 VII. RSA 310-A:104, relative to foresters licensing qualifications for license.
2 VIII. RSA 310-A:105, relative to foresters licensing application fees.
3 IX. RSA 310-A:106, relative to foresters licensing examination and re-examination fee.
4 X. RSA 310-A:108, relative to foresters licensing expiration.
5 XI. RSA 310-A:109, relative to foresters licensing license renewal.
6 XII. RSA 310-A:110, relative to foresters licensing failure to renew.
7 XIII. RSA 310-A:111, relative to foresters licensing reciprocity.
8 XIV. RSA 310-A:112, relative to foresters licensing disciplinary action.
9 XV. RSA 310-A:113, relative to foresters licensing hearings.
10 XVI. RSA 310-A:113-a, relative to foresters licensing additional powers and subpoenas.
11 XVII. RSA 310-A:114, relative to foresters licensing violations and penalty.
12 XVIII. RSA 310-A:115, relative to foresters licensing restraint of violations.
13 XIX. RSA 310-A:116, relative to foresters licensing administrative costs.
14 XX. RSA 310-A:117, relative to foresters licensing real estate broker or appraiser credentials

15 not necessary.

16 368 Embalmers and Funeral Directors; Embalmers; Qualifications. Amend RSA 325:13, VII as
17 follows:

18 VII. Obtain the appropriate license [~~from the board~~].

19 369 Embalmers and Funeral Directors; Funeral Directors; Qualifications. Amend RSA 325:14,
20 III as follows:

21 III. Obtains the appropriate license [~~from the board~~].

22 370 Embalmers and Funeral Directors; Inspection. Amend RSA 325:17 as follows:

23 325:17 Inspection. The [~~board~~] **office of professional licensure and certification** may
24 inspect all places where funeral directing is conducted or where embalming is practiced **in**
25 **accordance with standards established by the board pursuant to rule**. No such place shall be
26 inspected more frequently than twice yearly, unless the board shall find that just cause or evidence
27 of repeated complaints exists.

28 371 Embalmers and Funeral Directors; Examinations. RSA 325:18 is repealed and reenacted to
29 read as follows:

30 325:18 Examinations. The board shall require applicants who desire to engage in funeral
31 directing or embalming to complete an examination, subject to RSA 325:19.

32 372 Embalmers and Funeral Directors; Licensure. Amend RSA 325:20 as follows:

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 132 -

1 373 Embalmers and Funeral Directors; Investigatory Powers of the Board; Complaints. Amend
2 RSA 325:32, I as follows:

3 I. The board may investigate possible misconduct by licensees, and applicants, and any
4 other matters within the scope of this chapter. Investigations may be conducted with or without the
5 issuance of a board order setting forth the general scope of the investigation. Board investigations
6 and information obtained by the board pursuant to such investigations~~[, including complaints~~
7 ~~received under RSA 325:32, I(b),]~~ shall be privileged, confidential, and exempt from the public
8 disclosure provisions of RSA 91-A, unless such information is subsequently included in the record in
9 a public disciplinary hearing. The board may disclose information obtained in its investigations to
10 law enforcement or health licensing agencies in this state or any other jurisdiction or in accordance
11 with specific statutory requirements or court orders.

12 374 Cremation of Human Remains; Crematory; License Required. Amend 325-A:2 as follows:

13 325-A:2 Crematory; License Required. A crematory shall not be established, operated, or
14 maintained in this state except by a crematory authority licensed by the **office of professional**
15 **licensure and certification in accordance with rules adopted by the** board under this chapter.
16 The ~~[board]~~ **office** shall issue a license to a crematory authority that satisfies the requirements for
17 licensure under the chapter. Human remains shall not be cremated in this state except at a
18 crematory operated by a crematory authority licensed under this chapter.

19 375 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 as
20 follows:

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

33 376 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6
34 as follows:

35 325-A:6 Change in Location, Ownership, or Name.

36 I. A crematory authority desiring to relocate a crematory shall file a written application
37 ~~[with the board]~~ at least 30 days prior to the designated date of such relocation. The application

1 shall be accompanied by a **required** fee [~~as determined by the board in rules adopted under RSA~~
2 ~~541-A~~].

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

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

10 377 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments.
11 RSA 325-A:8 is repealed and reenacted to read as follows:

12 325-A:8 Inspection; Board; Duties; Authority for Appointments.

13 I. The office of professional licensure and certification shall at least once every 3 years
14 inspect or provide for the inspection of any crematory operated by a crematory authority licensed
15 under this chapter in accordance with standards adopted by the board in rule pursuant to RSA 541-
16 A.

17 II. The office of professional licensure and certification shall issue an inspection report and
18 provide a copy of the report to the crematory authority within 10 working days after the completion
19 of an inspection. The board shall review any findings of noncompliance contained in such report
20 within 20 working days after such inspection.

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

31 378 Repeals; Embalmers and Funeral Directors. The following are repealed:

32 I. RSA 325:9, VII, relative to administration of the chapter.

33 II. RSA 325:9, VIII, relative to procedures for hearings.

34 III. RSA 325:12-a, relative to fees.

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

36 V. RSA 325:22, relative to non-residents.

37 VI. RSA 325:23, relative to license expirations.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 134 -

- 1 VII. RSA 325:24, relative to notices of expiration.
- 2 VIII. RSA 325:25, relative to renewal of licenses.
- 3 IX. RSA 325:32, relative to disciplinary action.
- 4 X. RSA 325:32-a, relative to reciprocal discipline.
- 5 XI. RSA 325:32-b, relative to temporary suspension.
- 6 XII. RSA 325:33-a, relative to summons, oaths, and witnesses.
- 7 XIII. RSA 325:34, relative to hearings.
- 8 XIV. RSA 325:34-a, relative to license suspension.
- 9 XV. RSA 325:35, relative to immunity from civil action.
- 10 XVI. RSA 325:36, relative to reinstatement application.

11 379 Repeals; Cremation. The following are repealed:

- 12 I. RSA 325-A:5, relative to license expirations.
- 13 II. RSA 325-A:7, relative to licensure and fees.
- 14 III. RSA 325-A:8, IV, relative to inspections.
- 15 IV. RSA 325-A:9, relative to complaints.
- 16 V. RSA 325-A:10, relative to imminent danger.
- 17 VI. RSA 325-A:11, relative to denial of a license.
- 18 VII. RSA 325-A:12, relative to disciplinary action.
- 19 VIII. RSA 325-A:13, relative to appeal.
- 20 IX. RSA 325-A:14, relative to license reinstatement.
- 21 X. RSA 325-A:16, relative to injunctions.
- 22 XI. RSA 325-A:28, II, relative to fees.
- 23 XII. RSA 325-A:28, VI, relative to inspection procedures.

24 380 Genetic Counselors; Provisional License. Amend RSA 326-K:4 to read as follows:
25 326-K:4 Provisional License.

26 I. A provisional license may be issued by the ~~board~~ **office** to an applicant who meets all of
27 the requirements for licensure except for the certification component and has been granted active
28 candidate status by ABGC.

29 II. A provisional license shall be valid for the ABGC examination cycle for which active
30 candidate status by the ABGC has been granted. Such provisional license shall expire automatically
31 upon the earliest of the following:

- 32 (a) Issuance of a full license;
- 33 (b) Thirty days after the applicant fails to pass the certification examination; or
- 34 (c) Two years from the issuance of a provisional license.

35 III. A provisional license may only be extended upon approval of the ~~board~~ **office** for good
36 cause shown.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 135 -

1 IV. A provisional licensed genetic counselor shall work under the general supervision of a
2 licensed genetic counselor or a licensed physician at all times during which the provisional licensed
3 genetic counselor performs genetic counseling. An application for extension of the provisional license
4 shall be signed by the supervising licensed genetic counselor or supervising licensed physician.

5 V. The ~~[board]~~ **office** is authorized to issue conditional provisional licenses in accordance
6 with **governing board** rules adopted pursuant to RSA 541-A.

7 381 Genetic Counselors; Prohibition on Unlicensed Practice. Amend RSA 326-K:5, I to read as
8 follows:

9 I. No person shall practice or represent himself or herself as a genetic counselor in this state
10 without first applying for and receiving a license or provisional license from the ~~[board]~~ **office** to
11 practice as a licensed genetic counselor.

12 382 Genetic Counselors; Privileged Communications. Amend RSA 326-K:8, II to read as follows:

13 II. Information and results may be made available to the board **or the office** for use in an
14 investigation or disciplinary proceeding under RSA 328-F concerning a licensed genetic counselor
15 only if the results are coded to maintain confidentiality of the client.

16 383 Repeal; Genetic Counselors. RSA 326-K:6, relative to reciprocity is repealed.

17 384 Guardian Ad Litem Board; Board Established. Amend RSA 490-C:1 to read as follows:

18 490-C:1 Board Established. There is hereby established ~~[a]~~ **an advisory** guardian ad litem
19 board which shall be responsible for ~~[overseeing the credentialing and activities, and discipline of~~
20 ~~guardians ad litem in New Hampshire who are or have been certified by the board.]~~ **advising the**
21 **executive director of the office of professional licensing and certification concerning the**
22 **implementation of this chapter. To reduce workforce barriers and provide state**
23 **supervision, the responsibility for implementation this chapter shall be transferred to the**
24 **executive director of the office of professional licensure and certification effective July 1,**
25 **2023. The executive director shall consult with the advisory board established when**
26 **implementing this chapter. Rules in effect upon the effective date of this section shall**
27 **remain in effect until repealed by the executive director of the office of professional**
28 **licensure and certification or until the rules expire, whichever occurs first.**

29 385 Guardian Ad Litem Board; Membership. Amend RSA 490-C:2 to read as follows:

30 490-C:2 Membership.

31 I. The **advisory** board shall consist of the following members:

32 (a) One member representing the New Hampshire supreme court, appointed by the chief
33 justice of the New Hampshire supreme court.

34 ~~(b) One member of the senate, appointed by the president of the senate.~~

35 ~~(c) One member of the house, appointed by the speaker of the house.~~

36 ~~(d) The executive director of the New Hampshire judicial council.~~

1 ~~(e)~~ **(b)** One member of Court Appointed Special Advocates (CASA), nominated by the
2 director of CASA and appointed by the ~~[governor]~~ **executive director**.

3 ~~[(f) One member representing the division of children, youth, and families, or Casey~~
4 ~~family services, or another child protection agency in the state, appointed by the governor.]~~

5 ~~(g)~~ **(c)** One member representing the interests of guardians ad litem, appointed by the
6 ~~[governor]~~ **executive director**.

7 ~~[(h) Two members of the general public representing the interests of those individuals~~
8 ~~receiving the services of guardians ad litem, appointed by the governor.]~~

9 II. ~~[The members of the board shall serve without compensation.~~

10 ~~III.]~~ All members of the board shall be New Hampshire residents. **Each appointment**
11 **shall be valid for 3 years and until a successor is appointed; provided, however, that the**
12 **term of the member representing CASA shall expire if he or she ceases to be a member of**
13 **CASA. Members shall serve no more than two terms. Any member who is absent from at**
14 **least 3 consecutive meetings of the advisory board may be replaced by such member's**
15 **appointing authority.**

16 386 Guardian Ad Litem Board; Duties of the Board. RSA 490-C:4 is repealed and reenacted to
17 read as follows:

18 490-C:4 Duties of the Board and Office.

19 I. The advisory board shall advise the executive director regarding the following:

20 (a) Recommended legislative changes and changes to the current cost and fee structure
21 established under New Hampshire supreme court rules 48 and 48-A,

22 (b) Eligibility requirements for the certification, recertification, reinstatement, and
23 renewal of certification of guardians ad litem, including requirements for temporary or conditional
24 certification.

25 (c) Educational requirements for licensure, including continuing educational
26 requirements.

27 (d) Ethical standards and standards of practice for certified guardians ad litem.

28 II. The office may, with advise of the advisory board:

29 (a) Commission the participation of appropriate in-state educational institutions to
30 provide training for guardians ad litem on a tuition basis and itself provide training on a tuition
31 basis.

32 (b) Disclose to and communicate with any courts that appoint guardians ad litem or
33 oversee individuals serving as guardians ad litem, or any other entity or group which possesses
34 oversight authority over any type of professional activity of persons who may serve as a guardian ad
35 litem, about any discipline imposed upon guardians ad litem, grants and denials of certification, the
36 content of any of the board's files or records on guardians ad litem, whether or not presently
37 certified, or applicants for certification, and other activities of, or information held by, the board. In

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 137 -

1 assessing whether or not to make a disclosure or engage in a communication under this
2 subparagraph, consideration shall be given to whether or not it is likely that information conveyed
3 will be further disseminated in a manner contrary to New Hampshire law.

4 387 Guardian Ad Litem Board; Rulemaking Authority. Amend RSA 490-C:5 to read as follows:
5 490-C:5 Rulemaking Authority.

6 I. The ***executive director, with advice of the advisory*** board, shall adopt rules, pursuant
7 to RSA 541-A, relative to the following:

8 (a) The application criteria for certification, renewal of certification, recertification, and
9 reinstatement of certification.

10 (b) Eligibility requirements and criteria for certification, recertification, reinstatement,
11 and renewal of certification.

12 (c) Training requirements.

13 (d) Educational and continuing educational requirements.

14 (e) The ethical standards and standards of practice for guardians ad litem certified in
15 New Hampshire.

16 ~~(f) Procedures for conducting investigations and hearings conducted by the board under~~
17 ~~this chapter.~~

18 ~~(g) Procedures for processing complaints and addressing disciplinary issues handled by~~
19 ~~the board under this chapter.~~

20 ~~(h) Disciplinary procedures, penalties, and sanctions for certified guardians ad litem,~~
21 ~~which penalties, sanctions, and procedures may include revocation of certification, suspension of~~
22 ~~certification, the imposition of supplemental training requirements or supervised training~~
23 ~~requirements, supplemental education, fines, written reprimand, and treatment and counseling,~~
24 ~~including but not limited to treatment or counseling for alcohol or substance abuse. Disciplinary~~
25 ~~procedures, penalties, and sanctions may be established for and applied to formerly certified~~
26 ~~guardians ad litem who engaged in acts or omissions prohibited when certified.]~~

27 II. The ***executive director, with advice of the advisory*** board, may adopt rules, pursuant
28 to RSA 541-A, relative to the following:

29 (a) The application or certification requirements and criteria for temporary or
30 conditional certification or both, including but not limited to procedures and requirements regarding
31 the circumstances and manner in which individuals may be temporarily or conditionally certified or
32 both, the term and duration of conditional or temporary certification or both, and the ethical
33 standards and standards of practice applicable to persons so certified.

34 (b) Procedures for the reporting of activities conducted by guardians ad litem appointed
35 in New Hampshire.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 138 -

1 ~~[(c) The administration of oaths or affirmations, the preservation of testimony, and the~~
2 ~~issuance of subpoenas for witnesses and for documents, on the approval of the attorney general,~~
3 ~~relative to investigations, adjudicatory hearings, or other proceedings held by the board.~~

4 ~~(d) Procedures for informal resolution or referral of complaints.~~

5 ~~(e) Procedures and requirements relating to the resignation or surrender of certification,~~
6 ~~including but not limited to the circumstances or conditions under which a certified guardian ad~~
7 ~~litem may resign or surrender his or her certification.~~

8 ~~(f) Disciplinary procedures, penalties, and sanctions for conditionally or temporarily~~
9 ~~certified guardians ad litem or both and persons formerly certified by the board, which penalties,~~
10 ~~sanctions, and procedures may include, but need not be limited to, those listed in RSA 490-C:4, I(f).~~

11 ~~(g) Procedures and requirements relative to maintenance or disclosure of confidential~~
12 ~~information received by, or used in investigations or in hearings, proceedings, or other activities or~~
13 ~~matters before the board.]~~

14 388 Guardian Ad Litem Board; Certification. Amend RSA 490-C:5-a to read as follows:

15 490-C:5-a Certification.

16 I. To be eligible for initial certification, recertification, reinstatement, or renewal of
17 certification, as a guardian ad litem under this chapter, an applicant shall be of good character and
18 shall meet such criteria or requirements as may be established by the ***executive director with***
19 ***advice of the advisory*** board.

20 II. ~~[Certification issued by the board shall be valid for 3 years from the date of issuance, and~~
21 ~~shall expire 3 years from the date of issuance, unless renewed or reissued pursuant to rules adopted~~
22 ~~by, and upon payment of fees established in, the rules of the board.~~

23 III. ~~If timely and sufficient application has been made in accordance with board rules for~~
24 ~~renewal of certification, the existing certification shall not expire until the board has taken final~~
25 ~~action on the application for renewal.~~

26 IV.] Conditional or temporary certification as a guardian ad litem under this chapter shall
27 be according to such criteria, terms, requirements, and procedures, and for such duration, as may be
28 established by the ***executive director with the advice of the advisory*** board.

29 389 Guardian Ad Litem Board; Confidentiality and Disclosure of Information. Amend RSA 490-
30 C:5-b to read as follows:

31 490-C:5-b Confidentiality and Disclosure of Information.

32 I.(a) Unless waived by the person to whom the information pertains, the following
33 information, if any, relative to certified guardians ad litem, applicants for certification, and formerly
34 certified guardians ad litem which may be submitted to the [board] ***executive director*** on or in
35 conjunction with application, supplemental application, application renewal, recertification, and
36 reinstatement forms shall be confidential and exempt from the disclosure requirements of RSA 91-A,
37 unless disclosure is required pursuant to an order of the court:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 139 -

1 (1) The person's date of birth, social security number, residence address, unless that
2 address is also the person's business address, and home telephone number, unless that number is
3 also the person's business phone number.

4 (2) The person's reason for leaving any past employment or the facts giving rise to
5 any reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline
6 given by any professional organization or entity supervising or overseeing a profession, other than
7 the board.

8 (3) Whether or not the person has been a defendant in any criminal proceeding,
9 information concerning such proceedings, any executed criminal records release, and the results of
10 any criminal records check.

11 (4) The addresses and telephone numbers of the individuals who have submitted
12 letters of reference in support of any application for certification as a guardian ad litem.

13 (5) Any photograph identification card or other document issued by a governmental
14 agency submitted in support of an application that includes an applicant's date of birth, social
15 security number, residence address, or home telephone number.

16 (6) Any information submitted on or in conjunction with the forms noted above that
17 is otherwise deemed confidential under RSA 91-A or other applicable law.

18 (b) The provisions of subparagraph (a) shall not prohibit disclosure of such information
19 in the circumstances described in paragraph II and shall not apply to such material disclosed,
20 without prohibition, limitation, or other instruction, at a hearing, proceeding, or other matter before
21 the [board] **office**, or a portion thereof, that is open to the public.

22 (c) The following information shall also be held confidential and shall be specifically
23 exempt from the disclosure requirements of RSA 91-A, unless required to be disclosed by court order
24 or disclosed, without limitation, at a hearing, proceeding, or other matter, or a portion thereof, that
25 is open to the public:

26 (1) Allegations of misconduct or executed complaint forms received by the [board]
27 **office**, or drafts or portions thereof, and supporting materials submitted therewith.

28 (2) Information and records acquired by the [board] **office** or its representatives
29 during its investigation of any complaint, including any answer submitted by a guardian ad litem in
30 response to a complaint, or drafts or portions thereof, and supporting materials submitted therewith.

31 (3) Reports and records made by the **office, the advisory** board, or its agents,
32 representatives, or employees as a result of its investigation.

33 (4) Case or client records, including written or oral guardian ad litem reports, files,
34 and oral and written information from which the identity of recipients of services or other persons
35 whose identities are protected from disclosure can be derived.

36 (d) The provisions of subparagraph (c) shall not prohibit disclosure of information in the
37 circumstances described in paragraph II.

1 II. Notwithstanding paragraph I, and notwithstanding the provisions of any other law
2 relative to confidentiality, including but not limited to confidentiality provisions applicable to any
3 case out of which an allegation or complaint against a guardian ad litem may arise:

4 (a) Persons involved in matters before the [board] **office**, or persons seeking to address
5 or respond to issues involving a guardian ad litem's misconduct or certification, may, without a
6 specific court order allowing such disclosure, disclose to the [board] **executive director**, its
7 representatives, or its agents, records, documents, or information in their possession, whether oral
8 or in writing, relating to a guardian ad litem, an applicant for certification as a guardian ad litem, or
9 cases in which a guardian ad litem is or has been involved, unless such disclosure is prohibited by
10 court order.

11 (b) If the [board] **executive director** concludes that to do so would advance the effective
12 and fair resolution of the matter, the **executive director, the advisory** board, its representatives,
13 or its agents may, without a specific court order allowing such disclosure, disclose to persons
14 involved in matters before the [board] **executive director**, or to persons seeking to address or
15 respond to issues involving a guardian ad litem's misconduct or certification, any records,
16 documents, or information in its possession, whether oral or in writing, that have a bearing upon the
17 matter, unless such disclosure is prohibited by court order.

18 (c) Persons involved in matters before the [board] **executive director**, or persons
19 seeking to address or respond to issues involving a guardian ad litem's misconduct or certification,
20 may, without a specific court order allowing such disclosure, disclose to other persons involved in the
21 matter documents or information in their possession, whether oral or in writing, to the extent, and
22 only to the extent, that such disclosure is necessary in order to comply with the procedures of the
23 [board] **office**, unless such disclosure is prohibited by a court order.

24 (d) The **executive director, the advisory** board, its representatives, or its agents may,
25 without a specific court order, disclose to any court that appoints or oversees guardians ad litem, or
26 any other entity or group which possesses oversight authority over any type of professional activity
27 of persons who may serve as a guardian ad litem, any records, documents, or information in the
28 possession of the **office or advisory** board, whether oral or in writing, including but not limited to
29 that information described in RSA 490-C:4, II(b), unless such disclosure is prohibited by court order.
30 In assessing whether or not to make a disclosure or engage in a communication under this
31 subparagraph, consideration shall be given to whether or not it is likely that information conveyed
32 will be further disseminated in a manner contrary to New Hampshire law.

33 III. In the case of disclosures made in accordance with paragraph II, any statutory
34 provisions prescribing penalties for the disclosure of confidential information, including but not
35 limited to laws relative to the penalties for the disclosure of information in cases or proceedings in
36 which a guardian ad litem may be involved, shall not apply to the disclosure to the extent that:

1 (a) It is made to the *executive director, the advisory* board, or its representatives or
2 agents under subparagraph II(a), or to other persons in accordance with subparagraph II(c), in good
3 faith; or

4 (b) It is made by the *executive director, the advisory* board, a member of the
5 *advisory* board, or the [board's] *office's* representatives or agents, in the good faith performance of
6 official duties believed authorized under this chapter.

7 IV. Hearings and other proceedings held by the [board] *executive director* shall be open to
8 the public unless closed, in whole or in part, by the [board] *executive director*. The [board]
9 *executive director* shall close a hearing, proceeding, or matter, in whole or in part, if it concludes,
10 in its discretion, that to open the hearing, proceeding, or matter, or a certain portion thereof, would
11 be likely to:

12 (a) Result in the [board] *executive director* publicly hearing, or in the public
13 dissemination of, information that arose in a court proceeding that was not open to the public;

14 (b) Result in the public dissemination of information in a manner prohibited by court
15 order;

16 (c) Be contrary to the best interests of a recipient of guardian ad litem services;

17 (d) Cause unreasonable harm to one or more persons involved in any court proceeding or
18 any proceeding or other matter before the [board] *executive director*, including but not limited to
19 the guardian ad litem; or

20 (e) Be detrimental to the effective resolution of a matter pending before the [board]
21 *executive director*.

22 V. In applying the provisions of paragraph IV, the [board] *executive director* shall, to the
23 extent practicable under the circumstances, seek to open or close hearings, proceedings, or other
24 matters in a manner that is consistent with any confidentiality laws, court rules, or known orders
25 pertaining to the case out of which a complaint against a presently or formerly certified guardian ad
26 litem or other matter, arose.

27 VI.(a) As an alternative to, or in conjunction with, the complete closure of a hearing,
28 proceeding, or other matter, or of a part thereof, the [board] *executive director* may, in [its] *his or*
29 *her* discretion, make such limitations, prohibitions, or instructions relative to the hearing,
30 proceeding, or matter as it concludes are necessary to avoid:

31 (1) The likely public dissemination of information that arose in a court proceeding
32 that was not open to the public;

33 (2) The likely public dissemination of information in a manner prohibited by court
34 order;

35 (3) Probable detriment to the best interests of a recipient of services;

1 (4) Unreasonable harm to one or more persons involved in any court proceeding or
2 any proceeding or other matter before the [board] **executive director**, including but not limited to
3 the guardian ad litem; or

4 (5) Probable detriment to the effective resolution of a matter pending before the
5 [board] **executive director**.

6 (b) Limitations, prohibitions, or instructions under subparagraph (a) may include, but
7 need not be limited to, limitations or prohibitions on, or other instructions regarding, any one or
8 more of the following:

9 (1) The attendance or participation of a person, or of persons, at a hearing,
10 proceeding, or matter before the [board] **executive director**;

11 (2) The audiotaping, videotaping, or other recording of a hearing, proceeding, or
12 matter by a person or persons present;

13 (3) The photographing of a hearing, proceeding, or matter before the [board]
14 **executive director**; or

15 (4) The taking of notes at a hearing, proceeding, or matter before the [board]
16 **executive director**.

17 (c) In hearings, proceedings, and other circumstances in which the [board] **executive**
18 **director** has assigned a presiding officer, the presiding officer shall have the authority to issue
19 limitations, prohibitions, or instructions under subparagraphs (a) and (b), provided that:

20 (1) Such limitations, prohibitions, or instructions may, at the request of an
21 interested person or on the [board's] **executive director's** own action, be reviewed by and affirmed,
22 modified, or reversed by the [board] **executive director**;

23 (2) Such limitations, prohibitions, or instructions shall not include the closure of a
24 hearing, proceeding, or matter, or a part thereof, the authority for which shall, in the first instance,
25 be with the [board] **executive director** according to the standards set forth in paragraphs IV and V;
26 and

27 (3) Such limitations, prohibitions, or instructions shall not include the authority to
28 make limitations or prohibitions on the disclosure or use of material in circumstances outside of a
29 hearing or proceeding, the authority for which shall, in the first instance, be with the [board]
30 **executive director** according to the standards set forth in paragraph VII.

31 VII.(a) The [board] **executive director** may limit or prohibit the disclosure or use outside of
32 a hearing, proceeding, or other matter before the [board] **executive director**, or in other
33 circumstances, of some or all of the evidence, testimony, documents, or other materials relating to
34 the hearing, proceeding, or matter, or parts thereof, including but not limited to guardian ad litem
35 reports, medical records, and school records.

36 (b) Limitations and prohibitions issued under subparagraph (a) shall be made in
37 accordance with the considerations set forth in paragraphs IV and V and shall be applicable to such

1 persons involved in the hearing, proceeding, or other matter as the [board] *executive director* may
2 designate.

3 (c) The [board] *executive director* may issue limitations or prohibitions under
4 subparagraph (a) regardless of whether a hearing, proceeding, or other matter is open or closed, in
5 whole or in part, and regardless of whether any limitations, prohibitions, or instructions have been
6 issued under paragraph VI.

7 VIII.(a) In addition to any other procedures, including those under paragraph VI, which the
8 [board] *executive director* may apply at a hearing, proceeding, or other matter before the [board]
9 *executive director*, the [board] *executive director* may also limit access to, or place limitations on,
10 a person's use in a hearing, proceeding, or matter, of particular documents or materials if:

11 (1) The [board] *executive director* concludes that such limitation is necessary to
12 prevent the potential disclosure of confidential material beyond those disclosures that are allowed by
13 law, by court order, or by the [board's] *executive director's* limitations, prohibitions, or instructions
14 under this chapter; and

15 (2) Such limitation will not result in a violation of due process of law.

16 (b) In hearings and proceedings in which the [board] *executive director* has assigned a
17 presiding officer, the presiding officer shall have the authority to limit access, or place limitations on,
18 a persons' use in a hearing or proceeding of particular documents or materials according to the
19 standards set forth in subparagraph (a), provided that such limitations may, at the request of an
20 interested person or on the [board's] *executive director's* own action, be reviewed by and affirmed,
21 modified, or reversed by the [board] *executive director*.

22 IX. It shall be unlawful:

23 (a) For any person present during, or otherwise involved in, a disciplinary hearing or
24 any other hearing, proceeding, or matter before the [board] *executive director*, which is closed to
25 the public, either in whole or in part, to disclose any information concerning the hearing, proceeding,
26 or matter, or the closed portions thereof, if that information may not, pursuant to this chapter or
27 other law, or pursuant to a court order, be disclosed, or if that information:

28 (1) May serve to identify a parent or child in an abuse or neglect hearing, unless an
29 order of the court allows such disclosure or the disclosure is allowed under paragraph II, other
30 provisions of this chapter, or other law; or

31 (2) Is subject to an order of the [board] *executive director* closing a hearing,
32 proceeding, or matter for the reasons set forth in subparagraphs IV(c) through (e), unless prior
33 permission to make such disclosure has been obtained from the [board] *executive director* or the
34 disclosure is allowed under paragraph II, other provisions of this chapter, or other law.

35 (b) For any person who has reviewed evidence, documents, or other materials under
36 consideration by or in the possession of the [board] *executive director*, which are not subject to
37 public disclosure, or parts of such items which are not subject to public disclosure, including but not

1 limited to guardian ad litem reports, medical records, and school records, to disclose any information
2 concerning the nonpublic portions of such documents, if that information may not, pursuant to this
3 chapter or other law, or pursuant to a court order, be disclosed, or if that material:

4 (1) May serve to identify a parent or child in an abuse or neglect hearing, unless an
5 order of the court allows such disclosure, or the disclosure is allowed under paragraph II, other
6 provisions of this chapter, or other law; or

7 (2) Is subject to an order of the ~~[board]~~ **executive director** closing a hearing or
8 procedure for the reasons set forth in subparagraphs IV(c) through (e), unless prior permission to
9 make such disclosure has been obtained from the ~~[board]~~ **executive director** or the disclosure is
10 allowed under paragraph II, other provisions of this chapter, or other law.

11 (c) For any person subject to a limitation or prohibition under paragraph VII to make a
12 disclosure which is contrary to that limitation or prohibition, unless prior permission to make such
13 disclosure has been obtained from the ~~[board]~~ **executive director**.

14 X. A person who violates paragraph IX shall be guilty of a misdemeanor.

15 390 Guardian Ad Litem Board; Court Appointed Special Advocates. Amend RSA 490-C:6 to
16 read as follows:

17 490-C:6 Court Appointed Special Advocates. Court Appointed Special Advocates (CASA) of New
18 Hampshire shall be accountable to the guardian ad litem board for complying with the training
19 requirements established by the **advisory** board under RSA 490-C:5, I(d) and for the actions of its
20 volunteer members who are appointed by the court as guardians ad litem.

21 391 Repeals; Guardian ad Litem Board. The following are repealed:

22 I. RSA 490-C:3, relative to terms of appointment; organization; meetings.

23 II. RSA 490-C:4, relative to duties of the board.

24 III. RSA 490-C:5-c, relative to immunity from civil and criminal actions.

25 IV. RSA 490-C:7, relative to administrative functions.

26 V. RSA 490-C:8, relative to appeals.

27 392 Repeal. RSA 320, relative to hawkers and peddlers, is repealed.

28 393 Board of Home Inspectors. Amend RSA 310-A:186, I to read as follows:

29 I. A board of home inspectors is established to administer the provisions of this subdivision.

30 The board shall consist of ~~[7]~~ **5** persons as follows:

31 (a) ~~[Five]~~ **4** members shall be home inspectors, appointed by the governor and council.

32 Each home inspector member shall hold a current and valid New Hampshire home inspector license
33 and shall have actively practiced home inspections for a minimum of 5 years as a means of his or her
34 livelihood prior to appointment.

35 (b) ~~[Two]~~ **One** shall be **a** public ~~[members]~~ **member**, ~~[each]~~ to be appointed by the
36 governor and council. ~~[Each]~~ **The** public member of the board shall be a person who is not, and
37 never was, a home inspector or the spouse of any such person, and who does not have, and never has

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 145 -

1 had, a material financial interest in either the provision of home inspector services or an activity
2 directly related to the home inspection trade. In addition, the public members shall not have held a
3 real estate broker or salesperson license or represented the board or the trade for a fee at any time
4 during the 5 years preceding appointment.

5 394 Home Inspectors; Rulemaking. Amend RSA 310-A:187, I to read as follows:

6 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

7 (a) The qualifications of applicants in addition to requirements of this subdivision, and
8 including the qualifications for satisfactory evidence of good professional character.

9 (b) The criteria for a license to be renewed or reinstated, including any requirements for
10 continuing education.

11 (c) Disciplinary actions by the board that shall be implemented for violations of the
12 standards of practice, code of ethics, and rules adopted by the board.

13 (d) ~~[Procedures for the conduct of hearings consistent with the requirements of due~~
14 ~~process.~~

15 (e) Procedures for approving education courses for eligibility for licensure and for a
16 continuing education program.

17 ~~[(f)]~~ (e) How an applicant shall be examined, including the form of the examination.

18 ~~[(g)]~~ (f) The design of an official seal.

19 ~~[(h)]~~ (g) The establishment of administrative fines which may be levied in the
20 administration of this subdivision.

21 395 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

22 310-A:193 Issuance of Licenses. The ~~[board]~~ **office** shall issue a license upon payment of the
23 license fee ~~[established by the office of professional licensure and certification]~~, to any applicant who,
24 in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses
25 shall show the full name of the licensee and have a serial number. The issuance of a license ~~[by the~~
26 ~~board]~~ shall be prima facie evidence that the person named in the license is entitled to all the rights
27 and privileges of a licensed home inspector while the license remains valid. It shall be a class B
28 misdemeanor for the licensee to perform home inspections after the license of the licensee has
29 expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

30 396 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

31 310-A:195 Expiration and Renewals.

32 I. ~~[The board shall send, by mail or otherwise, notification of the impending license~~
33 ~~expiration to each licensee at least one month prior to the expiration of the license, along with a~~
34 ~~request for payment of a renewal fee.]~~ Licensees in good standing may renew their licenses by
35 paying the renewal fee prior to the expiration date of the license, and by presenting evidence
36 ~~[satisfactory to the board]~~ of completion of the continuing education requirements. If properly

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 146 -

1 renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or
2 revoked by the board for just cause.

3 II. ~~[All licenses issued by the board shall expire on the last day of the licensee's month of~~
4 ~~birth in the second year following the year of issuance, or upon such other biennial date as the board~~
5 ~~may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the~~
6 ~~licensee's name shall be removed from current status, and application for reinstatement shall be~~
7 ~~required to return to current status. The board shall charge a 20 percent late fee for each month or~~
8 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal~~
9 ~~application received 12 months after the expiration date shall be rejected, unless accompanied by~~
10 ~~proof of successful completion of the examination required by the board.]~~ A licensed home inspector
11 shall complete at least 20 hours of board-approved continuing education during each license period
12 in order to maintain his or her license. ~~[If a licensee fails to renew such license within the 12~~
13 ~~months after the date of expiration, it shall become null and void and the licensee shall be required~~
14 ~~to reapply and to be re-examined for licensure.~~

15 III. ~~Licensees who have been activated by the military shall be exempt from any penalties or~~
16 ~~fees for renewal or reinstatement due to their absence, as approved by the board.]~~

17 397 Repeals; Home Inspectors. The following are repealed:

18 I. RSA 310-A:186, VI-VII, relative to the board of home inspectors.

19 II. RSA 310-A:188, relative to fees.

20 III. RSA 310-A:194, relative to reciprocity.

21 IV. RSA 310-A:196, relative to disciplinary hearings.

22 V. RSA 310-A:197, relative to hearings.

23 VI. RSA 310-A:198, relative to reissuance of licenses.

24 VII. RSA 310-A:200, relative to restraint of violations.

25 398 Manufactured Housing Installation Standards; Duties of the Advisory Board. Amend the
26 introductory paragraph of RSA 205-D:3 to read as follows:

27 205-D:3 Duties of the **Advisory** Board. The duties of the **executive director, in consultation**
28 **with the advisory** board, shall be to:

29 399 Manufactured Housing Installation Standards. Amend RSA 205-D:4, III to read as follows:

30 III. Installers shall have the option of installing manufactured housing in accordance with
31 one of the following standards:

32 (a) New Hampshire installation standards as developed by the **executive director, in**
33 **consultation with the advisory** board.

34 (b) A design prepared by a registered professional engineer or architect for the site.

35 (c) The manufacturer's installation instructions, provided that such instructions meet or
36 exceed the New Hampshire installation standards as developed by the **executive director, in**
37 **consultation with the advisory** board.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 147 -

1 400 Manufactured Housing Installation Standards; Inspectors. Amend RSA 205-D:5 to read as
2 follows:

3 205-D:5 Inspectors.

4 I. The local enforcement agency, or if there is no local enforcement agency, the ~~[board or the~~
5 ~~board's]~~ **executive director or the executive director's** designee, shall:

6 (a) Conduct appropriate inspections to ensure compliance throughout the state with
7 installation practices consistent with the provisions of this chapter and rules promulgated
8 hereunder.

9 (b) Enter any premises on which an installation is being or has been completed subject
10 to regulation under this chapter for the purpose of making such inspection as is necessary to carry
11 out his or her duties under this chapter. Inspections shall be done prior to occupancy of the
12 manufactured house.

13 (c) Order the correction of any violation of this chapter, or rule adopted under this
14 chapter.

15 (d) Order any installer to discontinue installation until the violations are corrected.

16 (e) Approve the continuation of work on the installation upon being satisfied that
17 violations have been corrected.

18 (f) Issue a certificate of compliance upon satisfaction that a manufactured house has
19 been installed in compliance with this chapter and the rules promulgated under this chapter.

20 II. Whenever a local enforcement agency, or if there is no local enforcement agency, the
21 ~~[board or the board's]~~ **executive director or the executive director's** designee orders the
22 correction of a violation under subparagraph I(c), he or she shall immediately notify the ~~[board]~~
23 **office**.

24 III. A certificate of compliance shall be required for occupancy.

25 ~~[IV. Any installer aggrieved under the provisions of this section may file a complaint in~~
26 ~~accordance with RSA 205-D:6.]~~

27 401 Manufactured Housing Installation Standards; License Required. Amend RSA 205-D:7 to
28 read as follows:

29 205-D:7 License Required. No person shall install any manufactured house subject to the
30 provisions of this chapter without first obtaining a license from the ~~[board]~~ **executive director of**
31 **the office of professional licensure and certification** as required by this chapter.

32 402 Manufactured Housing Installation Standards; Qualifications for License. Amend RSA 205-
33 D:8 to read as follows:

34 205-D:8 Qualifications for License. The ~~[board]~~ **executive director** shall issue a license to any
35 applicant who at a minimum:

36 I. Has attained the age of 18;

1 II. Has 2 years experience as a manufactured housing installer or [~~proves to the board's~~
2 ~~satisfaction~~] equivalent installation experience **as determined by rules adopted by the executive**
3 **director pursuant to RSA 541-A;**

4 III. Has successfully completed 6 hours of training on installation standards; and

5 IV. Complies with the requirements of RSA 205-D:10.

6 403 Manufactured Housing Installation Standards; Bond Required. Amend RSA 205-D:9, I to
7 read as follows:

8 I. The [~~board~~] **executive director** shall not issue a license to any person unless the person
9 or his or her employer on his or her behalf has posted a surety bond or letter of credit to be held by
10 the state treasurer in an amount to be determined by the [~~board~~] **executive director**. No surety
11 bond or letter of credit shall be accepted unless it is with a surety company authorized to do business
12 in this state. The surety may cancel the bond or letter of credit at any time upon giving 30 days'
13 written notice to the board.

14 404 Manufactured Housing Installation Standards; Application for License. Amend RSA 205-
15 D:10 to read as follows:

16 205-D:10 Application for License.

17 I. Applications for licenses shall be made on forms adopted by the [~~board~~] **executive**
18 **director**.

19 II. Applications for licensure shall be accompanied by proof of the surety bond required by
20 this chapter, and payment of the license fee.

21 III. The [~~board~~] **executive director** may require each applicant to provide additional
22 information about the applicant's background and trustworthiness as is reasonably necessary.

23 405 Manufactured Housing Installation Standards; Expiration and Renewal. Amend RSA 205-
24 D:11 to read as follows:

25 205-D:11 Expiration and Renewal.

26 [~~I. All licenses issued by the board shall expire on the last day of the month of the licensee's~~
27 ~~birth in the third year following the year of issuance, but may be renewed during the following~~
28 ~~month, retroactive to the first day of the month. Upon failure to pay the renewal fee within the~~
29 ~~required period, a licensee may renew his or her license by submitting the required fee plus \$10~~
30 ~~before the last day of the second month following the month of his or her birth.~~

31 ~~H.]~~ Persons licensed as installers are eligible for renewal of their licenses if they:

32 [~~(a)~~] **I.** Are not in violation of this chapter;

33 [~~(b)~~] **II.** Meet any requirements for continuing education established by the board in
34 rules adopted pursuant to RSA 541-A; and

35 [~~(c)~~] **III.** Submit evidence that a surety bond required under RSA 205-D:9 is in force.

36 406 Manufactured Housing Installation Standards; Warranty Seal. Amend RSA 205-D:17 to
37 read as follows:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 149 -

1 205-D:17 Warranty Seal. In order to keep record of and verify the proper installation of
2 manufactured homes, no manufactured house may be installed in this state until the manufacturer
3 or an installer licensed by the ~~[board]~~ **executive director** has obtained a warranty seal from the
4 ~~[board]~~ **executive director** and attached the seal to the manufactured house.

5 407 Manufactured Housing Installation Standards; Rulemaking Authority. RSA 205-D:20 is
6 repealed and reenacted to read as follows:

7 205-D:20 Rulemaking Authority. The executive director, with advice of the advisory board, shall
8 be authorized, pursuant to RSA 541-A, to adopt rules relative to:

- 9 I. The establishment of uniform manufactured housing installation standards.
10 II. The qualifications of license applicants set under this chapter.
11 III. How an applicant shall be trained, including the minimum education requirements and
12 training standards.
13 IV. Ethical and professional standards required to be met by each holder of a license to
14 practice under this chapter and how disciplinary actions by the board shall be implemented for
15 violations of these standards.

16 V. The establishment of bond and letter of credit requirements under RSA 205-D:9.

17 408 Repeals; Manufactured Housing Installation Standards. The following are repealed:

- 18 I. RSA 205-D:3-a, relative to administrative and business processing functions.
19 II. RSA 205-D:6, relative to complaints.
20 III. RSA 205-D:12, relative to fees.
21 IV. RSA 205-D:13, relative to disciplinary action.
22 V. RSA 205-D:14, relative to hearings.
23 VI. RSA 205-D:15, relative to penalty.
24 VII. RSA 205-D:16, relative to consumer protection act.
25 VIII. RSA 205-D:19, relative to federal funds.

26 409 Interpreters for the Deaf, Deafblind, and Hard of Hearing. To promote efficiency and
27 economy, eliminate redundancies in licensure requirements, reduce administrative costs, and
28 facilitate customer service, the responsibility for administration of the board of Interpreters for the
29 Deaf, Deafblind, and Hard of Hearing shall be transferred to the office of professional licensure and
30 certification effective July 1, 2023.

31 410 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Board of Licensing. Amend RSA
32 326-I:3, VI(c)-VII to read as follows:

33 ~~[(c) The board shall review and take action on all applications for licensure, renewal, and~~
34 ~~reinstatement licenses for interpreters for the deaf, deafblind, and hard of hearing.]~~

35 V. ~~[Members of the board shall receive mileage incurred while conducting the business of~~
36 ~~the board.]~~

1 ~~[VI.]~~ A quorum of the board shall be ~~[5 members]~~ ***a majority of those members appointed***
2 ***by the governor and council.***

3 ~~[VII.]~~ ***VI.*** The board shall be ~~[an administratively attached agency, under RSA 21-G:10, to~~
4 ~~the department of education]~~ ***within the office of professional licensure and certification***
5 ***under RSA 310.***

6 411 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Powers and Duties of the Board.
7 RSA 326-I:4 is repealed and reenacted to read as follows:

8 326-I:4 Powers and Duties of the Board. The powers and duties of the board include:

9 I. Establishing eligibility requirements for licensure under this chapter, including education
10 and examination requirements;

11 II. Establishing ethical standards for licensees;

12 III. Imposing discipline upon licensees deemed to have violated this chapter.

13 412 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Application for Licensure.
14 Amend RSA 326-I:6 to read as follows:

15 326-I:6 Application for Licensure. An application for licensure under this chapter shall be filed
16 ~~[with the board]~~ in such form and detail as required in accordance with rules adopted under RSA
17 541-A, shall be duly signed and verified, and shall be available for public inspection.

18 413 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Licensure Required; Exemptions.
19 Amend RSA 326-I:7, II to read as follows:

20 II. The ~~[board]~~ ***office of professional licensure and certification*** shall license each
21 applicant who satisfies the requirements of the board, including a valid credential recognized by the
22 board. Upon payment of a license fee, the ~~[board]~~ ***office*** shall issue to such person a certificate of
23 licensure which shall be evidence of the right to practice as an interpreter for the deaf, deafblind,
24 and hard of hearing.

25 414 326-I:9 License Requirements; Fees. RSA 326-I:9 is repealed and reenacted to read as
26 follows:

27 326-I:9 License Requirements; Fees. To be eligible for licensure by the office of professional
28 licensure and certification as an interpreter for the deaf, deafblind, and hard of hearing, an applicant
29 shall:

30 I. Be at least 18 years of age and make application to the office, upon a form prescribed by
31 the office.

32 II. Pay the appropriate license application fee.

33 III. Possess the minimum standards of performance and training pursuant to rules adopted
34 by the board under RSA 541-A and RSA 326-I:5.

35 IV. Demonstrate sufficient evidence of good professional character in accordance with rules
36 adopted by the board.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 151 -

1 415 Interpreters for the Deaf, Deafblind, and Hard of Hearing; Repeals. The following are
2 repealed:

- 3 I. RSA 326-I:10, relative to persons from other jurisdiction.
- 4 II. RSA 326-I:12, relative to reinstatement after suspension.
- 5 III. RSA 326-I:13, relative to license renewal.
- 6 IV. RSA 326-I:14, relative to disciplinary action.
- 7 V. RSA 326-I:15, relative to hearings.
- 8 VI. RSA 326-I:17, relative to record.
- 9 VII. RSA 326-I:18, relative to penalties.

10 416 Itinerant Vendors; Repeal. RSA 321, relative to itinerant vendors, is repealed.

11 417 Landscape Architects; Repeals. The following are repealed:

- 12 I. RSA 310-A:140, relative to objective.
- 13 II. RSA 310-A:141, relative to definitions.
- 14 III. RSA 310-A:142, relative to board of landscape architects.
- 15 IV. RSA 310-A:143, relative to rulemaking authority.
- 16 V. RSA 310-A:144, relative to fees.
- 17 VI. RSA 310-A:145, relative to license required.
- 18 VII. RSA 310-A:146, relative to eligibility requirements.
- 19 VIII. RSA 310-A:147, relative to teaching credits.
- 20 IX. RSA 310-A:149, relative to applications.
- 21 X. RSA 310-A:150, relative to continuing education.
- 22 XI. RSA 310-A:151, relative to examinations.
- 23 XII. RSA 310-A:152, relative to certificates.
- 24 XIII. RSA 310-A:153, relative to interstate licensure.
- 25 XIV. RSA 310-A:154, relative to expiration and renewals.
- 26 XV. RSA 310-A:155, relative to disciplinary action.
- 27 XVI. RSA 310-A:156, relative to hearings.
- 28 XVII. RSA 310-A:157, relative to reissuance of licenses.
- 29 XVIII. RSA 310-A:158, relative to violations.
- 30 XIX. RSA 310-A:159, relative to restraint of violations.
- 31 XX. RSA 310-A:160, relative to exemptions.

32 418 Licensed Dietitians; Issuance, Expiration, and Renewal of a License. Amend RSA 326-H:14,
33 I, to read as follows:

34 I. The ~~[board]~~ **office** shall license as a dietitian each applicant who proves ~~[to the~~
35 ~~satisfaction of the board]~~ his or her qualifications under this chapter and under rules adopted by the
36 board under RSA 326-H:10. The ~~[board]~~ **office** shall issue to each person qualified a license, which

1 shall be prima facie evidence of the right of the person to whom it is issued to represent himself or
2 herself as a licensed dietitian subject to the conditions and limitations of this chapter.

3 419 Licensed Dietitians; Repeals. The following are repealed:

4 I. RSA 326-H:10, VII, relative to procedures for investigations and hearings.

5 II. RSA 326-H:11, relative to immunity from civil action.

6 III. RSA 326-H:13, relative to reciprocity.

7 IV. RSA 326-H:14, II-IV, relative to licensure renewal.

8 V. RSA 326-H:16, relative to suspension and revocation of a license.

9 VI. RSA 326-H:17, relative to hearings.

10 VII. RSA 326-H:18, relative to reinstatement.

11 VIII. RSA 326-H:19, relative to offenses.

12 420 Board of Manufactured Housing; Repeals. The following are repealed:

13 I. RSA 205-A:25, relative to board establishment.

14 II. RSA 205-A:26, relative to quorum.

15 III. RSA 205-A:27, relative to jurisdiction.

16 IV. RSA 205-A:28, relative to decisions.

17 V. RSA 205-A:29, relative to meetings and records.

18 VI. RSA 205-A:29-a, relative to administrative and business processing functions.

19 VII. RSA 205-A:30, relative to notification and cooperation.

20 VIII. RSA 205-A:31, relative to rulemaking.

21 421 Regulation of Massage Therapists and Massage Establishments. Amend RSA 328-B:1 to
22 read as follows:

23 328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to
24 protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a
25 regulatory program for massage therapists, including establishing basic qualifications for licensure
26 of massage therapists ***and establishments providing massage therapy, reflexology, structural***
27 ***integration, or Asian bodywork. To promote efficiency and economy, eliminate***
28 ***redundancies in licensure requirements, reduce administrative costs, and facilitate***
29 ***customer service, the advisory boards previously established in RSA 328-B and RSA 328-H***
30 ***shall be combined to provide consultation to the executive director under one advisory***
31 ***board, effective July 1, 2023.***

32 422 Massage Therapists and Massage Establishments; Definitions. Amend RSA 328-B:2, II to
33 read as follows:

34 II. "Advisory board" means the advisory board of massage therapists, ***reflexology,***
35 ***structural integration, and Asian bodywork therapists.***

36 423 Massage Therapists and Massage Establishments; Powers and Duties of the Executive
37 Director; Rulemaking. RSA 328-B:4, VII(a) is repealed and reenacted to read as follows:

1 (a) Eligibility requirements for massage establishment permits.

2 424 Therapists and Massage Establishments; Advisory Board of Massage Therapists. Amend
3 RSA 328-B:5 to read as follows:

4 328-B:5 Advisory Board of Massage Therapists, *Reflexology, Structural Integration, and*
5 *Asian Bodywork Therapy*.

6 The executive director shall establish the advisory board of massage therapists, *reflexology,*
7 *structural integration, and Asian bodywork therapy*. The board shall consist of [3] 2 massage
8 therapists, *1 reflexologist, 1 structural integrator, 1 Asian bodywork therapist*, who are
9 licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so
10 that the term of one member expires each year, and they shall hold office until successors are
11 appointed, and shall serve on the board without any compensation. In no event shall a member
12 serve more than 2 full consecutive terms. The board shall:

13 I. Review the qualifications of applicants for licenses.

14 II. Review the qualifications of individuals desiring to conduct massage workshops or
15 seminars who are not licensed in this state.

16 III. Review the continuing education programs for licensees.

17 IV. Advise the executive director regarding the implementation of this chapter *and RSA*
18 *328-H*.

19 425 Massage Therapists and Massage Establishments; License Issuance; Reciprocity. RSA 328-
20 B:6, II is repealed and reenacted to read as follows:

21 II. The executive director shall issue a massage establishment permit to each qualified
22 applicant who:

23 (a) Submits the required application form and fee;

24 (b) Is at least 18 years of age on the date of the application

25 (c) Has not been convicted in New Hampshire or in any other state of any crime
26 involving violence inflicted on a person or threatened against a person, or any sexually-related
27 crime; and

28 (d) Is of good professional character.

29 426 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Definitions. Amend
30 RSA 328-H:2, II to read as follows:

31 II. "Board" means the advisory board of *massage therapists*, reflexology, structural
32 integration, and Asian bodywork therapy.

33 427 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists;
34 Definitions. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new
35 subparagraph:

36 (m) Eligibility requirements for licensure of establishments where the practice of
37 reflexology, structural integration, or Asian bodywork therapy is provided.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 154 -

1 428 Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy. RSA
2 328-H:6 is repealed and reenacted to read as follows:

3 328-H:6 Advisory Board of Reflexology, Structural Integration, and Asian Bodywork Therapy.
4 The executive director shall establish the advisory board of massage therapists, reflexology,
5 structural integration, and Asian bodywork therapy, as set forth in RSA 328-B:5, who shall advise on
6 the implementation of this chapter.

7 429 State Board of Fire Control; Mechanical Licensing Board. Amend RSA 153:27-a to read as
8 follows:

9 153:27-a Mechanical Licensing Board.

10 There is hereby established as a unit within the office of professional licensure and certification.
11 The term of office for the members appointed to the board shall be 3 years and until a successor is
12 appointed. The initial appointed members of the board shall serve staggered terms. Vacancies shall
13 be filled in the same manner and for the unexpired terms. No member of the board shall be
14 appointed to more than 2 consecutive terms. [~~A member of the board shall serve as the board~~
15 ~~secretary.~~]

16 I.(a) No member of the board may be associated with the formal education for licensing,
17 and/or be provider or an employee of a provider for continuing education for any profession or trade
18 licensed under this subdivision.

19 (b) A public member of the board shall be a person who is not, and never was, a member
20 of the fuel gas fitting or plumbing trade or the spouse of any such person, and who does not have,
21 and never has had, a material financial interest in either the provision of plumbing and/or fuel gas
22 services or an activity directly related to plumbing and/or fuel gas, including the representation of
23 the board or trade for a fee at any time during the 5 years preceding appointment.

24 II. The board shall:

25 (a) Adopt rules as provided for in this subdivision.

26 (b) [~~Implement the licensing program under this subdivision.~~

27 ~~(c)]~~ Review and approve educational programs and providers.

28 ~~(d)]~~ **(c)** Conduct hearings for disciplinary actions.

29 ~~(e)]~~ **(d)** Review and recommend adoptions, exceptions, or omissions to technical
30 standards as adopted under RSA 153:28.

31 ~~(f)]~~ **(e)** Develop and recommend for the legislature future changes to this subdivision.

32 III. The members of the board shall be appointed by the governor and council as follows:

33 (a) Two licensed journeymen or master plumbers, who are actively working in the trade
34 as plumbers.

35 (b) [~~Two~~] **One** licensed fuel gas [~~fitters~~] **fitter**, [~~both of whom are~~] actively working in
36 the trade as fuel gas fitters[, and one of whom shall represent the propane fuel industry].

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 155 -

1 (c) One certified heating equipment installer or heating equipment service person under
2 RSA 153:16-b.

3 (d) ~~[One licensed master plumber who is also a licensed fuel gas fitter and a certified~~
4 ~~heating equipment installer or servicer, actively working in the trade.~~

5 (e) One public member who is not, and never was, a member of the plumbing trade or
6 the spouse of any such person, and who does not have, and never has had, a material financial
7 interest in either the provision of plumbing services or an activity directly related to plumbing,
8 including the representation of the board or trade for a fee at any time during the 5 years preceding
9 appointment.

10 ~~[(f) One certified water treatment technician, who shall be a nonvoting member of the~~
11 ~~board.]~~

12 IV. ~~[The board shall hold at least 8 regular meetings each year, and may hold special~~
13 ~~meetings at such times as the business of the board may require. Notice of all meetings shall be~~
14 ~~given in such a manner as rules adopted by the board may provide and in accordance with New~~
15 ~~Hampshire state law. A quorum of the board shall consist of 4 members.~~

16 V.] The board shall annually elect a chairman ~~[and a vice chairman]~~ from among its
17 members.

18 ~~[VI. The secretary of the board shall receive at least monthly an accounting from the~~
19 ~~department of all moneys derived under the provisions of this subdivision.]~~

20 430 State Board of Fire Control; Mechanical Licensing Board; Repeals. The following are
21 repealed:

22 I. RSA 153:28, II, relative to rulemaking regarding fees.

23 II. RSA 153:30, relative to expiration and renewal of licensure.

24 III. RSA 153:32, relative to disciplinary action.

25 IV. RSA 153:33, relative to appeals from board decisions.

26 V. RSA 153:37, relative to penalties.

27 VI. RSA 153:38, relative to voluntary certification of water treatment technicians.

28 431 Repeal. RSA 328-J, relative to medical imaging and radiation therapists, is repealed.

29 432 Repeal. RSA 328-I, relative to the board of registration of medical technicians, is repealed.

30 433 Repeal; Podiatry. RSA 315, relative to podiatry, is repealed.

31 434 Physicians and Surgeons, Examining Board. Amend RSA 329:2 to read as follows:

32 329:2 Board; Duties.

33 I. ***Effective July 1, 2023, to promote efficiency and economy, eliminate redundancies***
34 ***in licensure requirements, and reduce administrative costs, the board of medicine shall be***
35 ***responsible for regulating the practice of podiatric medicine.*** There shall be a board of
36 medicine consisting of ~~[11]~~ 7 members~~[- including 5 members]~~. ***Five members shall be*** selected
37 from among physicians and surgeons, ***and include*** one member selected to represent osteopathic

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 156 -

1 physicians and surgeons[.] ***and one member to represent podiatrists. There shall also be*** one
2 member selected to represent physician assistants regulated by the board[~~the commissioner or the~~
3 ~~medical director of the department of health and human services, or in the case of a vacancy in the~~
4 ~~office of medical director, the commissioner shall appoint a designee, and 3 public members]~~ ***and***
5 ***one public member.*** Only board members provided for in this paragraph shall have the authority
6 to vote in board determinations. Any public member of the board shall be a person who is not, and
7 never was, a member of the medical profession or the spouse of any such person, and who does not
8 have, and never has had, a material financial interest in either the provision of medical services or
9 an activity directly related to medicine, including the representation of the board or profession for a
10 fee at any time during the 5 years preceding appointment.

11 II. The board shall:

12 (a) Evaluate persons who apply for the authority to practice medicine in New Hampshire
13 and license to those who are found qualified under the standards of this chapter.

14 (b) ~~[Investigate and evaluate existing licensees through the medical review~~
15 ~~subcommittee and commence disciplinary action concerning licensees in accordance with the~~
16 ~~standards of this chapter.~~

17 (c) ~~Investigate and prepare reports on any matter within the scope of this chapter.~~

18 (d) Assess, compromise, and collect civil penalties against persons engaged in the
19 unauthorized practice of medicine or other violations of this chapter.

20 (e) [Repealed.]

21 III. [Repealed.]

22 IV. [Repealed.]

23 435 Physician and Surgeon; Examining Board. Amend RSA 329:4 to read as follows:
24 329:4 Appointment; Term; Removal.

25 ~~[I. The commissioner or the medical director of the department of health and human~~
26 ~~services, or the commissioner's physician designee, shall serve as a voting member of the board. The~~
27 ~~commissioner and the medical director, or designee, are exempt from the provisions of RSA 329:4, II~~
28 ~~and the residency requirements of RSA 329:3.~~

29 H.] The ~~[remaining 10]~~ members of the board shall be appointed, as their terms expire, by
30 the governor with the advice and consent of the council. Their terms of office shall be 5 years and
31 until their successors are appointed and qualified. No member shall be appointed to more than 2
32 consecutive terms. Appointments to fill vacancies shall be for the unexpired term. Appointees to the
33 unexpired portion of a full term shall become members of the board on the day following such
34 appointment. Time served in filling an unexpired term shall not affect an appointee's eligibility to
35 serve 2 consecutive full terms. The governor and council may remove any appointed member of the
36 board for malfeasance, misfeasance, or nonfeasance.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 157 -

1 436 Physicians and Surgeons; Examining Board; Rulemaking Authority. Amend RSA 329:9 is
2 repealed and reenacted to read as follows:

3 329:9 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

4 I. The qualifications of applicants for initial and continued licensure consistent with the
5 provisions of this chapter, including the requirements for continuing education.

6 II. The substantive requirements for the reinstatement of licenses after lapses, inactive
7 status, voluntary surrender, or disciplinary action consistent with this chapter.

8 III. Ethical and professional standards required to be met by each holder of a license to
9 practice medicine.

10 IV. The circumstances under which restricted licenses are to be issued.

11 V. The licensing of physician assistants as provided in RSA 328-D:2.

12 VI. Substantive requirements for assessing, compromising and collecting administrative
13 fines against licensees as authorized under RSA 329:17, VII(g) and against licensees and
14 nonlicensees as authorized by RSA 329:2, II(d).

15 VII. Procedures for appropriate pain management pursuant to RSA 318-B:10, IX.

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

17 IX. A process for registering practitioners who have been granted a special registration to
18 prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

19 437 Physicians and Surgeons; Examinations and Licenses; Criminal History Record Checks.
20 Amend RSA 329:11-a, I to read as follows:

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

26 438 Physicians and Surgeons; Examinations and Licenses; Qualifications of Licensees. RSA
27 329:12 is repealed and reenacted to read as follows:

28 329:12 Qualifications of Licensees.

29 I. Applicants who have studied the treatment of human ailments in a medical school
30 maintaining at the time of such studies a standard satisfactory to the Accreditation Council for
31 Medical Education and have graduated from such school or have studied medicine in a medical
32 school located outside the United States which is recognized by the United Nations World Health
33 Organization (UNWHO) and had such studies confirmed by Educational Commission for Foreign
34 Medical Graduates (ECFMG) Certification, shall be eligible for licensure, provided the applicant
35 satisfies the following requirements:

36 (a) Submits a completed application;

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 158 -

1 (b) Submits a complete set of fingerprints and a criminal history record release form
2 required under this chapter;

3 (c) Is 21 years of age or older;

4 (d) Is of good professional character;

5 (e) Has completed at least 2 years of college course work or its equivalent;

6 (f) Has demonstrated completion of educational requirements in section I;

7 (g) Has completed at least 2 years of postgraduate training approved by the
8 Accreditation Council on Graduate Medical Education, or its equivalent as determined by the board.

9 Each applicant who has graduated from an accredited medical school prior to January 1, 1970, is
10 required to have satisfactorily completed at least 12 months in a graduate educational program
11 approved by the Accreditation Council on Graduate Medical Education, the Canadian Medical
12 Association, or the Royal College of Physicians and Surgeons of Canada;

13 (h) Has successfully passed one of the following sets of examinations, unless board
14 certified by the American Board of Medical Specialties (ABMS) or American Osteopathic Association
15 (AOA):

16 (1) National Board of Medical/Osteopathic Examiners examinations.

17 (2) Federation Licensing Examination (FLEX).

18 (3) United States Medical Licensing Examination (USMLE).

19 (4) Medical Council of Canada Examination (LMCC); and

20 (i) Pays the requisite fee,

21 II. Applicants who have graduated from a college of podiatry or podiatry medicine that is
22 accredited by the American Podiatric Medical Association, and maintaining at that time a standard
23 satisfactory to the board, shall be eligible for licensure, provided the applicant satisfies the following
24 requirements:

25 (a) Submits a completed application;

26 (b) Submits a complete set of fingerprints and a criminal history record release form
27 required under this chapter;

28 (c) Is 21 years of age or older;

29 (d) Is of good professional character;

30 (e) Has demonstrated completion of educational requirements in section II;

31 (f) Has successfully passed the National Board of Podiatric Medical Examiners test,
32 parts I, II, and III; and

33 (g) Pays the requisite fee.

34 III. Individuals licensed pursuant to paragraph II shall have legal authority to diagnose and
35 to treat by medical, mechanical, electrical and surgical means ailments of the human foot and lower
36 leg. Allowable surgical treatment in a health care facility shall be determined by that health care

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 159 -

1 facility credential committee, and such surgical treatment shall be performed at that health care
2 facility. Such certificate shall not authorize the licensee to administer general anesthesia.

3 439 Physicians and Surgeons; Examinations and Licenses; Professionals' Health Program.
4 Amend RSA 329:13-b, VII to read as follows:

5 VII. Rules governing the program shall be implemented through the office of professional
6 licensure and certification pursuant to RSA ~~[310-A:1-d, II(h)(4)]~~ **541-A**.

7 440 Physicians and Surgeons; Examinations and Licenses; Training and Other Special Licenses.
8 RSA 329:14 is repealed and reenacted to read as follows:

9 329:14 Training and Other Special Licenses.

10 I. The office shall issue special training licenses to persons of good professional character
11 who are enrolled in a regular residency or graduate fellowship training program accredited by the
12 Council on Graduate Medical Education or Council for Podiatric Medical Education, and who possess
13 such further education and training as the board may require by rule. Persons holding training
14 licenses shall be subject to the jurisdiction of the board and such additional professional character
15 and competency requirements as the board may require by rule. Training licenses shall be confined
16 to activities performed in the course of the qualifying residency or graduate fellowship training
17 program, shall expire automatically upon the licensee's separation from the residency or graduate
18 fellowship training program for any reason, and may be issued on a restricted or conditional basis.

19 II. The office may issue special licenses containing conditions, limitations, or restrictions,
20 including licenses limited to specific periods of time in accordance with board rules adopted pursuant
21 to RSA 541-A.

22 III. The office may issue courtesy licenses authorizing the practice of medicine under limited
23 conditions as defined by the board by rule. Courtesy licenses shall not exceed 100 days and shall be
24 limited in location. All applicants shall hold an active, unrestricted license in another state and
25 meet the same character qualifications as other licensees.

26 IV. The office may issue licenses authorizing the practice of medicine or podiatry for
27 physicians performing administrative duties, and whose practice does not include the provision of
28 clinical services to patients, as defined by the board by rule.

29 441 Physicians and Surgeons; Renewal of Licenses; Inactive Status. Amend RSA 329:16-c as
30 follows:

31 329:16-c Inactive Status. A person licensed by the board who does not intend to engage in such
32 licensed profession in this state, upon written request to the ~~[board]~~ **office**, may have one's name
33 transferred to inactive status and shall not be required to renew such license or pay any renewal fee
34 as long as the person remains inactive.

35 442 Repeals; Physicians and Surgeons. The following are repealed:

36 I. RSA 329:9-g, relative to annual education program.

37 II. RSA 329:13-b, VI, relative to peer review committees.

- 1 III. RSA 329:16-a, relative to renewal.
- 2 IV. RSA 329:16-d, relative to notice of renewal.
- 3 V. RSA 329:16-e, relative to neglect to renew.
- 4 VI. RSA 329:16-g, relative to continuing medical education requirement.
- 5 VII. RSA 329:17, relative to disciplinary action and remedial proceedings.
- 6 VIII. RSA 329:17-b, relative to injunction.
- 7 IX. RSA 329:17-c, relative to denial or revocation of license.
- 8 X. RSA 329:18, relative to investigations.
- 9 XI. RSA 329:18-a, relative to hearings.
- 10 XII. RSA 329:18-b, relative to temporary suspension where imminent threat.
- 11 XIII. RSA 329:21, V, relative to persons excepted.
- 12 XIV. RSA 329:24, relative to unlawful practice.
- 13 XV. RSA 329:29, relative to proceedings of the medical review subcommittee.
- 14 443 Repeal; Alcohol and Other Drug Use Professionals. RSA 330-C, relative to alcohol and other
- 15 drug use professionals, is repealed.
- 16 444 Repeal; Psychologists. RSA 329-B, relative to psychologists, is repealed.
- 17 445 Mental Health Practice. RSA 330-A is repealed and reenacted to read as follows:

CHAPTER 330-A

MENTAL HEALTH PRACTICE

20 330-A:1 Purpose; Application. To promote efficiency and economy, reduce workforce barriers,
21 eliminate redundancies in licensure requirements, and reduce administrative costs, the regulation of
22 mental health professionals shall be performed by one regulatory body established pursuant to this
23 chapter. The purpose of this chapter is to protect and benefit the public by setting standards of
24 qualifications, education, training, and experience for those who seek to obtain a certificate as a
25 certified recovery support worker or a license as a clinical mental health counselor, a clinical social
26 worker, a licensed alcohol and drug counselor, a licensed social worker, a marriage and family
27 therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist,
28 a social work associate, a pastoral psychotherapist, or a psychologist, and to promote competency in
29 the provision of services provided by professionals licensed under this chapter.

30 330-A:2 Definitions. In this chapter:

31 I. "Alcohol and drug use" means the use of alcohol or other drugs, or both, to the extent or
32 frequency that it impairs or endangers one's health, social or economic function, or the health and
33 welfare of others, and can be used interchangeably with "substance use."

34 II. "Board" means the board of mental health practice.

35 III. "Certified recovery support worker," or CRSW, means an individual certified by the
36 board to provide recovery support to persons with substance use disorders, who meets the
37 qualifications in this chapter.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 161 -

1 IV. "Clergy" means any minister, priest, rabbi, Christian Science practitioner, or any other
2 similar religious counselor.

3 V. "Client" or "patient" means a person who seeks or obtains mental health services,
4 psychotherapy, or substance use counseling.

5 VI. "Clinical supervision" means an ongoing, regularly occurring process of examination,
6 critique, and improvement of a counselor's skills, directed by the counselor's designated clinical
7 supervisor, and is typically one-to-one or small group in structure, and utilizes the methods of
8 intensive case review and discussion, and direct and indirect observation of clinical practice.

9 VII. "Continuing education" means research and training programs, college and university
10 courses, in-service training programs, or seminars and conferences designed to maintain and
11 enhance the skills of individuals certified or licensed under this chapter and which are recognized by
12 the board.

13 VIII. "Continuum of care network" means public and private substance use care agencies
14 such as detoxification centers, emergency rooms, hospitals, treatment centers, outpatient and day
15 treatment clinics, and community residences for substance users.

16 IX. "Co-occurring disorders" means a diagnosis that includes both a mental illness and
17 substance use disorder.

18 X. "Core functions and practice dimensions of addiction counseling" means the following 12
19 activities an alcohol and drug counselor performs in the role of counselor: screening, intake,
20 orientation, assessment, treatment planning, counseling (individual, group, and significant others),
21 case management, crisis intervention, client education, referral, reports and record keeping, and
22 consultation with other professionals in regard to client treatment and services.

23 XI. "Office" means the office of professional licensure and certification.

24 XII. "Former client" or "former patient" means a person who was given mental health
25 services within the previous 7 years.

26 XIII. "Licensed alcohol and drug counselor," or LADC, means an individual licensed under
27 this chapter to practice substance use counseling who meets the qualifications set forth in this
28 chapter.

29 XIV. "Licensed clinical supervisor," or LCS, means an individual licensed under this chapter
30 to practice and supervise substance use counseling, who meets the qualifications set forth in this
31 chapter.

32 XV. "Licensed school psychologist" means any person licensed under this chapter to practice
33 school psychology.

34 XVI. "Master licensed alcohol and drug counselor," or MLADC, means an individual licensed
35 under this chapter to practice substance use and co-occurring disorder counseling who meets the
36 qualifications set forth in this chapter.

1 XVII. "Mental health disorder" or "mental illness" means any mental disorder, including a
2 disorder of thought, mood, or behavior that causes distress and results in a reduced ability to
3 function psychologically, socially, occupationally, or interpersonally, as set forth in the current
4 version of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric
5 Association.

6 XVIII. "Mental health discipline" means the disciplines of those licensed as a clinical mental
7 health counselor, a clinical social worker, a licensed social worker, a marriage and family therapist,
8 a master licensed alcohol and drug counselor, a school social worker, a school psychologist, a social
9 work associate, a pastoral psychotherapist, or a psychologist.

10 XIX. "Mental health practice" means the observation, description, evaluation,
11 interpretation, diagnosis, and modification of human behavior by the application of psychological
12 and systems principles, methods, and procedures for the purpose of preventing or eliminating
13 symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal relationships,
14 work and life adjustments, personal effectiveness, behavioral health, and mental health, as well as
15 the diagnosis and treatment of the psychological and social aspects of physical illness, accident,
16 injury, or disability. Mental health practice may include, but shall not be limited to, those services
17 based on diagnosis and treatment of mental and emotional disorders and psycho-educational or
18 consultative techniques integral to the treatment of such disorders when diagnosis is specified in the
19 most current edition of the Diagnostic and Statistical Manual of Mental Disorders, published by the
20 American Psychiatric Association, or an equivalent of such manual as determined by the board.
21 Notwithstanding any other provision to the contrary, no person licensed or registered under this
22 chapter shall assess the need for medications, prescribe medications, or otherwise practice medicine
23 as defined in RSA 329.

24 XX. "Mental health practitioner" means persons licensed under this chapter as a clinical
25 mental health counselor, a clinical social worker, a licensed social worker, a marriage and family
26 therapist, a master licensed alcohol and drug counselor, a school social worker, a school psychologist,
27 a social work associate, a pastoral psychotherapist, or a psychologist. For purposes of this chapter,
28 the term clinical social worker shall include independent clinical social worker.

29 XXI. "Peer collaboration" means ongoing regularly occurring clinical consultation with, or
30 small group meetings among, mental health practitioners, substance use counselors, or licensees of
31 the board of nursing or the board of medicine with expertise in substance use and co-occurring
32 disorder counseling, at which clinical issues and/or cases are discussed.

33 XXII. "Practice of substance use counseling" means the rendering or offering to render
34 professional service for any documented fee or other consideration to individuals, families, or groups.
35 Those professional services include the application of the specific knowledge, skills, counseling
36 theory, and application of techniques to assess, diagnose, define goals, and develop a treatment plan
37 of action aimed toward prevention, education, or treatment in the recovery process of substance use

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 163 -

1 disorders within the continuum of care network. The practice further includes, but is not limited to,
2 networking and making referrals to medical, social services, mental health services, psychiatric, or
3 legal resources when so indicated.

4 XXIII. "Privilege" is the right of a patient for privacy of his or her mental health and
5 substance use disorder records, which belong to the patient, and which shall not be abridged except
6 by court order or other exception under state or federal law.

7 XXIV. "Psychology practice by a licensed psychologist" means:

8 (a) The observation, description, evaluation, interpretation, prediction, and modification
9 of human behavior by the application of psychological principles, methods, and procedures, for the
10 purposes of:

11 (1) Preventing, eliminating, evaluating, assessing, or predicting symptomatic,
12 maladaptive, or undesired behavior;

13 (2) Evaluating, assessing, or facilitating the enhancement of individual, group, or
14 organizational effectiveness, including personal effectiveness, adaptive behavior, interpersonal
15 relationships, work and life adjustment, health, and individual, group, or organizational
16 performance; or

17 (3) Assisting in legal decision-making.

18 (b) Psychological testing and the evaluation or assessment of personal characteristics,
19 such as intelligence; personality; cognitive, physical, and emotional abilities; skills; interests;
20 aptitudes; and neuropsychological functioning;

21 (c) Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, and
22 behavior analysis and therapy;

23 (d) Diagnosis, treatment, and management of mental and emotional disorder or
24 disability, alcoholism and substance abuse, disorders of habit or conduct, and the psychological and
25 behavioral aspects of medical/physical illness, accident, injury, or disability;

26 (e) Psycho-educational evaluation, therapy, and remediation;

27 (f) Consultation and coordination with other psychologists, physicians, other health care
28 professionals, and patients regarding all available treatment options, including medication, with
29 respect to provision of care for a specific client or patient or group;

30 (g) Provision of direct services to individuals or groups for the purpose of enhancing
31 individual and organizational effectiveness, or using psychological principles, methods, or procedures
32 to assess and evaluate individuals on personal characteristics for individual development or behavior
33 change, or for making decisions about the individual, such as selection;

34 (h) Provision of any of these services or activities by any means, including electronic or
35 telephonic; and

36 (i) The supervision, ordering, referring, and prescribing of any of these services or
37 activities.

1 The practice of psychology shall be construed within the meaning of this definition without
2 regard to whether payment is received for services rendered.

3 XXV. "Psychology services by a licensed psychologist" means the observation, description,
4 evaluation, interpretation, diagnosis, and modification of human behavior by the application of
5 psychological and systems principles, methods, and procedures for the purpose of preventing or
6 eliminating symptomatic, maladapted, or undesirable behavior and of enhancing interpersonal
7 relationships, work and life adjustments, personal effectiveness, behavioral health, and mental
8 health, as well as the diagnosis and treatment of the psychological and social aspects of physical
9 illness, accident, injury, or disability. Psychology services may include, but shall not be limited to,
10 those services based on diagnosis and treatment of mental and emotional disorders and psycho-
11 educational or consultative techniques integral to the treatment of such disorders when diagnosis is
12 specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders,
13 published by the American Psychiatric Association, The International Classification of Disease
14 Manual (ICD), or an equivalent of such manual as determined by the board. Psychological services
15 may be rendered to individuals, families, groups, systems, or organizations.

16 XXVI. "Psychologist" means any person licensed as a psychologist under this chapter.

17 XXVII. "Psychology intern, resident, or fellow" means a person in training as a psychologist,
18 subject to the provisions of this chapter and regulation by the board.

19 XXVIII. "Psychotherapy" means the professional treatment, assessment, or counseling of a
20 mental or emotional illness, symptom, or condition.

21 XXIX. "Psychotherapist" means a clinical mental health counselor, a clinical social worker, a
22 licensed social worker, a marriage and family therapist, a master licensed alcohol and drug
23 counselor, a school social worker, a school psychologist, a social work associate, a pastoral
24 psychotherapist, or a psychologist licensed under this chapter who performs or purports to perform
25 psychotherapy. This definition shall include psychiatrists licensed as physicians under RSA 329 and
26 advanced registered nurse practitioners licensed under RSA 326-B:18 as psychiatric nurse
27 practitioners.

28 XXX. "School psychology practice" by a licensed school psychologist means:

29 (a) Practices that permeate all aspects of service delivery through:

30 (1) Data-based decision making and accountability; and

31 (2) Consultation, coordination, and collaboration;

32 (b) Direct and indirect services for children, families, and schools which include:

33 (1) Student-level services including;

34 (A) Conducting, interpreting, and communicating the findings of assessments of
35 students, including but not limited to their:

36 (i) Intellectual ability.

37 (ii) Cognitive processing.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 165 -

- 1 (iii) Academic achievement.
- 2 (iv) Behavior.
- 3 (v) Social and emotional functioning.
- 4 (vi) Learning environments.
- 5 (vii) Adaptive functioning.
- 6 (B) Designing, implementing, monitoring, and adapting instructional and
- 7 behavioral supports and interventions;
- 8 (C) Creating, implementing, evaluating, ordering, referring, and prescribing
- 9 mental health interventions and direct services to develop social/emotional and life skills;
- 10 (2) Systems-level services including:
- 11 (A) Interacting effectively in a school setting by understanding systems, roles,
- 12 curriculum, instruction, and assessment to promote socialization, learning, and mental health; and
- 13 (B) Implementing and evaluating school wide practices that promote learning;
- 14 and
- 15 (3) Preventative and responsive services including:
- 16 (A) Applying principles of resilience and risk factors in learning and mental
- 17 health;
- 18 (B) Promoting multi-tiered systems of support; and
- 19 (C) Formulating evidence-based strategies for effective crisis preparation,
- 20 response, and recovery; and
- 21 (4) Foundations of professional school psychological services which include:
- 22 (A) Understanding and analyzing the diversity in human development and
- 23 learning including culture, context, and individual differences;
- 24 (B) Explaining typical and atypical psychological and educational development
- 25 in children and youth;
- 26 (C) Synthesizing, evaluating, and applying theories and models of research,
- 27 empirical findings, and techniques related to student learning;
- 28 (D) Utilizing research design, statistics, measurement, and varied data collection
- 29 and analysis techniques;
- 30 (E) Designing and implementing program evaluation to support evidence-based
- 31 practices at the individual, group, and/or systems levels;
- 32 (F) Integrating the history and foundations of psychology into a professional
- 33 identity and practice as a school psychologist; and
- 34 (G) Adhering to ethical, legal, and professional licensure and certification
- 35 including:
- 36 (i) Ethical and professional decision making; and

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 166 -

1 (ii) Professional work characteristics and disposition that reflect personal
2 integrity.

3 XXXI. "School psychology services" by a licensed school psychologist means the provision of
4 services related only to functioning at school and transition to post-secondary goals, including: the
5 observation, description, evaluation, interpretation, diagnosis, and modification of human behavior
6 by the application of psychological and systems principles, methods, and procedures for the purpose
7 of preventing or eliminating symptomatic, maladapted, or undesirable behavior and of enhancing
8 interpersonal relationships, school and life adjustments, personal effectiveness, behavioral health,
9 and mental health, as well as the diagnosis and treatment of the psychological and social aspects of
10 physical illness, accident, injury, or disability. School psychology services may include, but shall not
11 be limited to, those services based on diagnosis and treatment of mental and emotional disorders and
12 psycho-educational or consultative techniques integral to the treatment of such disorders when
13 diagnosis is specified in the most current edition of the Diagnostic and Statistical Manual of Mental
14 Disorders, published by the American Psychiatric Association, The International Classification of
15 Disease Manual (ICD), or an equivalent of such manual as determined by the board. School
16 psychological services may be rendered to individuals, families, groups, systems, or organizations
17 within school settings and other locations as provided in RSA 329-B:15-a, V.

18 XXXII. "Sexual relations" means the intentional touching of any part of the client or
19 patient's body or any verbal or nonverbal communication for the purpose of sexual arousal or
20 gratification of either party.

21 XXXIII. "Substance use disorder" means a disorder related to the taking of a drug, including
22 alcohol.

23 XXXIV. "Supervised practical training" means experiential activities monitored by one or
24 more clinical supervisors who provide timely feedback to assist the counselor in the learning process,
25 and which are designed to provide training of specific knowledge and skills necessary to competently
26 perform the tasks inherent in the performance domains of substance use counseling. The
27 supervision shall be at a location mutually convenient to both the supervisor and the candidate for
28 licensure.

29 XXXV. "Work experience" means paid or voluntary experience under clinical supervision
30 with a primary focus on utilizing alcohol and other drug use treatment or intervention theories,
31 techniques, or methodologies.

32 330-A:3 Board of Mental Health Practice Established.

33 I. There shall be a board of mental health practice composed of the following members: one
34 licensed psychologist or school psychologist, one master licensed alcohol and other drug use
35 counselor, one clinical social worker, one mental health counselor, and one public member. The
36 members shall be appointed to a term of 3 years by the governor with the approval of the council.
37 The members of the board shall elect a chairperson on an annual basis. No discipline's

1 representative and no individual public member shall serve as chairperson for more than 2 years
2 consecutively. The public member of the board shall be a person who is not, and never was a
3 member of the mental health profession or the spouse of any such person, and who does not have,
4 and never has had, a material financial interest in either the provision of mental health services, a
5 health insurance company, health maintenance organization, or an activity directly related to
6 mental health practice, including representation of the boards or profession for a fee, at any time
7 during the 5 years preceding appointment.

8 II. The board members shall not serve more than 2 consecutive 3-year terms.

9 330-A:4 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative
10 to:

11 I. The eligibility requirements for licensure or certification in addition to those requirements
12 set by statute.

13 II. Ethical standards required to be met by each profession licensed or certified under this
14 chapter.

15 III. Compliance with the mental health client bill of rights.

16 IV. Establishment of the scope of practice for each mental health discipline licensed or
17 certified under this chapter.

18 V. Continuing education requirements for each mental health discipline licensed or certified
19 under this chapter.

20 VI. Requirements to be met by licensees or certified individuals relative to the disclosure of
21 information to patients and the general public concerning the nature of mental health care and the
22 responsibilities of mental health practitioners to clients.

23 VII. Standards for clinical supervision or peer collaboration and documentation of clinical
24 supervision or peer collaboration.

25 VIII. Completion of a survey or opt out form provided by the office of rural health, office of
26 health and human services, during the license renewal process.

27 330-A:5 Information on Sexual Misconduct. The board shall inform all applicants for licensure
28 under this chapter that the board deems sexual misconduct to be unethical, unprofessional, and
29 dishonorable conduct subject to disciplinary action by the board. The board shall make available to
30 all licensees or certified individuals, or persons applying for licensure or certification, under this
31 chapter information and materials, as determined by the board, pursuant to rules adopted under
32 RSA 541-A, regarding such sexual misconduct.

33 330-A:6 Mental Health Client Bill of Rights. The board shall adopt rules under RSA 541-A for
34 the provision of informed consent for client or patient rights, based on the professional codes of
35 ethics as they apply in the variety of settings in which licensed mental health providers practice.
36 When addressing the client or patient rights, reasonable accommodations shall be made for those

1 persons who cannot read or who have communication impairments and those who do not understand
2 English.

3 330-A:7 Criminal History Record Check.

4 I. Every applicant for initial licensure shall submit to the board a criminal history record
5 release form, as provided by the New Hampshire division of state police, office of safety, which
6 authorizes the release of his or her criminal history record, if any, to the office.

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

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

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

21 330-A:8 Certified Recovery Support Worker.

22 I. The office shall issue a certification to practice as a certified recovery support worker to
23 applicants who:

- 24 (a) Have a high school diploma or its equivalent.
25 (b) Have completed training requirements established by the board.

26 II. The scope of practice of a certified recovery support worker includes:

27 (a) The provision of basic screening of persons with substance use and co-occurring
28 mental health disorders to determine whether referral for further assessment and formal diagnosis
29 is needed and the making of appropriate referrals.

30 (b) The provision of monitoring of clients' health and safety, including basic recognition
31 of signs and symptoms of addiction, intoxication, and withdrawal, and the implementation of
32 structured interventions to ensure the immediate safety of clients demonstrating such symptoms.

33 (c) The provision of recovery support, including practical support, mentoring, and
34 education about addiction, community peer support, role of medication and co-occurring disorders in
35 addiction.

36 (d) Adherence to the ethical standards of the substance use treatment profession as
37 determined by the board.

1 330-A:9 Mental Health Practice; Conditional License.

2 I. Applicants for licensure under this section may apply to the office for conditional
3 licensure. To receive a conditional license, applicants shall comply with the following requirements:

4 (a) Clinical social worker:

5 (1) Hold a master's or doctoral degree in social work or social welfare from a CSWE
6 approved program.

7 (2) Obtain a board approved supervisory agreement with documented intent to
8 pursue licensure as a clinical social worker under this chapter.

9 (b) School social worker:

10 (1) Hold a master's or doctoral degree in social work or social welfare from a CSWE
11 approved program.

12 (2) Obtain a board approved supervisory agreement, with documented intent to
13 pursue licensure as a clinical social worker under this chapter.

14 (c) Social worker:

15 (1) Hold a bachelor's degree in social work or social welfare from a CSWE approved
16 program.

17 (2) Obtain a board approved supervisory agreement with documented intent to
18 pursue licensure as a licensed social worker under this chapter.

19 (d) Social work associate:

20 (1) Hold an associate's or bachelor's degree in clinical mental health, social work,
21 psychology, behavioral health counseling, human services discipline, or equivalent program from an
22 accredited college or university.

23 (2) Complete 300 hours of social work or mental health education within the degree-
24 granting program or separately.

25 (3) Complete 300 hours of supervised practical training within the degree-granting
26 program, as part of the supervised work experience or separately.

27 (4) Obtain a board approved supervisory agreement with documented intent to
28 pursue licensure as a licensed social work associate under this chapter.

29 (e) Clinical mental health counselor:

30 (1) Hold a master's or doctoral degree in clinical mental health counseling from a
31 CACREP accredited institution or its equivalent which has received regional accreditation from the
32 Association of Secondary Schools and Colleges.

33 (2) Obtain a board approved supervisory agreement with documented intent to
34 pursue licensure as a clinical mental health counselor under this chapter.

35 (f) Marriage and family therapist:

36 (1) Hold a master's or doctoral degree in family therapy from a program accredited
37 by the Commission on Accreditation for Marriage and Family Therapy Education or has a master's

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 170 -

1 degree or doctorate degree with a concentration in the field of marriage and family therapy from a
2 regionally accredited institution or has a clinical membership in the American Association for
3 Marriage and Family Therapy.

4 (2) Obtain a board approved supervisory agreement with documented intent to
5 pursue licensure as a marriage and family therapist under this chapter.

6 II. Conditional licenses issued under this section shall be valid for a period not to exceed 2
7 years from the date of issuance. Applicants in good standing may apply for a one-time renewal of a
8 conditional license.

9 330-A:10 Clinical Mental Health Counselors. The office shall issue a clinical mental health
10 counselor license to any person who meets all of the following requirements or their equivalent:

11 I. Has a 60-credit master's or doctoral degree in clinical mental health counseling from a
12 Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
13 institution or its equivalent which has received regional accreditation from the Association of
14 Secondary Schools and Colleges.

15 II. Has passed the clinical mental health counselor's proctored examination of the National
16 Board for Certified Counselors, Inc.

17 III. Has completed a minimum of 2 years of post-masters experience including completion of
18 a minimum of 3,000 hours of post-masters, supervised clinical experience by a board approved
19 licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or
20 any other supervisor based on reasonable and specific criteria established in rules adopted under
21 RSA 330-A:4. A current master licensed alcohol and drug counselor (MLADC) license shall be
22 eligible to substitute 1,500 hours of the required 3,000 hours of supervised clinical experience.

23 330-A:11 Clinical Social Workers. The office shall issue a clinical social worker license to any
24 person who meets all the following requirements or their equivalent:

25 I. Has received a college undergraduate degree.

26 II. Has received a 2-year master's degree or doctorate degree in social work from a school
27 approved by the Council on Social Work Education.

28 III. Has completed a minimum of 2 years of post-masters experience, including completion of
29 a minimum of 3,000 hours of post-masters, supervised clinical experience by a board approved
30 licensed independent clinical social worker or licensed clinical mental health counselor supervisor, or
31 any other supervisor based on reasonable and specific criteria established in rules adopted under
32 RSA 330-A:4. A current master licensed alcohol and drug counselor (MLADC) license shall be
33 eligible to substitute 1,500 hours of the required 3,000 hours of supervised clinical experience.

34 IV. Has passed a national proctored examination approved by the board.

35 330-A:12 Licensed Alcohol and Drug Counselor; Initial License.

36 I. The office shall issue a license for a licensed alcohol and drug counselor for applicants
37 who:

1 (a) Have completed one of the following:

2 (1) Have graduated with an associate's degree in substance use counseling, addiction
3 studies, or equivalent program, obtained 300 hours of alcohol and drug use education within the
4 degree-granting program or separately, completed 6,000 hours of supervised work experience, and
5 completed 300 hours of supervised practical training within the degree-granting program, as part of
6 the supervised work experience or separately; or

7 (2) Have graduated with a bachelor's degree in a clinical mental health, social work,
8 psychology, substance use counseling, addiction studies, human services discipline, or equivalent
9 program from an accredited college or university, obtained 300 hours of alcohol and drug use
10 education within the degree-granting program or separately, completed 4,000 hours of supervised
11 work experience, and completed 300 hours of supervised practical training within the degree-
12 granting program, as part of the supervised work experience or separately.

13 (b) Pass testing procedures of a nationally recognized credentialing entity specified by
14 the board. Such procedures shall be based on the core functions and practice dimensions of addiction
15 counseling.

16 II. The scope of practice of the LADC is the screening, assessment, diagnosis, treatment
17 planning, and treatment of substance use disorders and the screening and referral of mental health
18 disorders under clinical supervision as defined in this chapter. The scope does not include the
19 treatment of co-occurring disorders, unless the LADC is in an academic internship as part of a
20 master's program in a mental health field or employed as a LADC and working toward mental
21 health licensure under this chapter or RSA 326-B. The practice of alcohol and drug counseling
22 includes the following performance areas which encompass the 12 core functions and practice
23 dimensions of addiction counseling:

24 (a) The performance of clinical evaluation including the screening, assessment, and
25 diagnosis of alcohol and other drug use disorders, the assessment and identification of symptoms of
26 co-occurring mental health disorders and differential diagnosis indicators and the development of
27 preliminary mental health disorder diagnoses for further assessment and confirmation by an
28 appropriate professional. This includes severity assessment and assessment of dangerousness to self
29 or others;

30 (b) The performance of treatment planning; referrals including co-occurring mental
31 health and medical conditions; case management and service coordination including implementation
32 of treatment plans, consultation, coordination of care with mental health and other community
33 providers, ongoing assessment of progress and needs, and client advocacy; education; and
34 documentation;

35 (c) The performance of counseling, including:

36 (1) Individual, group, family, and significant other counseling; and

1 (2) Crisis prevention and intervention to include enlisting the support of trained
2 personnel to manage risk of harm to self or others;

3 (d) Adherence to professional and ethical responsibilities as determined by the board.

4 II. An LADC may engage in practice only under clinical supervision of an MLADC, LCS,
5 LADC, psychiatric APRN, or licensed mental health provider approved by the board.

6 330-A:13 Licensed Clinical Supervisor.

7 I. The office shall issue a license to practice as a licensed clinical supervisor to applicants
8 who:

9 (a) Hold a current license as a MLADC or LADC;

10 (b) Have 10,000 hours of experience as an alcohol and drug counselor;

11 (c) Have 4,000 hours of experience as a clinical supervisor supervising professionals
12 providing alcohol and drug counseling, which hours may be accumulated by the applicant as part of
13 the experience requirements in paragraph II;

14 (d) Have received 200 hours of face-to-face clinical supervision;

15 (e) Have completed 30 hours of training in clinical supervision covering assessment,
16 evaluation, counselor development, management, administration, and professional responsibility;
17 and

18 (f) Pass testing procedures of a nationally recognized credentialing entity specified by
19 the board.

20 II. The scope of practice of a licensed clinical supervisor is based on knowledge in the core
21 functions and performance domains to supervise alcohol and drug counselors. This includes
22 administrative, evaluative, clinical, and supportive oversight of the practice of alcohol and drug
23 counselors licensed under this chapter and persons seeking licensure.

24 III. The licensed clinical supervisor shall:

25 (a) Exercise responsibility over alcohol and drug counselors concerning all activities,
26 including but not limited to, alcohol and drug counselor development, skill assessment and
27 performance evaluation, staff management and administration, and professional responsibility.

28 (b) Not permit a supervisee to engage in any practice that the supervisee is not
29 competent to perform.

30 (c) Be legally and ethically responsible for the supervised activities of the counselors he
31 or she supervises.

32 (d) Be available or make appropriate provision for emergency consultation and
33 intervention.

34 (e) Interrupt or stop the supervisee from practicing in given cases, or recommend to the
35 supervisee's employer that the employer interrupt or stop the supervisee from practicing in given
36 cases, and to terminate the supervised relationship, if necessary.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 173 -

1 (f) Provide supervision at locations mutually convenient to both the supervisor and the
2 supervisee.

3 330-A:14 Licensed Social Workers.

4 I. An applicant for an initial license as a licensed social worker shall comply with the
5 following requirements:

6 (a) Graduate with a bachelor's degree in social work from a college or university
7 approved by the Council on Social Work Education.

8 (b) Complete 300 hours of social work or mental health education within the degree-
9 granting program or separately.

10 (c) Complete 4,000 hours of supervised work experience.

11 (d) Complete 300 hours of supervised practical training within the degree-granting
12 program, as part of the supervised work experience or separately.

13 (e) Pass a national proctored examination approved by the board.

14 II. The scope of practice of a licensed social worker shall be the screening, assessment,
15 treatment planning, and treatment of mental health conditions as defined in this section as follows:

16 (a) The performance of clinical evaluation including the screening and assessment of
17 mental health disorders, the assessment and identification of symptoms of co-occurring mental
18 health disorders and differential diagnosis indicators, and the development of preliminary mental
19 health disorder diagnoses for further assessment and confirmation by an appropriate professional.
20 This includes severity assessment and assessment of dangerousness to self or others.

21 (b) The performance of treatment planning and case management referrals including co-
22 occurring substance use disorders and medical conditions, case management and service
23 coordination including implementation of treatment plans, consultation, coordination of care with
24 mental health and other community providers, ongoing assessment of progress and needs, and client
25 advocacy, education, and documentation.

26 (c) The performance of counseling, including:

27 (1) Individual, group, family, and significant other counseling; and

28 (2) Crisis prevention and intervention to include enlisting the support of trained
29 personnel to manage risk of harm to self or others.

30 (d) Adherence to professional and ethical responsibilities as determined by the board.

31 III. During the first 2 years of licensure, a licensed social worker may engage in practice
32 only under clinical supervision of a licensed clinical social worker, a licensed mental health
33 counselor, a master licensed drug and alcohol counselor, a psychiatric APRN, or a licensed mental
34 health provider approved by the board. The supervising clinician shall sign off on any clinical
35 diagnostic assessment and treatment plan established by a licensed social worker.

36 330-A:15 Marriage and Family Therapists. The office shall issue a marriage and family
37 therapist license to any person who meets all of the following requirements or their equivalent:

1 I. Has a master's degree or a doctorate degree in marriage and family therapy from a
2 program accredited by the Commission on Accreditation for Marriage and Family Therapy
3 Education, or has a master's degree or a doctorate degree with a concentration in the field of
4 marriage and family therapy from a regionally accredited institution, or has clinical membership in
5 the American Association for Marriage and Family Therapy.

6 II. Has passed the national proctored examination of the Association of Marital and Family
7 Therapy Regulatory Boards.

8 III. Has completed a minimum of 2 years of post-master's experience in a mental health
9 counseling setting, including completion of a minimum of 3,000 hours of supervised practice of
10 marriage and family therapy under supervision approved by the American Association of Marriage
11 and Family Therapy or the board, and has completed 200 hours of face-to-face supervision by a
12 supervisor approved by the American Association of Marriage and Family Therapy or the board.
13 Supervision standards shall be equivalent to an American Association of Marriage and Family
14 Therapy approved supervisor, or approved alternate supervision as defined by the American
15 Association of Marriage and Family Therapy Commission on Supervision. A current master licensed
16 alcohol and drug counselor (MLADC) license shall be permitted as a substitute for 1,500 hours of the
17 required 3,000 hours of supervised clinical experience.

18 330-A:16 Master Licensed Alcohol and Drug Counselor; Scope of Practice.

19 I. The office shall issue a master licensed alcohol and drug counselor initial license to
20 applicants who:

21 (a) Have graduated with a minimum graduate degree of a 60-hour masters degree or
22 advanced standing masters degree in clinical mental health, clinical psychology, substance use
23 treatment, social work, or human services or equivalent, with clinical course work and internship
24 requirements, from an accredited college or university, 300 hours of alcohol and drug use education,
25 which may be included in the coursework of the master's program, and 300 hours of supervised
26 practical training; or, have graduated with a masters degree of less than 60 hours in a discipline
27 described in this subparagraph and has completed the necessary additional hours of masters level
28 course work as determined by the board.

29 (b) Either hold a current LADC license or pass the testing procedures required by the
30 board.

31 (c) Either hold a current license as a marriage and family therapist, a clinical social
32 worker, a mental health counselor, or pastoral psychotherapist or pass the examination approved by
33 the board to demonstrate competence to provide co-occurring disorder counseling within the context
34 of substance use counseling.

35 (d) Complete 3,000 hours of clinically supervised post-masters degree work experience in
36 the treatment of substance use and co-occurring disorders. Up to 1,500 hours of clinically supervised
37 work experience accumulated by the applicant during his or her practice as an LADC may be

1 counted toward the required 3,000 hours. A current license as a marriage and family therapist, a
2 clinical social worker, a mental health counselor, or pastoral psychotherapist shall be eligible to be
3 substituted for 1,500 hours of the required 3,000 hours of clinically supervised work experience.

4 II. The scope of practice of the MLADC is the screening, assessment, diagnosis, treatment
5 planning, and treatment of substance use disorders and co-occurring disorders only within the
6 context of addressing substance use disorders. The practice of alcohol and drug counseling and co-
7 occurring disorder counseling includes the following performance areas which encompass the 12 core
8 functions and practice dimensions of addiction counseling:

9 (a) The performance of clinical evaluations including the screening, assessment, and
10 diagnosis of substance use disorders and mental health disorders when they are co-occurring with a
11 substance use disorder, and the performance of differential diagnoses;

12 (b) The performance of treatment planning, case management, consultation, education,
13 documentation, and client advocacy;

14 (c) The performance of counseling including:

15 (1) Individual, group, family, and significant other counseling;

16 (2) Crisis prevention and intervention;

17 (3) Co-occurring disorder counseling with the use of integrated models of
18 assessment, intervention, and counseling techniques within the context or treatment of a substance
19 use disorder; and

20 (d) Adherence to professional and ethical standards as determined by the board.

21 III. A MLADC may engage in independent practice within the scope of practice in this
22 section only with clinical supervision or peer collaboration.

23 IV. A MLADC shall provide services only within the boundaries of his or her competence,
24 based upon education, training, clinically supervised work experience, consultation, study, or
25 professional experience.

26 330-A:17 School Psychologist. The office shall issue a license to practice school psychology to
27 any person who:

28 I. Has passed a satisfactory examination in psychology as determined by the board including
29 a national school psychologists' examination.

30 II. Has completed one of the following:

31 (a) Any state board of education approved doctoral certificate of advanced graduate
32 study or master's level program in school psychologist; or

33 (b) Satisfy the following requirements:

34 (1) Complete at least 60 semester hours or the equivalent of graduate study
35 culminating in at least a master's degree, of which at least 54 hours are exclusive of credit for the
36 supervised internship experience described below; and

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 176 -

1 (2) Experience in a supervised internship in a general school setting for 1,200 clock
2 hours, full-time over one year or half time over 2 consecutive years in a general school setting,
3 provided that if additional experiences are provided in mental health clinicals, psychiatric hospitals,
4 and other institutions for children, such experiences shall not replace the supervised internship in a
5 general school setting for more than 600 of the 1,200 hours.

6 III. Has submitted a complete set of fingerprints and a criminal history records release form
7 to the office of safety.

8 IV. Has paid all fees.

9 330-A:18 School Social Workers. The office shall issue a school social worker license to any
10 person who has completed all of the following requirements or their equivalent:

11 I. Has received a college undergraduate degree.

12 II. Has received a 2-year master's degree or doctorate degree in social work from a school
13 approved by the Council on Social Work Education.

14 III. Has completed a minimum of 2 years of post-masters experience including completion of
15 a minimum of 3,000 hours of post-masters, supervised school social work experience by a board
16 approved licensed independent school social worker or licensed clinical mental health counselor
17 supervisor, or any other supervisor based on reasonable and specific criteria established in rules
18 adopted under RSA 330-A:4.

19 IV. Has passed a national proctored examination approved by the board.

20 330-A:19 Social Work Associates.

21 I. An applicant for an initial license as a licensed social work associate shall comply with the
22 following requirements:

23 (a)(1) Graduate with a bachelor's degree in clinical mental health, social work,
24 psychology, behavioral health counseling, human services discipline, or equivalent program from an
25 accredited college or university.

26 (2) Complete 300 hours of social work or mental health education within the degree-
27 granting program or separately.

28 (3) Complete 4,000 hours of supervised work experience.

29 (4) Complete 300 hours of supervised practical training within the degree-granting
30 program, as part of the supervised work experience or separately.

31 (5) Pass a national proctored examination approved by the board; or

32 (b)(1) Graduate with an associate's degree in clinical mental health, social work,
33 psychology, behavioral health counseling, human services discipline, or equivalent program.

34 (2) Complete 300 hours of social work or mental health education within the degree-
35 granting program or separately.

36 (3) Complete 6,000 hours of supervised work experience.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 177 -

1 (4) Complete 300 hours of supervised practical training within the degree-granting
2 program, as part of the supervised work experience or separately.

3 (5) Pass a national proctored examination approved by the board.

4 II. The scope of practice of a licensed social work associate shall be the screening,
5 assessment, treatment planning, and treatment of mental health conditions under clinical
6 supervision as defined in this section as follows:

7 (a) The performance of clinical evaluation including the screening and assessment of
8 mental health disorders, the assessment and identification of symptoms of co-occurring mental
9 health disorders and differential diagnosis indicators, and the development of preliminary mental
10 health disorder diagnoses for further assessment and confirmation by an appropriate professional.
11 This includes severity assessment and assessment of dangerousness to self or others.

12 (b) The performance of treatment planning and case management referrals including co-
13 occurring substance use disorders and medical conditions, case management and service
14 coordination including implementation of treatment plans, consultation, coordination of care with
15 mental health, substance use treatment and other community providers, ongoing assessment of
16 progress and needs, and client advocacy, education, and documentation.

17 (c) The performance of counseling, including:

18 (1) Individual, group, family, and significant other counseling; and

19 (2) Crisis prevention and intervention to include enlisting the support of trained
20 personnel to manage risk of harm to self or others.

21 (d) Adherence to professional and ethical responsibilities as determined by the board.

22 III. A licensed social work associate may engage in practice only under clinical supervision
23 of a licensed clinical social worker, a licensed mental health counselor, a master licensed drug and
24 alcohol counselor, a psychiatric advanced practice registered nurse, or a licensed mental health
25 provider approved by the board. The supervising clinician shall sign off on any clinical diagnostic
26 assessment and treatment plan established by a licensed social work associate.

27 330-A:20 Pastoral Psychotherapist. The office shall issue a pastoral psychotherapist license to
28 any person who satisfactorily meets all of the following requirements or their equivalent:

29 I. Has passed a satisfactory proctored examination in pastoral counseling. The examination
30 shall be set and defined by the board.

31 II. Has a baccalaureate degree from an accredited college.

32 III. Has a Master of Divinity degree, or an equivalent, from a school of theology accredited
33 by the Association of Theological Schools.

34 IV. Has been authorized by a denomination or faith group through ordination, consecration,
35 or equivalent means to exercise specific religious leadership and service within and on behalf of the
36 denomination or faith group.

37 V. Has completed one unit of full-time clinical pastoral education or its equivalent.

1 VI. Has given evidence of serving at least 3 years as a clergy person, demonstrating growing
2 maturity in one's identity and role as a professional religious leader.

3 VII. Has received a doctoral degree in pastoral psychotherapy based on a program the
4 content of which was primarily psychology, pastoral psychotherapy, and clinical studies, or its
5 equivalent in both subject matter and extent of training.

6 VIII. Has done at least 1,375 hours of pastoral counseling while receiving at least 250 hours
7 of interdisciplinary supervision of that counseling, dealing with the theological and psychological
8 dimensions of human development.

9 IX. Has given evidence of having undergone sufficient theological and psychotherapeutic
10 investigation of one's own intrapsychic and interpersonal processes so that one is able to protect the
11 client from the pastoral psychotherapist's problems and to deploy oneself to the maximum benefit of
12 the client.

13 X. Has given evidence of:

14 (a) An understanding of the counseling and psychotherapeutic process;

15 (b) An ability to develop the counseling or psychotherapeutic relationship;

16 (c) An ability to perform a leadership role in the context of the religious community; and

17 (d) An ability to integrate one's professional role and personal identity.

18 XI. Has attained the level of Fellow in the American Association of Pastoral Counselors or
19 an equivalent organization.

20 330-A:21 Mental Health Practice; Psychologist. The office shall issue a psychologist license to
21 any person who:

22 I. Has passed a satisfactory examination in psychology.

23 II. Has received the doctoral degree based on a program of studies, the content of which was
24 primarily psychological, from a regionally accredited educational institution having a graduate
25 program, or its substantial equivalent in both subject matter and extent of training.

26 III. Has had at least 2 years of satisfactory, supervised experience in the field of psychology.

27 IV. Has paid all fees.

28 V. Has submitted a complete set of fingerprints and a criminal history records release form
29 to the office of safety as set forth in RSA 310.

30 330-A:22 Privileged Communications. The confidential relations and communications between
31 any person licensed under provisions of this chapter and such licensee's client are placed on the
32 same basis as those provided by law between attorney and client, and nothing in this chapter shall
33 be construed to require any such privileged communications to be disclosed, unless such disclosure is
34 required by a court order or allowed by federal law pursuant to the Health Insurance Portability and
35 Accountability Act of 1996 (HIPAA) or 42 C.F.R. Part 2. Confidential relations and communications
36 between a client and any person working under the supervision of a person licensed under this
37 chapter which are necessary and customary for diagnosis and treatment are privileged to the same

1 extent as though those relations or communications were with the supervising person licensed under
2 this chapter, unless such disclosure is required by a court order. This section shall not apply to
3 hearings conducted pursuant to RSA 135-C:27- 135-C:54 or RSA 464-A.

4 330-A:23 Persons Exempted.

5 I. Nothing in this chapter shall be construed to limit:

6 (a) The psychotherapy activities, services, or use of official title of a person in the employ
7 of a federal, state, county, or municipal agency, other political subdivision, or duly chartered
8 educational institution, insofar as such activities and services are a part of the duties of such person
9 in that salaried position.

10 (b) The psychotherapy activities and services of a student, intern, or resident in a
11 mental health discipline regulated by the board, who is pursuing a course of study approved by a
12 regionally accredited degree-granting institution or at another training site approved as providing
13 qualifying training and experience constituting a part of the supervised course of study, provided the
14 student is designated as such by titles clearly indicating training status.

15 (c) The counseling activities and services of rabbis, priests, ministers, Christian Science
16 practitioners, clergy, or members of religious orders when their counseling activities are within the
17 scope of the performance of their regular or specialized ministerial duties and are performed under
18 the auspices or sponsorship of an established and legally recognized church or denomination.

19 (d) The psychotherapy activities and services of any other person providing mental
20 health services as an employee of or consultant to an institution, facility, or nonprofit institution or
21 agency which provides clinical mental health services and which provides clinical supervision of its
22 staff and which assumes professional, ethical, and legal responsibility for such mental health
23 services.

24 (e) The psychotherapy activities and services of physicians licensed under RSA 329,
25 advanced registered nurse practitioners licensed under RSA 326-B:18, and psychologists licensed
26 under RSA 329-B.

27 II. This chapter shall not be construed to prevent or restrict the mental health practice or
28 substance use counseling activities of individuals who volunteer their services to non-profit
29 charitable organizations and receive no remuneration for their services.

30 III. Nothing in this chapter shall be construed to prevent the New Hampshire office of
31 education from credentialing individuals with the title certified school psychologist or certified
32 associate school psychologists to provide school psychological services in those settings that are
33 under the purview of the New Hampshire office of education. In addition, nothing in this chapter
34 shall be construed to limit the ability of an educator in the field of psychology in a duly chartered
35 educational institution to use his or her appropriate title.

36 330-A:24 Civil Liability; Duty to Warn.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 180 -

1 I. Any person licensed under this chapter has a duty to warn of, or to take reasonable
2 precautions to provide protection from, a client's violent behavior when the client has communicated
3 to such licensee a serious threat of physical violence against a clearly identified or reasonably
4 identifiable victim or victims, or a serious threat of substantial damage to real property.

5 II. The duty may be discharged by, and no monetary liability or cause of action shall arise
6 against, any person licensed under this chapter if the licensee makes reasonable efforts to
7 communicate the threat to the victim or victims, notifies the police office closest to the client's or
8 potential victim's residence, or obtains civil commitment of the client to the state mental health
9 system.

10 III. No monetary liability and no cause of action may arise concerning client privacy or
11 confidentiality against any person licensed under this chapter for information disclosed to third
12 parties in an effort to discharge a duty under paragraph II.

13 330-A:25 Mental Health Practice; Sexual Misconduct. Sexual relations with a client or a former
14 client shall be considered sexual misconduct and shall be subject to disciplinary action under this
15 chapter and the duty to inform established in RSA 330-A:26.

16 330-A:26 Mental Health Practice; Sexual Misconduct; Duty to Inform.

17 I. If, during the course of mental health therapy a client alleges that a person licensed under
18 this chapter has engaged with the client in sexual misconduct as defined in RSA 330-A:25, the
19 person licensed under this chapter shall have a duty to inform the client in the manner provided for
20 in paragraph II.

21 II. The duty may be discharged by, and no monetary liability or cause of action may arise
22 against, any person licensed under this chapter, if the licensee informs the client of the unethical,
23 unprofessional, and dishonorable conduct of the previous psychotherapist's actions. Any person
24 licensed under this chapter shall also advise the client that such sexual misconduct is cause for
25 disciplinary action by the board.

26 III. No civil or criminal liability shall arise concerning client privacy or confidentiality
27 against a person licensed under this chapter for information disclosed to the board or any other
28 statutorily created medical occupational licensing board conducting disciplinary proceedings in
29 discharging the responsibilities established under this subdivision, provided that such information is
30 disclosed in good faith.

31 IV. No civil action shall be maintained against any board member, the board, or its agents or
32 employees, or against any organization or its members, including, but not limited to, any member of
33 a professional licensure and certification review organization listed in RSA 507:8-c, I, or against any
34 other person for or by reason of any statement, report, communication, or testimony to the board, or
35 determination by the board in relation to disciplinary proceedings under this section provided that
36 such statement, report, communication, or determination is made in good faith.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 181 -

1 V. If the client decides to report such sexual misconduct to the board, the person licensed
2 under this chapter shall provide, either directly or indirectly through referral, support and advocacy
3 to such client in reporting the incident to the board.

4 446 New Paragraph; Midwifery; Purpose. Amend RSA 326-D:1 by inserting after paragraph V
5 the following new paragraph:

6 VI. To reduce workforce barriers and provide state supervision over regulatory bodies
7 comprised of active market participants, the responsibility for implementation this chapter shall be
8 transferred to the executive director of the office of professional licensure and certification effective
9 July 1, 2023. The executive director shall consult with the advisory council established when
10 implementing this chapter. Rules in effect upon the effective date of this section shall remain in
11 effect until repealed by the executive director of the office of professional licensure and certification
12 or until the rules expire, whichever occurs first.

13 447 Midwifery; Council. Amend RSA 326-D:2, II to read as follows:

14 II. "Council" means the midwifery *advisory* council established in RSA 326-D:3.

15 448 Midwifery; Council Established. Amend RSA 326-D:3, I to read as follows:

16 I. There shall be a midwifery *advisory* council consisting of [6] **3** members to be appointed
17 by the governor with the advice and consent of the executive council, ***and the executive director of***
18 ***the office of professional licensure and certification.*** Members shall be appointed for 4-year
19 terms. No member shall be appointed to more than 2 consecutive terms. All members of the council
20 shall have been residents of this state for at least 5 years preceding appointment and shall include[=]
21 ***2 midwives certified pursuant to this chapter and one physician specializing in obstetrics***
22 ***or pediatrics with experience working with midwives certified pursuant to this chapter.***

23 ~~[(a) An obstetrician licensed to practice medicine under RSA 329 with experience in~~
24 ~~working with midwives certified pursuant to this chapter.~~

25 ~~(b) A pediatrician licensed to practice medicine under RSA 329 with experience in~~
26 ~~working with midwives certified pursuant to this chapter.~~

27 ~~(c) Three midwives certified under this chapter, who have each attended at least 50~~
28 ~~deliveries as midwives.~~

29 ~~(d) One member of the general public who has familiarity with the practice of~~
30 ~~midwifery.]~~

31 449 Midwifery; Rulemaking. Amend RSA 326-D:5, I to read as follows:

32 I. The ***executive director, in consultation with the advisory*** council, shall adopt rules,
33 pursuant to RSA 541-A, relative to:

34 (a) Qualifications for the practice of midwifery.

35 (b) The teaching of midwifery.

36 (c) The scope of practice and procedures in the practice of midwifery, including policies
37 for professional direction and supervision.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 182 -

1 (d) Eligibility requirements for the certification of midwives and the issuance of
2 certificates of midwifery, including procedures for provisional certification and recertification after
3 certification has lapsed.

4 (e) Renewal eligibility requirements, including requirements for continuing education
5 and peer review.

6 (f) Diagnostic and laboratory tests midwives may administer and perform and the
7 proper administration of RSA 326-D:12.

8 (g) Standards for reciprocity.

9 (h) Establishing all administrative fines [~~authorized under RSA 326-D:8, III(a)(4)~~].

10 (i) Reporting requirements relative to client information and notification of transfers.

11 450 Midwifery; Certification. Amend RSA 326-D:6 to read as follows:

12 326-D:6 Certification.

13 I. No person shall practice midwifery in this state without first obtaining certification from
14 the [~~council~~] **office of professional licensure and certification**. The [~~council~~] **office of**
15 **professional licensure and certification** shall certify for the practice of midwifery any person
16 applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and
17 who submits **the requisite** [~~a \$110 certification~~] fee.

18 II. [~~Certification issued under this chapter shall be subject to renewal every 2 years and~~
19 ~~shall expire unless renewed in accordance with rules adopted by the council and upon payment of a~~
20 ~~\$110 renewal fee.~~

21 [~~III~~] The title "certified midwife" shall be used only by persons certified under this chapter.
22 No person shall continue to represent himself or herself as a certified midwife after certification has
23 been suspended under this chapter. Any person whose certification under this chapter has been
24 suspended or revoked [~~by the council for disciplinary action under RSA 326-D:8,~~] shall not engage in
25 the practice of midwifery unless and until the suspension or revocation of certification has been
26 lifted.

27 [~~IV~~] **III**. Any person who shall practice or attempt to practice as a certified midwife in this
28 state without certification shall be guilty of a class A misdemeanor if a natural person or guilty of a
29 felony if any other person. Any person violating any other provision of this chapter shall be guilty of
30 a violation.

31 451 Midwifery; Qualifications. Amend RSA 326-D:7 to read as follows:

32 326-D:7 Qualifications. In order to be certified as a midwife by the [~~council~~] **executive director**
33 **of the office of professional licensure and certification**, a person shall:

34 I. Have completed high school or its equivalent.

35 II. Complete one college-level course in human anatomy and physiology, or pass a college-
36 level equivalency program or credit by exam.

37 III. Express an intent to engage in the active practice of midwifery in the state.

1 IV. Submit an affidavit disclosing any criminal convictions. If the ~~council~~ **office of**
2 **professional licensure and certification** determines that such conviction has a direct bearing on
3 the applicant's ability to serve as a midwife, such conviction may serve as a basis for denial of
4 certification.

5 V. Meet practical experience requirements prescribed by the council, including specific
6 numbers of prenatal visits, post-partum follow-up exams, attendance at live births as an observer
7 and primary birth attendant under supervision, performance of newborn examinations, performance
8 of laceration repairs, performance of postpartum visits, and observation of in-hospital births.

9 VI. Present evidence of technical skills as prescribed by the council.

10 VII. Present evidence of a passing grade on a certification examination approved by the
11 council.

12 VIII. Pass both a written and an oral examination ~~administered~~ **approved** by the
13 **executive director of the office of professional licensure and certification, in consultation**
14 **with the** council. Such examinations shall include, but shall not be limited to, questions relative to
15 New Hampshire laws and rules governing midwives.

16 452 Repeal; Midwifery. The following are repealed:

17 I. RSA 326-D:3, II, relative to compensation.

18 II. RSA 326-D:3, IV, relative to quorum of the council.

19 III. RSA 326-D:4, relative to powers and duties of the council.

20 IV. RSA 326-D:5, III, relative to rulemaking authority for hearings.

21 V. RSA 326-D:8, relative to disciplinary action.

22 VI. RSA 326-D:11, relative to certificate renewal.

23 VII. RSA 326-D:13, relative to reciprocity.

24 453 Natural Scientists; Repeal. RSA 310-A:75 through 310-A:96, relative to the regulation of
25 natural scientists, is repealed

26 454 Naturopathic Health Care Practice; Implementation. To reduce workforce barriers and
27 provide state supervision over regulatory bodies comprised of active market participants, the
28 responsibility for implementation this chapter shall be transferred to the executive director of the
29 office of professional licensure and certification effective July 1, 2023. The executive director shall
30 consult with the advisory board established when implementing this chapter. Rules in effect upon
31 the effective date of this section shall remain in effect until repealed by the executive director of the
32 office of professional licensure and certification or until the rules expire, whichever occurs first.

33 455 Naturopathic Health Care Practice; Definitions. Amend RSA 328-E:2, III to read as follows:

34 III. "Board" means the naturopathic **advisory** board of examiners established under RSA
35 328-E:7.

36 456 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as
37 follows:

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

4 457 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(b) to read as
5 follows:

6 (b) Practice naturopathic medicine within a scope of practice which reflects the limits of
7 their training and experience as determined **by the executive director, in** ~~[and approved by]~~ **the**
8 **consultation with the advisory** board.

9 458 Naturopathic Health Care Practice; Naturopathic Board of Examiners. RSA 328-E:7 is
10 repealed and reenacted to read as follows:

11 328-E:7 Naturopathic Board of Examiners. There shall be a naturopathic advisory board of
12 examiners consisting of 3 doctors of naturopathic medicine appointed by the executive director.
13 Each member shall be appointed for 3-year terms. No member shall serve more than 2 full terms.

14 459 Naturopathic Health Care Practice; Powers and Duties of the Board. RSA 328-E:8 is
15 repealed and reenacted to read as follows:

16 328-E:8 Powers and Duties of the Board. The executive director, in consultation with the
17 advisory board, shall:

18 I. Ensure that doctors of naturopathic medicine serving the public meet minimum standards
19 of proficiency and competency to protect the health, safety, and welfare of the public.

20 II. Administer and enforce all provisions of this chapter, which pertain to licensees and
21 applicants, and all rules adopted by the executive director under the authority granted in this
22 chapter.

23 460 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to
24 read as follows:

25 328-E:9 Qualification for Licensure.

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

27 (a) Be a graduate of a naturopathic medical college which is accredited by the Council on
28 Naturopathic Medical Education or another such accrediting agency recognized by the federal
29 government; and pass a competency based examination prescribed by the **executive director, in**
30 **consultation with the advisory** board covering the appropriate naturopathic subjects; or,

31 (b) Be a graduate of a naturopathic medical college which has been approved by the
32 **executive director, in consultation with the advisory** board as having appropriate education
33 standards for naturopathic medical programs which granted degrees prior to 1981.

34 (c) Possess a good moral and professional reputation.

35 (d) Be physically and mentally fit to practice naturopathic medicine.

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

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

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

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

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

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

12 461 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-
13 E:9-a to read as follows:

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

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

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

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

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

35 462 Naturopathic Health Care Practice; Rulemaking. Amend RSA 328-E:10 to read as follows:

36 328-E:10 Rulemaking.

1 I. The *executive director, in consultation with the advisory* board shall adopt rules
2 under RSA 541-A relative to:

3 (a) The practice of naturopathic health care.

4 (b) Naturopathic assistants who assist doctors of naturopathic medicine, including the
5 qualifications of naturopathic assistants who are not otherwise licensed by law.

6 (c) Further requirements, as necessary, of doctors of naturopathic medicine for specialty
7 practice, as required under RSA 328-E:12.

8 (d) The formulary approved by the council on doctors of naturopathic medicine
9 formulary under RSA 328-E:16, III.

10 (e) Prescribing controlled drugs pursuant to RSA 318-B:41.

11 (f) Any other rules which are necessary or proper for the administration of this chapter.

12 II. The *executive director, in consultation with the advisory* board shall adopt rules
13 under RSA 541-A prescribing continuing education requirements for the renewal of licenses issued
14 under this chapter.

15 463 Naturopathic Childbirth or Acupuncture Specialty Certification. Amend RSA 328-E:12 to
16 read as follows:

17 328-E:12 Naturopathic Childbirth or Acupuncture Specialty Certification.

18 I. No doctor of naturopathic medicine shall practice naturopathic childbirth or acupuncture
19 without first obtaining a certificate of specialty practice. The *executive director, in consultation*
20 *with the advisory* board, shall adopt rules under RSA 541-A for the certification of doctors of
21 naturopathic medicine for specialty practice.

22 II. To be certified in naturopathic childbirth, a doctor of naturopathic medicine shall be
23 required to:

24 (a) Pass a specialty examination in obstetrics or natural childbirth approved by the
25 board.

26 (b) Have at least 100 hours of course work, internship or preceptorship in obstetrics or
27 natural childbirth approved by the *executive director, in consultation with the advisory* board.

28 (c) Have participated in 40 supervised births, including prenatal and postnatal care,
29 under the direct supervision of a licensed naturopathic, medical or osteopathic physician with
30 specialty training in obstetrics or natural childbirth. The *executive director, in consultation*
31 *with the advisory* board may prescribe a national standardized examination in naturopathic
32 childbirth as constituting the specialty examination.

33 (d) Meet the American College of Naturopath Obstetricians (ACNO) standards for
34 childbirth.

35 III. To be certified in acupuncture, a doctor of naturopathic medicine shall be required to
36 complete a program in acupuncture approved by the *executive director, in consultation with the*
37 *advisory* board that includes at least 500 hours of training in acupuncture, including both didactic

1 and clinical training, and pass a specialty examination in acupuncture approved by the board. The
2 **executive director, in consultation with the advisory** board may prescribe a national
3 standardized examination in acupuncture as constituting the specialty examination.

4 464 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties. Amend RSA
5 328-E:16 to read as follows:

6 328-E:16 Council on Doctors of Naturopathic Medicine Formulary; Members; Duties.

7 I. The **advisory** council on doctors of naturopathic medicine formulary is established and
8 shall consist of the following members:

9 (a) One member of the naturopathic board of examiners, appointed by the naturopathic
10 board of examiners.

11 (b) One doctor licensed by the naturopathic board of examiners, appointed by the
12 naturopathic board of examiners.

13 (c) One physician licensed by the board of medicine under RSA 329, appointed by the
14 board of medicine.

15 (d) One pharmacist licensed by the state pharmacy board, appointed by the state
16 pharmacy board.

17 (e) One additional member, who holds an advanced degree in either pharmacology or
18 pharmacognosy, appointed by the council.

19 II. The chairperson of the council shall be elected annually by a majority of the council
20 members.

21 III. The council established under paragraph I of this section shall **make**
22 **recommendations to the executive director regarding** ~~determine~~ the substances to be included
23 in the formulary that may be prescribed by a doctor of naturopathic medicine acting under this
24 chapter. The council shall review the formulary periodically. Immediately upon adoption or revision
25 of the formulary, the council shall transmit the approved formulary to the **executive director, in**
26 **consultation with the advisory** board which shall adopt the formulary by rule. When determined
27 to be appropriate to the scope of practice of doctors of naturopathic medicine the council on doctors of
28 naturopathic medicine formulary may also consider synthetically-produced substances and their
29 salts having an identical or substantially identical molecular structure to a plant or animal
30 substance as found in nature to be plant or animal substances.

31 IV. The term of each member of the council shall be 2 years. A member shall serve until a
32 successor is appointed. If a vacancy occurs, it shall be filled for the unexpired term by a person with
33 the same qualifications as the retiring member.

34 465 Naturopathic Health Care Practice; Repeal. The following are repealed:

35 I. RSA 328-E:13, relative to license renewal.

36 II. RSA 328-E:14, relative to enforcement.

37 III. RSA 328-E:14-a, relative to hearings.

1 IV. RSA 328-E:15, relative to administration.

2 466 Nursing Practice Act; Definitions. Amend RSA 326-B:2, IV-VIII to read as follows:

3 IV. [~~"Licensed nursing assistant" or "LNA"~~] **"Nurse aide"** means an individual who [~~holds a~~
4 ~~current license~~] **is on the nursing assistant registry pursuant to 42 C.F.R. section 483.156 and**
5 **is qualified** to provide client care under the direction of a registered nurse or licensed practical
6 nurse. **Nursing assistants shall not be separately licensed in this state, but shall be**
7 **required to be on the nursing assistant registry pursuant to 42 C.F.R. 483.156.**

8 V. "Licensed practical nurse" or "LPN" means an individual who holds a current license to
9 practice practical nursing as defined in paragraph IX.

10 VI. "Medication nursing assistant" means a [~~licensed~~] nursing assistant holding a currently
11 valid certificate authorizing the delegation to the nursing assistant of tasks of medication
12 administration.

13 VII. "Nursing" means assisting clients or groups of clients to attain or maintain optimal
14 health by implementing a strategy of care to accomplish defined goals and by evaluating responses
15 to nursing care and medical treatment. Nursing includes basic health care that helps both clients
16 and groups of clients cope with difficulties in daily living associated with their actual or potential
17 health or illness status and also those nursing activities that require a substantial amount of
18 scientific knowledge or technical skill.

19 VII-a. "Nurse" means a person authorized to practice nursing and who holds a current
20 license to provide care as an APRN, RN, or LPN.

21 VIII. "Nursing-related activities" means client care provided by a [~~licensed~~] nursing
22 assistant directed by an APRN, an RN, or an LPN.

23 467 Nurse Practice Act; Board of Nursing. Amend RSA 326-B:3 to read as follows:
24 326-B:3 Board of Nursing.

25 I. The board of nursing shall comprise [~~11~~] **5** members to be appointed by the governor with
26 the consent of the council. [~~Any interested individual, association, or entity may make~~
27 ~~recommendation to the governor.~~] The members of the board shall include [~~5~~] **2** registered **or**
28 **licensed practical** nurses, [~~one of whom shall be~~] an advanced practice registered nurse, [~~2~~
29 ~~licensed practical nurses,~~] [~~2~~] **1** licensed nursing assistant, [~~one of whom shall be a medication~~
30 ~~licensed nursing assistant if possible,~~] and [~~2~~] **1** representative [~~members~~] of the public. The terms
31 of members shall be staggered as determined by the governor and council. All terms shall be for 3
32 years, and no member of the board shall be appointed to more than 3 consecutive terms.

33 II. Each **APRN or** RN member shall be a resident of this state, licensed in good standing
34 under the provisions of this chapter, and currently engaged in the practice of nursing as an RN and
35 shall have no fewer than 5 years of experience as an RN, at least 3 of which shall have immediately
36 preceded appointment. RN members of the board shall represent the various areas of nursing
37 practice including education, administration, and clinical practice.

1 III. The LPN members of the board shall be **a** resident of this state, licensed in good
2 standing under the provisions of this chapter, and currently engaged in the practice of nursing and
3 shall have had no fewer than 5 years of experience as an LPN, at least 3 of which shall have
4 immediately preceded the date of appointment.

5 IV. The LNA members of the board shall be residents of this state, licensed in good standing
6 under the provisions of this chapter, and currently engaged in nursing-related activities. [~~These~~
7 ~~members shall have a minimum of 5 years of experience as an LNA, at least 3 of which shall have~~
8 ~~immediately preceded the date of their appointment.~~]

9 V. The public [~~members~~] **members** shall be **a** resident of the state of New Hampshire who
10 [~~are~~] **is** not, and never [~~have~~] **has** been, **a** [~~members~~] **member** of the nursing profession or the
11 spouse of any such person. The public [~~members~~] **member** shall not have, and shall never have had,
12 a material financial interest in either the provision of nursing services or an activity directly related
13 to nursing, including the representation of the board or its predecessor or the profession for a fee at
14 any time during the 5 years preceding the date of appointment.

15 VI. No more than 2 board members shall be associated with a particular agency,
16 corporation, or other enterprise or subsidiary at one time.

17 VII. [Repealed.]

18 VIII. An appointee to a full term on the board shall be appointed by the governor with the
19 consent of the council before the expiration of the term of the member being succeeded and shall
20 become a member of the board on the first day following the appointment expiration date of the
21 previous appointee. Appointees to unexpired portions of full terms shall become members of the
22 board on the day following such appointment, and shall serve the unexpired term and then be
23 eligible to serve 3 full 3-year terms.

24 IX. The governor may remove any member from the board for neglect of any duty under RSA
25 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a
26 complaint against a board member with the office [~~of professional licensure and certification~~]. The
27 provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in
28 dismissing board members.

29 X. All members of the board and its agents or employees shall enjoy immunity from
30 individual civil liability while acting within the scope of their duties as board members, agents, or
31 employees, as long as they are not acting in a wanton or reckless manner.

32 XI. Board meetings shall be open to the public. In accordance with RSA 91-A:3, the board
33 may conduct part of a meeting in nonpublic session.

34 468 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and
35 reenacted to read as follows:

36 326-B:4 Board of Nursing.

37 The board may:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 190 -

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

3 II. Establish eligibility criteria for licensure, including examination requirements and
4 continuing education requirements. The board shall select an appropriate nationally approved
5 licensing examination.

6 III. Determine and enforce appropriate disciplinary action against all individuals found
7 guilty of violating this chapter or the rules adopted under this chapter

8 IV. Deny or withdraw approval of nursing educational programs that do not meet the
9 minimum requirements of this chapter.

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

17 469 New Paragraph; Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 by
18 inserting after paragraph XIV the following new paragraph:

19 XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section 483.156,
20 including scope of duties for nursing assistants and placement of qualified individuals on the nursing
21 assistant registry.

22 470 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I to read as follows:

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

24 471 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing
25 Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

26 I. The board may issue a certificate of medication administration to a current [LNA] *nurse*
27 *aide* who:

28 472 Repeal. The following are repealed:

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

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

31 III. RSA 326-B:14, relative to scope of practice.

32 IV. RSA 326-B:19, relative to licensed nursing assistant.

33 V. RSA 326-B:21, relative to licensed nursing assistant.

34 VI. RSA 326-B:21-a, relative to licensed nursing assistant.

35 VII. RSA 326-B:22, relative to licensure renewals.

36 VIII. RSA 326-B:23, relative to license reinstatement.

37 IX. RSA 326-B:31, I, relative to continuing education.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 191 -

1 X. RSA 326-B:37, relative to disciplinary action and misconduct.

2 XI. RSA 326-B:38, relative to investigations and hearings.

3 XII. RSA 326-B:39, relative to rehearing and appeals.

4 XIII. RSA 326-B:40, relative to injunctive relief.

5 XIV. RSA 326-B:41, relative to unlawful acts.

6 XV. RSA 326-B:41-a, relative to penalty.

7 XVI. RSA 326-B:42, relative to persons licensed under previous laws.

8 473 Nursing Home Administrators; Definitions. Amend RSA 151-A:1, I to read as follows:

9 I. "Board" means the **advisory** board of examiners of nursing home administrators of the
10 state of New Hampshire.

11 474 Nursing Home Administrators; Board of Examiners; Transfer of Responsibility. The
12 responsibility for implementations of RSA 151-A shall be transferred to the executive director of the
13 office of professional licensure and certification effective July 1, 2023. The executive director shall
14 consult with the advisory board established when implementing RSA 151-A. Rules in effect upon the
15 effective date of this act shall remain in effect until repealed by the executive director of the office of
16 professional licensure and certification or until the rules expire, whichever occurs first.

17 475 Nursing Home Administrators; Board of Examiners of Nursing Home Administrators. RSA
18 151-A:3 is repealed and reenacted to read as follows:

19 151-A:3 Board of Examiners of Nursing Home Administrators. There shall be an advisory board
20 of examiners of nursing home administrators, which shall be composed of 3 members appointed by
21 the executive director of the office of professional licensure and certification, who are nursing home
22 administrators duly licensed and registered under this chapter. The term of office for each member
23 of the advisory board shall be 3 years. No member shall serve more than 2 consecutive full terms.

24 476 Nursing Home Administrators; Functions and Duties of the Advisory Board. Amend the
25 section heading and the introductory paragraph of RSA 151-A:4, I to read as follows:

26 151-A:4 Functions and Duties of the **Advisory** Board.

27 I. It shall be the function and duty of the **executive director, in consultation with the**
28 **advisory** board to:

29 477 Nursing Home Administrators; Rulemaking. RSA 151-A:4-a is repealed and reenacted to
30 read as follows:

31 151-A:4-a Rulemaking. The executive director, in consultation with the advisory board, shall
32 adopt rules pursuant to RSA 541-A as may be necessary for the proper performance of its duties, and
33 to take such other actions as may be necessary to enable the state:

34 I. To meet the requirements set forth in section 1908 of the Social Security Act and other
35 federal requirements.

36 II. To establish a schedule of fines.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 192 -

1 III. To establish standards and criteria for licensing, application and examination of
2 applicants, and criteria for granting waivers of experience pursuant to RSA 151-A:5, II.

3 IV. To establish criteria for review and approval of educational requirements, including
4 formal educational requirements for licensure or renewal and practical training requirements.

5 478 Nursing Home Administrators; Qualifications for Admission to Examination. Amend RSA
6 151-A:5 to read as follows:

7 151-A:5 Qualifications for Admission to Examination. The ~~[board]~~ **executive director** shall
8 admit to examination for licensure as a nursing home administrator any candidate who pays a
9 ~~[licensing]~~ fee and submits evidence of good moral character and suitability prescribed by the
10 **executive director, in consultation with the advisory** board, and evidence that the candidate is
11 at least 21 years old and has completed preliminary education satisfactory to the board; provided:

12 I. That no applicant for licensure as a nursing home administrator shall be admitted to such
13 licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing
14 home administrator unless such applicant shall submit written evidence~~[- on forms provided for such~~
15 ~~purpose by the board,]~~ that the applicant has successfully completed a bachelor of science or bachelor
16 of arts degree from an accredited school.

17 II. That no applicant for licensure as a nursing home administrator shall be admitted to
18 such licensing examination, nor shall such applicant be entitled to or be granted a license as a
19 nursing home administrator unless the applicant submits evidence~~[- satisfactory to the board]~~ that
20 such applicant possesses such training or experience in the field of institutional administration as is
21 required by the rules of the **executive director, in consultation with the advisory** board, or has
22 been granted a waiver by the **executive director, in consultation with the advisory** board based
23 on conditions established by rule.

24 479 Nursing Home Administrators; Examinations. Amend RSA 151-A:6 to read as follows:

25 151-A:6 Examinations.

26 ~~[.]~~ The **executive director, in consultation with the advisory** board, shall determine the
27 subjects of examination for applicants for licensure as nursing home administrators, and the scope,
28 content and format of such examinations which in any examination shall be the same for all
29 candidates; provided, however, that such examinations shall include examination of the applicant to
30 demonstrate the applicant's proficiency in the rules of the department of health and human services
31 pertaining to health and safety.

32 ~~[II. Examinations shall be held at least 2 times each year, at such times and places as the~~
33 ~~board shall designate.]~~

34 480 Nursing Home Administrators; Criminal History Records Checks. Amend RSA 151-A:6-a to
35 read as follows:

36 151-A:6-a Criminal History Record Checks.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 193 -

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

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
7 event that the first set of fingerprints is invalid due to insufficient pattern, a second set of
8 fingerprints shall be necessary in order to complete the criminal history records check. If, after 2
9 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the
10 criminal history records check, accept police clearances from every city, town, or county where the
11 person has lived during the past 5 years.

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

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

20 ~~V.]~~ The applicant shall bear the cost of a criminal history record check.

21 481 Nursing Home Administrators; Licenses. RSA 151-A:7 is repealed and reenacted to read as
22 follows:

23 151-A:7 Licenses. An applicant for a license as a nursing home administrator who has:

24 I. Successfully complied with the requirements of RSA 151-A:5 and the standards provided
25 for therein; and

26 II. Passed the examination provided for in RSA 151-A:6 shall be issued a license.

27 III. Under emergency conditions the executive director may issue a non-renewable
28 temporary emergency permit to a person of good character and suitability to act in the capacity of an
29 administrator under the supervision of a licensed administrator pending the next examination or not
30 to exceed 6 months.

31 482 Repeals; Nursing Home Administrators. The following are repealed:

32 I. RSA 151-A:1, II, relative to definition of secretary.

33 II. RSA 151-A:4, II, relative to functions of the board.

34 III. RSA 151-A:8, I-V, relative to registration.

35 IV. RSA 151-A:9, relative to reciprocity.

36 V. RSA 151-A:10, relative to injunction.

37 VI. RSA 151-A:11, relative to disciplinary proceedings.

1 VII. RSA 151-A:12, relative to restoration of licenses.

2 483 Optometry; Repeals. The following are repealed:

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

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

5 III. RSA 327:11, relative to record of licenses.

6 IV. RSA327:13, relative to renewal of licensure.

7 V. RSA 327:13-a, relative to reinstatement.

8 VI. RSA 327:20, relative to disciplinary action.

9 VII. RSA 327:21, relative to complaints.

10 VIII. RSA 327:22, relative to hearings.

11 IX. RSA 327:30, relative to penalties.

12 484 Pharmacy; Board. Amend RSA 318:2 to read as follows:

13 318:2 Board. There shall be a pharmacy board consisting of [7] **5** members; including [6] **4**
14 practicing pharmacists, [~~at least one~~] **2** of whom shall be a full-time hospital pharmacist, and one
15 public member, each to be appointed by the governor, with the approval of the council, to a term of 5
16 years. No member shall be appointed to more than 2 consecutive terms and no member shall serve
17 for more than 10 consecutive years. Only board members provided for in this section shall have the
18 authority to vote in board determinations.

19 485 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IX to read as follows:

20 IX. [~~Procedures~~] **Standards** for the inspection of licensees;

21 486 Repeal; Pharmacy Rulemaking. The following are repealed:

22 I. RSA 318:5-a, VIII, relative to procedures for the conduct of hearings consistent with the
23 requirements of due process.

24 II. RSA 318:5-a, X(e), relative to the establishment of the effective period of registration or
25 certification for pharmacy technicians.

26 III. RSA 318:5-a, XI-a(e), relative to the establishment of the effective period of registration
27 or certification for pharmacy interns.

28 IV. RSA 318:5-a, XI-c(e), relative to the establishment of the effective period of registration
29 or certification for advanced pharmacy technicians.

30 487 Pharmacy Inspectional Services. Amend RSA 318:9-a to read as follows:

31 318:9-a Inspectional Services. The [~~pharmacy board through the~~] office of professional licensure
32 and certification shall provide inspectional services under this chapter and RSA 318-B:25 to the
33 board of medicine, the board of veterinary medicine, [~~the board of podiatry,~~] the board of registration
34 in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of
35 examiners. Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians
36 licensed by the New Hampshire board of pharmacy who have training and experience regarding
37 pharmacy statutes and rules.

HB 2-FN-A-LOCAL - AS INTRODUCED

- Page 195 -

1 488 Pharmacy; Pharmacy Interns. Amend RSA 318:15-b to read as follows:

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

6 489 Pharmacy Examinations and Licenses; Pharmacists. Amend RSA 318:18, I(b)(3) to read as
7 follows:

8 (3) File proof satisfactory to the ~~[board]~~ **office of professional licensure and**
9 **certification**, substantiated by proper affidavits, of a minimum of one year (1,500 hours) internship
10 activity in a community or institutional pharmacy in the United States or Canada or an equivalent
11 program which has been approved by the board of pharmacy; and shall pass the national
12 examination administered by the National Association of Boards of Pharmacy (NABP) to establish
13 his or her fitness to practice the profession of pharmacy. The internship required in this section
14 shall be service and experience in a community or institutional pharmacy under the supervision of a
15 licensed pharmacist and shall be predominantly related to the selling of drugs and medical supplies;
16 interpreting, compounding, preparing and dispensing of prescriptions; preparing of pharmaceutical
17 products; keeping records and making reports required under federal and state statutes; and
18 otherwise practicing pharmacy under the immediate supervision and direction of a licensed
19 pharmacist.

20 490 Pharmacists; Examinations and Licenses; Pharmacists. Amend RSA 318:18, II to read as
21 follows:

22 II. The ~~[board]~~ **office of professional licensure and certification** may deny licensure as
23 a pharmacist for grounds which include, but which shall not be limited to, prior conviction of a
24 felony; or of a misdemeanor resulting from a violation of a federal, state or local drug or pharmacy-
25 related law, rule, or regulation.

26 491 Pharmacy; Change in Name, Employment, or Residence. Amend RSA 318:26-a to read as
27 follows:

28 318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced
29 pharmacy technician, or pharmacy technician who changes his or her name, place or status of
30 employment, or residence shall notify the ~~[board]~~ **office of professional licensure and**
31 **certification** in writing within 15 days. For failure to report such a change within 15 days, the
32 board may suspend the pharmacist's license, the advanced pharmacy technician's license, or the
33 pharmacy technician's registration. Reinstatement shall be made only upon payment of a
34 reasonable fee as established by the board.

35 492 Pharmacy; Impaired Pharmacist Program. Amend RSA 318:29-a to read as follows:

36 318:29-a Impaired Pharmacist Program.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 196 -

1 I. Any pharmaceutical peer review committee may report relevant facts to the board **or**
2 **office of professional licensure and certification** relating to the acts of any pharmacist in this
3 state if they have knowledge relating to the pharmacist which, in the opinion of the peer review
4 committee, might provide grounds for disciplinary action as specified in RSA 318:29, II.

5 II. Any committee of a professional society comprised primarily of pharmacists, its staff, or
6 any district or local intervenor participating in a program established to aid pharmacists impaired
7 by substance abuse or mental or physical illness may report in writing to the board **or office of**
8 **professional licensure and certification** the name of the impaired pharmacist together with the
9 pertinent information relating to his impairment. The board **or office of professional licensure**
10 **and certification** may report to any committee of such professional society or the society's
11 designated staff information which it may receive with regard to any pharmacist who may be
12 impaired by substance abuse or mental or physical illness.

13 ~~III. [Upon a determination by the board that a report submitted by a peer review committee~~
14 ~~or professional society committee is without merit, the report shall be expunged from the~~
15 ~~pharmacist's individual record in the board's office. A pharmacist or his authorized representative~~
16 ~~shall be entitled on request to examine the pharmacist's peer review or the pharmaceutical~~
17 ~~organization committee report submitted to the board and to place into the record a statement of~~
18 ~~reasonable length of the pharmacist's view with respect to any information existing in the report.~~

19 ~~IV.]~~ Notwithstanding the provisions of RSA 91-A, the records and proceedings of the board,
20 compiled in conjunction with an impaired pharmacist peer review committee, shall be confidential
21 and are not to be considered open records unless the affected pharmacist so requests; provided,
22 however, the board may disclose this confidential information only:

23 (a) In a disciplinary hearing before the board or in a subsequent trial or appeal of a
24 board action or order;

25 (b) To the pharmacist licensing or disciplinary authorities of other jurisdictions; or

26 (c) Pursuant to an order of a court of competent jurisdiction.

27 ~~[V.]~~ ~~IV.(a)~~ No employee or member of the board, peer review committee member,
28 pharmaceutical organization committee member, pharmaceutical organization district or local
29 intervenor furnishing in good faith information, data, reports, or records for the purpose of aiding
30 the impaired pharmacist shall by reason of furnishing such information be liable for damages to any
31 person.

32 (b) No employee or member of the board or such committee, staff, or intervenor program
33 shall be liable for damages to any person for any action taken or recommendations made by such
34 board, committee, or staff unless he is found to have acted recklessly or wantonly.

35 ~~[VI.(a)]~~ ~~V.~~ The ~~[board]~~ **office of professional licensure and certification** may contract
36 with other organizations to operate the impaired pharmacist program for pharmacists who are

1 impaired by drug or alcohol abuse or mental or physical illness. This program shall include, but is
2 not limited to, education, intervention and post-treatment monitoring.

3 ~~[(b) The board may allocate an amount determined by the board from each pharmacist~~
4 ~~biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set~~
5 ~~forth in subparagraph VI(a).]~~

6 493 Pharmacy; Required; Compliance. Amend RSA 318:37 to read as follows:

7 318:37 Required; Compliance.

8 I. No person shall conduct or operate a pharmacy for the sale at retail of drugs and
9 medicines unless such pharmacy is registered with and a permit therefor has been issued by the
10 ***office of professional licensure and certification in accordance with rules adopted by the***
11 pharmacy board, except as provided in this chapter.

12 II.(a) No person shall conduct or operate a mail-order pharmacy located outside of this state
13 by shipping, mailing, or delivering prescription drugs into this state unless such pharmacy is
14 registered in New Hampshire and a permit has been issued by the New Hampshire pharmacy board.

15 (b) To obtain a permit, a mail-order pharmacy shall comply with each of the following:

16 (1) Maintain a license in good standing from the state in which the mail-order
17 pharmacy is located;

18 (2) Submit to the New Hampshire ~~[pharmacy board]~~ ***office of professional***
19 ***licensure and certification*** an application for registration ~~[as provided by the office of professional~~
20 ~~licensure and certification]~~;

21 (3) Pay all appropriate registration fees;

22 (4) Submit to the New Hampshire ~~[pharmacy board]~~ ***office of professional***
23 ***licensure and certification*** a copy of the state pharmacy license from the state in which the mail-
24 order pharmacy is located;

25 (5) Submit to the New Hampshire ~~[pharmacy board]~~ ***office of professional***
26 ***licensure and certification*** a copy of the state and federal controlled substance registrations from
27 the state in which it is located, if controlled substances are to be shipped into this state.

28 (c) When requested to do so by the New Hampshire pharmacy board, each mail-order
29 pharmacy shall supply the New Hampshire pharmacy board with any inspection reports, warning
30 notices, disciplinary actions, notice of deficiency reports, or any other related reports from the state
31 in which it is located concerning the operation of a mail-order pharmacy for review of compliance
32 with state and federal drug laws.

33 (d) Except in emergencies that constitute an immediate threat to the public health and
34 require expedited action by the board, the New Hampshire pharmacy board shall file a complaint
35 with the licensing board of the state in which the mail-order pharmacy is located when known or
36 suspected violations of the laws of the state in which the pharmacy is located are uncovered. If the
37 licensing board in the state in which the mail-order pharmacy is located initiates disciplinary action,

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 198 -

1 the New Hampshire pharmacy board may request the appropriate documents involved in the action
2 for consideration of discipline against the pharmacy registration of the mail-order pharmacy. If no
3 action is taken against the mail-order pharmacy by the licensing board of the state in which it is
4 located, the New Hampshire pharmacy board may request copies of any investigation reports
5 available from that state.

6 (e) The New Hampshire pharmacy board shall extend reciprocal cooperation to any state
7 that licenses and regulates mail-order pharmacies for the purpose of investigating complaints
8 against pharmacies located in New Hampshire or the sharing of information and investigative
9 reports, as long as the other state shall extend the same reciprocal cooperation to the New
10 Hampshire pharmacy board.

11 494 Pharmacy; Licensing of Limited Retail Drug Distributors Required. Amend RSA 318:51-b, I
12 to read as follows:

13 I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-
14 a, without first having obtained a license to do so from the [board. ~~Such license shall expire~~
15 ~~biennially on June 30 of each odd-numbered year. An application together with a reasonable fee as~~
16 ~~established by the board shall be filed biennially by midnight June 15 of every odd-numbered year.]~~
17 ***office of professional licensure and certification according to the eligibility requirements***
18 ***set forth in rule by the pharmacy board.***

19 495 Pharmacy; Licensing of Outsourcing Facilities Identified as Section 503B Facilities by the
20 United States Food and Drug Administration. Amend RSA 318:51-c, I-II to read as follows:

21 I. No person shall compound legend drugs or controlled drugs, as defined in RSA 318-B:1,
22 VI, and no person acting as or employed by an outsourcing facility shall supply such drugs, without
23 first having obtained a license from the [board. ~~Such license shall expire biennially on June 30 of~~
24 ~~each odd-numbered year. An application together with a fee established by the board shall be filed~~
25 ~~biennially by June 15 of every odd-numbered year.]~~ ***office of professional licensure and***
26 ***certification according to the eligibility requirements set forth in rule by the pharmacy***
27 ***board.***

28 II. No license shall be issued under this section unless the applicant has furnished proof
29 [satisfactory to the pharmacy board]:

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

32 (b) That the applicant has sufficient land, buildings, and security equipment as to
33 properly carry on the business described in the application.

34 496 Pharmacy; Licensure of Research Organizations. Amend RSA 318:51-f, I-II to read as
35 follows:

36 I. No research organization shall procure or conduct research operations with prescription
37 drugs by researchers without first having obtained a license from the [board. ~~Such license shall~~

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 199 -

1 ~~expire biennially on June 30 of each odd-numbered year. An application together with a reasonable~~
2 ~~fee as established by the board shall be filed biennially by June 15 of every odd-numbered year]~~
3 ***office of professional licensure and certification according to the eligibility requirements***
4 ***set forth in rule by the pharmacy board.***

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

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

9 (b) That the applicant has sufficient space and security equipment as to properly carry
10 on the research operations described in the application.

11 497 Pharmacy; Licensure of Drug or Device Distribution Agents. Amend RSA 318:51-g, I to
12 read as follows:

13 I. No person shall act as a prescription drug or device distribution agent, which includes
14 controlled drugs as the term is defined in RSA 318-B:1, VI, without first having obtained a license to
15 do so from the ***office of professional licensure and certification according to the eligibility***
16 ***requirements set forth in rule by the pharmacy board.***

17 498 Repeal; Pharmacists. The following are repealed:

18 I. RSA 318:5, relative to officers and duties.

19 II. RSA 318:6-a, relative to fees.

20 III. RSA 318:16-e, relative to telemedicine.

21 IV. RSA 318:21, relative to applicants from out of state.

22 V. RSA 318:23, relative to application fee.

23 VI. RSA 318:25, relative to renewal of license.

24 VII. RSA 318:26, relative to neglect to renew.

25 VIII. RSA 318:29, relative to disciplinary action.

26 IX. RSA 318:29-b, relative to denial of a license.

27 X. RSA 318:29-c, relative to immunity.

28 XI. RSA 318:30, relative to investigatory powers of the board.

29 XII. RSA 318:30-a, relative to temporary suspension.

30 XIII. RSA 318:31, relative to hearings.

31 XIV. RSA 318:33, relative to attendance.

32 XV. RSA 318:35, relative to association.

33 XVI. RSA 318:36, relative to information.

34 XVII. RSA 318:38, relative to permits and fees.

35 XVIII. RSA 318:55, relative to fines.

36 XIX. RSA 318:56, relative to unused prescription program.

37 XX. RSA 318:57, relative to definitions.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 200 -

1 XXI. RSA 318:58, relative to donating unused drugs.

2 XXII. RSA 318:59, relative to rulemaking.

3 XXIII. RSA 318:60, relative to limited immunity.

4 499 Physical Therapy; Powers and Duties. RSA 328-A:3 is repealed and reenacted to read as
5 follows:

6 328-A:3 Powers and Duties of the Board. The board shall:

7 I. Provide for the examinations for physical therapists and physical therapist assistants and
8 adopt passing scores for these examinations.

9 II. Regulate the practice of physical therapy by interpreting and enforcing this chapter.

10 III. Elect officers from its members necessary for the operations and obligations of the board.
11 Terms of office shall be one year.

12 500 Physical Therapy; Rulemaking. Amend RSA 328-A:4, VIII to read as follows:

13 VIII. Regarding the establishment, criteria, [~~fees,~~] and renewal of, and disciplinary
14 proceedings for certified animal physical therapists under RSA 328-A:15-b.

15 501 Physical Therapy; Examination. Amend RSA 328-A:7, I to read as follows:

16 I. The [~~board~~] **office** shall conduct, ***through a third party***, examinations within the state
17 at least quarterly [~~at a time and place prescribed by the board~~]. The passing score shall be
18 determined by the board.

19 502 Repeals; Physical Therapy. The following are repealed:

20 I. RSA 328-A:15, II, relative to physical therapy, rights of consumers to privacy.

21 II. RSA 328-A:12, relative to unlawful practice of physical therapy.

22 III. RSA 318-A:13, relative to reporting violations.

23 503 Professional Bondsmen; Approval and Registration. Amend RSA 598-A:1, as follows:

24 598-A:1 Approval and Registration. ***To promote efficiency and economy, eliminate***
25 ***redundancies in licensure requirements, reduce administrative costs, and facilitate***
26 ***customer service, the responsibility for registration of professional bondsmen shall be***
27 ***transferred to the office of professional licensure and certification effective July 1, 2023.***

28 No person proposing to become bail or surety in a criminal case for hire or reward, either received or
29 to be received, shall be accepted as such unless [~~he~~] ***the person*** shall have been approved and
30 registered as a professional bondsman by the [~~secretary of state or his designee~~] ***executive director***
31 ***of the office of professional licensure and certification***; provided, however, no person proposing
32 to become bail or surety in a criminal case in any calendar year after having become bail or surety in
33 criminal cases on 5 separate occasions in said year shall be accepted thereafter during that year as
34 bail or surety unless [~~he~~] ***the person*** shall have been approved and registered as a professional
35 bondsman as provided in this section.

36 504 Professional Bondsmen; Fees. Amend RSA 598-A:1-a to read as follows:

37 598-A:1-a Fees.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 201 -

1 ~~[I.]~~ A person proposing to become bail or surety and registered as a professional bondsman
2 shall pay to the ~~[secretary of state or his designee]~~ **executive director of the office of professional**
3 **licensure and certification** an initial application fee. ~~[of \$400;]~~ The fee shall be deposited in the
4 ~~[general fund by the state treasurer as unrestricted revenue]~~ **office of professional licensure and**
5 **certification fund.**

6 ~~[H.]~~ Thereafter, an annual renewal fee of \$100 for the registration in each county of the state
7 where a professional bondsman seeks to post bail shall be due and payable to the secretary of state
8 or his designee on December 30 for the ensuing year. The fee shall be deposited in the general fund
9 by the state treasurer as unrestricted revenue.]

10 505 Professional Bondsmen; Revocation. Amend RSA 598-A:2 as follows:

11 598-A:2 Revocation. A person who has been accepted as bail or surety, contrary to the
12 provisions of this chapter, shall nevertheless be liable on his obligation as such bail or surety.
13 Approval and registration under this chapter may be revoked at any time by the ~~[secretary of state~~
14 ~~or his designee]~~ **executive director of the office of professional licensure and certification** and
15 shall be revoked in case such a bondsman fails for 30 days after demand to satisfy in full a judgment
16 recovered under RSA 597:33. The county attorney or prosecuting officer obtaining any such
17 judgment which is not satisfied in full within 30 days after demand shall immediately notify the
18 ~~[secretary of state or his designee]~~ **executive director of the office of professional licensure and**
19 **certification** or ~~[his]~~ designee in writing.

20 506 Professional Bondsmen; List of Professional Bondsmen. Amend RSA 598-A:3, as follows:

21 598-A:3 List of Professional Bondsmen. The ~~[secretary of state or his designee]~~ **executive**
22 **director of the office of professional licensure and certification** shall furnish all superior court
23 clerks, all district courts having authority to accept bail, all jails, and all police stations with a list of
24 the names of all persons registered as professional bondsmen and shall notify such clerks, courts,
25 jails, and police stations of any change in a bondsman's status. The ~~[secretary of state or his~~
26 ~~designee]~~ **executive director of the office of professional licensure and certification** shall
27 update the list as necessary, but not less than once per year. The list shall include the following
28 statement in bold type: "You are encouraged to contact more than one bail bondsman because not all
29 bail bondsmen charge the same fees or provide the same services." The unaltered list shall be
30 displayed prominently and visibly to defendants in all courts, jails, and police stations. No other list
31 shall be displayed, furnished, or provided

32 507 Professional Bondsmen; Rules. Amend RSA 598-A:4 as follows:

33 598-A:4 Rules of the ~~[Secretary of State or His Designee]~~ **Executive Director**. All professional
34 bondsmen shall be governed by rules which shall be adopted under RSA 541-A by the ~~[secretary of~~
35 ~~state or his designee]~~ **executive director of the office of professional licensure and**
36 **certification.**

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 202 -

1 508 Professional Engineers and Land Surveyors. RSA 310-A:2 through 310-A:27 are repealed
2 and reenacted to read as follows:

3 310-A:2 Definitions. As used in this subdivision:

4 I. "Board" means the board of professional engineers and land surveyors.

5 II. "Engineer of record" means a professional engineer who seals drawings, reports, or
6 documents for a project. The seal shall acknowledge that the professional engineer prepared,
7 coordinated, or had subordinates prepare under the direct supervision of the professional engineer,
8 drawings, reports, or documents for a project. The engineer of record shall not be responsible for
9 engineering work performed and sealed by other professional engineers, including independent
10 consulting engineers who work under the coordination of the engineer of record.

11 III. "Engineering surveys" means any surveying activities required to support the sound
12 conception, planning, design, construction, maintenance, and operation of engineering projects by
13 persons licensed under this subdivision, but shall exclude the surveying of real property for the
14 establishment or reestablishment of land boundaries, rights-of-way, easements, and the dependent
15 or independent surveys or resurveys of the public land survey system.

16 IV. "Land surveyor" means a professional specialist in the technique of measuring land,
17 educated in the basic principles of mathematics, the related physical and applied sciences, and the
18 relevant requirements of law for adequate evidence and all requisite to the surveying of real
19 property and engaged in the practice of land surveying.

20 V. "Practice of engineering" means any professional service or creative work requiring
21 education, training, experience, and the application of advanced knowledge of mathematics and
22 physical sciences, involving the constant exercise of discretion and judgment, to such services or
23 work as consultation, investigation, evaluation, planning, design, responsible oversight of
24 construction, and responsible oversight of operation, in connection with any public or private
25 utilities, structure, buildings, machines, equipment, processes, works, or projects, wherein the public
26 welfare, or the safeguarding of life, health, or property is concerned.

27 VI. "Practice of land surveying" means any service or work, the adequate performance of
28 which involves the application of special knowledge of the principles of mathematics, the related
29 physical and applied sciences and the relevant requirements of law for adequate evidence to the act
30 of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the
31 surface of the earth, within underground workings, and on the beds of bodies of water for the
32 purpose of determining areas and volumes, for the monumenting of property boundaries and for the
33 platting and layout of lands and subdivisions of land, including the topography alignment and
34 grades of streets and for the preparation and perpetuation of maps, record plats, field note records
35 and property descriptions that represent these surveys.

36 VII. "Professional engineer" means a person who by reason of advanced knowledge of
37 mathematics and the physical sciences, acquired by professional education and practical experience,

1 is technically and legally qualified to practice engineering, and who is licensed by the board or
2 otherwise authorized by this subdivision to engage in the practice of engineering.

3 310-A:3 Board of Professional Engineers and Land Surveyors.

4 I. To promote efficiency and economy, eliminate redundancies in licensure requirements,
5 and reduce administrative costs, the regulation of professional engineers and land surveyor shall be
6 held by one regulatory body. A board of professional engineers and land surveyors is established to
7 administer the provisions of this subdivision. The board shall consist of 5 persons appointed by the
8 governor and council, 2 of whom shall be professional engineers, 2 of whom shall be land surveyors,
9 and one public member. The public member of the board shall be a person who is not, and never
10 was, a member of the professional engineering or land surveying professions or the spouse of any
11 such person, and who does not have and never has had, a material financial interest in either the
12 provision of engineering services, land surveying, or an activity directly related to engineering or
13 land surveying, including the representation of the board or profession for a fee at any time during
14 the 5 years preceding appointment.

15 II. Each member of the board shall be a resident of this state. Each professional member
16 shall have been engaged in at least five years of active, licensed professional practice prior to
17 appointment. No appointed member shall be eligible to serve more than 2 full consecutive terms,
18 provided that for this purpose only a period served which exceeds 1/2 of the 5-year term shall be
19 deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is
20 qualified and appointed. The successor's term shall be 5 years from the date of expiration of the
21 predecessor's appointment, regardless of the date of the successor's appointment. Vacancies
22 occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired
23 term. A board member may be removed for cause by the governor and council under RSA 4:1.

24 III. The board shall biennially elect a chairperson. A majority of the members of the board
25 who have been approved by the governor and council shall constitute a quorum.

26 310-A:4 Rulemaking Authority.

27 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
28 (a) Eligibility requirements for licensure or certification.
29 (b) Examination requirements.
30 (c) The eligibility requirements for renewal of a license, including the requirements for
31 continuing education.
32 (d) Ethical and professional licensure and certification required to be met by each holder
33 of a license under this subdivision and how disciplinary actions by the board shall be implemented
34 for violations of these standards.
35 (e) What constitutes engineering experience for the purposes of licensure requirements.
36 (f) Substantive requirements for assessing, compromising, and collecting civil penalties
37 against licensees.

1 (g) Technical standards for forest, rural and urban surveys, including minimum error of
2 closure.

3 (h) Standards for adequate deed research into the history of the subject parcel and
4 adjacent tracts necessary for proper practice.

5 310-A:5 Engineers-in-training.

6 I. An engineer-in-training certification shall be issued by the office of professional licensure
7 and certification to recognize those persons who have completed preliminary steps toward becoming
8 licensed as a professional engineer. Engineers in training are not authorized to practice professional
9 engineering.

10 II. The minimum qualifications for certification by the office as an engineer in training are
11 as follows:

12 (a) A bachelor's degree in engineering or in engineering technology or 6 years or more of
13 progressive engineering experience of a grade and character acceptable to the board; and

14 (b) A passing score set by rules adopted by the board on a fundamentals of engineering
15 examination recognized by board in rules.

16 (c) Upon satisfaction of the minimum qualifications set forth in subparagraph (b), the
17 office shall issue a certificate as an engineer in training. The certification shall have no expiration
18 date and no renewal fees.

19 (d) The use of the titles "engineer in training" and "EIT" in New Hampshire is restricted
20 to those persons certified as engineers in training by the office or its equivalent in another state.

21 310-A:6 Land Surveyors in Training.

22 I. A land surveyor-in-training certification shall be issued by the office of professional
23 licensure and certification to any person who has submitted an application, paid the requisite fee,
24 and passed the fundamentals of land surveying examination approved by the board. Land surveyors
25 in training are not authorized to practice land surveying.

26 310-A:7 License Required; Exemptions.

27 I. No person shall practice professional engineering or land surveying in this state, except as
28 permitted in this section, without a license issued under this chapter.

29 II. Nothing in this subdivision shall be construed to prevent or impact:

30 (a) The work of an employee or a subordinate of a person holding an engineering or land
31 surveying license under this subdivision, provided that such work is done under the direct
32 responsibility, checking, and supervision of a person holding a license under this subdivision;

33 (b) The practice of officers and employees of the government of the United States or New
34 Hampshire while engaged within this state in the practice of engineering or land surveying for the
35 federal or state government; or

36 (c) The practice of architecture by a duly licensed architect.

37 310-A:8 Licensed Professional Engineer.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 205 -

1 I. The state recognizes the following routes to licensure:

2 (a) Individuals with a bachelor's degree in engineering. The office shall issue a
3 professional engineering license to a person who:

4 (1) Satisfactorily completes a bachelor's level engineering curriculum accredited by
5 the Accreditation Board for Engineering and Technology (ABET);

6 (2) Attains a passing score set by board rule on a fundamentals of engineering
7 examination recognized by rules of the board;

8 (3) Completes 4 years or more of progressive engineering experience after
9 graduation of a grade and character that indicate to the board that the applicant may be competent
10 to practice engineering, at least 2 years of which shall be in the specialty discipline for which the
11 license is sought. A master's degree in engineering may be counted as one year of experience.

12 (4) Attains a passing score on a specialized examination recognized by board rule
13 testing the principles and practices of engineering in the specialty discipline sought; and

14 (5) Pays the required fee.

15 (b) Individuals with a master's degree in engineering. The office shall issue a
16 professional engineering license to an applicant who:

17 (1) Satisfactorily completes a bachelor's level curriculum in a technical field related
18 to engineering and master's level engineering curriculum accredited by ABET;

19 (2) Attains a passing score set by board rule on a fundamentals of engineering
20 examination recognized by board rule;

21 (3) Completes 4 years or more of progressive engineering experience after
22 graduation from the master's degree program and of a grade and character that indicate to the board
23 that the applicant may be competent to practice engineering, at least 2 years of which shall be in the
24 specialty discipline for which the license is sought;

25 (4) Attains a passing score on a specialized examination recognized by board rule
26 testing the principles and practices of engineering in the specialty discipline sought; and

27 (5) Pays the required fee.

28 (c) Individuals with a bachelor's degree in engineering technology. The office shall issue
29 a professional engineering license to an applicant who:

30 (1) Satisfactorily completes a bachelor's level engineering technology curriculum
31 accredited by ABET;

32 (2) Attains a passing score set by board rule on a fundamentals of engineering
33 examination recognized by board rule;

34 (3) Completes 8 years or more of progressive engineering experience after
35 graduation of a grade and character that indicate to the board that the applicant may be competent
36 to practice engineering, at least four years of which shall be in the specialty discipline for which the
37 license is sought.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 206 -

1 (4) Attains a passing score on a specialized examination recognized by board rule
2 testing the principles and practices of engineering in the specialty discipline sought; and

3 (5) Pays the required fee.

4 (d) Individuals with 12 years of engineering experience. The office shall issue a
5 professional engineering license to an applicant who:

6 (1) Attains a passing score set by board rule on a fundamentals of engineering
7 examination recognized by board rule;

8 (2) Completes 12 years or more of progressive engineering experience after
9 graduation of a grade and character that indicate to the board that the applicant may be competent
10 to practice engineering, at least 6 years of which shall be in the specialty discipline for which the
11 license is sought.

12 (3) Attains a passing score on a specialized examination recognized by board rule
13 testing the principles and practices of engineering in the specialty discipline sought; and

14 (4) Pays the required fee.

15 (e) Individuals with 16 years of engineering experience. The office shall issue a
16 professional engineering license to an applicant who:

17 (1) Completes 16 years or more of progressive engineering experience of a grade and
18 character that indicate to the board that the applicant may be competent to practice engineering, at
19 least 8 years of which shall be in the specialty discipline for which the license is sought.

20 (2) Attains a passing score on a specialized examination recognized by board rule
21 testing the principles and practices of engineering in the specialty discipline sought; and

22 (3) Pays the required fee.

23 (f) Alternate route to licensure. The office shall issue a professional engineering license
24 to an applicant who:

25 (1) Attains a passing score set by board rule on a fundamentals of engineering
26 examination recognized by board rule;

27 (2) Completes education and experience that, in the judgment of the board,
28 demonstrates a substantially equivalent level of preparation for engineering practice as required by
29 subparagraphs I(a), I(b), and I(c) of this section;

30 (3) Attains a passing score on a specialized examination recognized by board rule
31 testing the principles and practices of engineering in the specialty discipline sought; and

32 (4) Pays the required fee.

33 II. Upon determining that an applicant is qualified for licensure in one or more specialty
34 disciplines under paragraph I, the office shall issue a license indicating the specialty discipline or
35 disciplines. Upon determining that an existing licensee is qualified by application in an additional
36 specialty discipline under paragraph I, the office shall issue a license to the licensee indicating all
37 specialty disciplines.

1 310-A:9 Licensed Land Surveyor.

2 I. The office shall issue a license to any applicant who meets the following qualifications:

3 (a) Bachelor's degree in land surveying, internship, portfolio, and examination. A person
4 who has graduated with a bachelor's degree in land surveying from a program accredited by ABET,
5 completed a 24-month internship, successfully completed a portfolio, and successfully completed the
6 examinations required by the board may be granted a license; or

7 (b) Associates degree in land surveying, internship, portfolio, and examination. A
8 person who has graduated with an associate's degree in land surveying from a program accredited by
9 ABET, completed a 36-month internship, successfully completed a portfolio, and successfully
10 completed the examinations required by the Board may be granted a license; or

11 (c) Internship, portfolio, and examinations. An applicant who has completed a 72-month
12 internship, successfully completed a portfolio, and successfully completed the examinations required
13 by the board may be granted a license.

14 II. License examinations may consist of a national surveying examination selected by the
15 board plus a state portion. The state portion shall be limited to those subjects and skills necessary
16 to perform land surveying.

17 310-A:10 Business Organizations.

18 I. The rights to practice professional engineering and land surveying are personal rights
19 based on the qualities of the individual and evidenced by a nontransferable license.

20 II. A corporation, limited liability company, partnership, association, individual
21 proprietorship, or other business entity may furnish professional engineering or land surveying
22 services, provided a member or employee thereof is licensed and is responsible for the work
23 rendered.

24 III. A corporation, limited liability company, partnership, association, or individual
25 proprietorship with which the professional engineer or land surveyor may practice shall be jointly
26 and severally liable with the licensee for work performed.

27 310-A:11 Seal.

28 I. Each licensee shall obtain a seal of a design approved by the board according to rules
29 adopted pursuant to RSA 541-A.

30 II. Plans, specifications, reports, maps, plats, surveys, and other instruments of service
31 issued by a licensee shall be signed and sealed by the licensee.

32 509 Professional Geologists; Repeals. The following provisions of RSA chapter 310-A are hereby
33 repealed:

34 I. RSA 310-A:121, I(f), relative to professional geologists; hearings procedures.

35 II. RSA 310-A:122, relative to professional geologists; immunity.

36 III. RSA 310-A:132, relative to professional geologists; license expiration.

1 IV. RSA 310-A:133, relative to professional geologists, investigations and disciplinary
2 proceedings.

3 V. RSA 310-A:134, relative to professional geologists, investigations.

4 VI. RSA 310-A:135, relative to professional geologists; hearings.

5 510 State Licensed or Certified Real Estate Appraisers; Real Estate Appraiser Board. Amend
6 RSA 310-B:4 as follows:

7 310-B:4 Real Estate Appraiser Board.

8 I. There is established ~~[an independent]~~ **a** real estate appraiser board ~~[which shall be~~
9 ~~administratively attached to the office of state]~~ **within the office of professional licensure and**
10 **certification**. The board shall be composed of the following ~~[7]~~ **5** members, appointed by the
11 governor with the consent of council:

12 (a) Three real estate appraisers with a minimum of 5 years' experience, consisting of one
13 New Hampshire certified residential appraiser, one New Hampshire certified general appraiser, and
14 one New Hampshire certified appraiser who is a broker licensed under RSA 331-A; provided that no
15 2 appraiser members shall be members of the same private appraisal organization.

16 (b) One representative from a New Hampshire lending institution.

17 (c) ~~[The banking executive director or designee.~~

18 ~~(d) Two members]~~ **One member** of the general public not associated directly or
19 indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry.

20 II. All appointments shall be made within 90 days after the effective date of this chapter.

21 III. On or before July 1, 1991, each real estate appraiser member of the board shall be
22 certified or licensed as a real estate appraiser under this chapter. One such member shall hold the
23 residential license and one such member shall hold a general appraiser certificate.

24 IV. The term of each member shall be 3 years, except that, of the members first appointed, 3
25 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for one year.

26 V. Upon expiration of their terms, members of the board shall continue to hold office until
27 the appointment and qualification of their successors. No person~~[-except the executive director or~~
28 ~~designee,]~~ shall serve as a member of the board for more than 2 consecutive terms. The appointing
29 authority may remove a member for cause.

30 ~~[VI. The board shall meet at least once each calendar quarter to conduct its business and~~
31 ~~more often on call of the chair, or when the chair is requested to do so by 4 or more members of the~~
32 ~~board. The action of the majority of the members of the board present and voting shall be deemed~~
33 ~~the action of the board, and at least 4 members shall be present and voting on every vote of the~~
34 ~~board. Places of future meetings shall be decided by the vote of members at meetings or, in the~~
35 ~~event of a special meeting, by the chair. Written notice shall be given by the chair to each member of~~
36 ~~the time and place of each meeting of the board at least 10 days in advance.]~~

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 209 -

1 VII. The chairman of the board shall be elected from the board's members. ~~[Neither the~~
2 ~~banking executive director nor his designee shall serve as chairman.~~

3 VIII. ~~No board member shall be entitled to a per diem allowance. Board members shall be~~
4 ~~reimbursed for actual travel in the performance of official duties at the usual state employee rate.~~

5 IX. ~~The members of the board shall be immune from any civil action or criminal prosecution~~
6 ~~for actions taken in their capacity as members of the board, provided that such action is taken in~~
7 ~~good faith and in the reasonable belief that the action was taken pursuant to the powers and duties~~
8 ~~of the board under this chapter.~~

9 X. ~~All administrative, clerical, and business processing functions of the board shall be~~
10 ~~transferred to the office of professional licensure and certification established in RSA 310 A:1~~
11 ~~through RSA 310 A:1-e.]~~

12 511 State Licensed or Certified Real Estate Appraisers; Licensure or Certification Process.
13 Amend RSA 310-B:5 as follows:

14 310-B:5 Licensure or Certification Process.

15 I. Applications for original license or certification, renewal license or certification and
16 examinations shall be made in writing ~~[to the board on forms approved by the board].~~

17 II. Appropriate fees, ~~[as fixed by the board under rules established pursuant to RSA 541 A];~~
18 shall accompany all applications for original license, certification, renewal license, renewal
19 certification, reciprocal license, and reciprocal certification. An annual federal registration fee shall
20 be collected by the ~~board~~ **office** for transmittal to the federal government under Title XI.

21 III. At the time of filing an application for certification or licensure, each applicant shall sign
22 a pledge to comply with the standards set forth in this chapter and state that he understands the
23 types of misconduct for which disciplinary proceedings may be initiated against a certified or
24 licensed real estate appraiser, as set forth in this chapter.

25 512 State Licensed or Certified Real Estate Appraisers; Prohibited Conduct. Amend RSA 310-
26 B:5-a as follows:

27 310-B:5-a Prohibited Conduct. A person licensed or certified ~~[by the board]~~ under this chapter,
28 shall, after a hearing, be subject to disciplinary action as provided in RSA 310-B:18 for being
29 convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery,
30 embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to
31 defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses;
32 provided that, for the purposes of this section being convicted shall include all instances in which a
33 plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the
34 sentence has been deferred or suspended.

35 513 State Licensed or Certified Real Estate Appraisers; Criminal History Records Checks.
36 Amend RSA 310-B:6-a as follows:

37 310-B:6-a Criminal History Record Checks.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 210 -

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

4 II. The applicant shall submit with the release form a complete set of fingerprints taken by a
5 qualified law enforcement agency or an authorized employee of the office of safety. The [board]
6 **office** shall submit the criminal history records release form and fingerprint form to the division of
7 state police which shall conduct a criminal history records check through its records and through the
8 Federal Bureau of Investigation. In the event that the first set of fingerprints is invalid due to
9 insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal
10 history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern,
11 the [board] **office** may, in lieu of the criminal history records check, conduct the national
12 background check based on personal information.

13 III. Upon completion of the records check, the division of state police shall release copies of
14 the criminal history records to the [board] **office**. The [board] **office** shall maintain the
15 confidentiality of all criminal history records information received pursuant to this section.

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

17 514 State Licensed or Certified Real Estate Appraisers; Examination Prerequisites. Amend
18 RSA 310-B:8 as follows:

19 310-B:8 Examination Prerequisites.

20 I. As prerequisites to taking the examination for certification as a certified general real
21 estate appraiser, an applicant shall present evidence[~~-, satisfactory to the board,~~] of having completed
22 the required classroom hours in subjects related to real estate appraisal, including instruction
23 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
24 approved by the board, **in accordance with rules adopted by the board pursuant to RSA 541-**
25 **A.**

26 II. As prerequisites to taking the examination for certification as a certified residential real
27 estate appraiser, an applicant shall present evidence[~~-, satisfactory to the board,~~] of having completed
28 the required classroom hours in subjects related to real estate appraisal, including instruction
29 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
30 approved by the board, **in accordance with rules adopted by the board pursuant to RSA 541-**
31 **A.**

32 III. As prerequisites to taking the examination for licensure as a licensed residential real
33 estate appraiser, an applicant shall present evidence[~~-, satisfactory to the board,~~] of having completed
34 the required classroom hours in subjects related to real estate appraisal, including instruction
35 related to the Uniform Standards of Professional Appraisal Practice, from an educational source
36 approved by the board, **in accordance with rules adopted by the board pursuant to RSA 541-**
37 **A.**

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 211 -

1 515 State Licensed or Certified Real Estate Appraisers; Experience Requirements. Amend RSA
2 310-B:9, II as follows:

3 II. Each applicant for license or certification shall furnish a signed, detailed listing of the
4 real estate appraisal reports or file memoranda for each year for which experience is claimed by the
5 applicant. Upon request, the applicant shall make available to the board **or office** for examination a
6 sample of appraisal reports which the applicant has prepared in the course of his or her appraisal
7 practice.

8 516 State Licensed or Certified Real Estate Appraisers; Registration of Appraisal Management
9 Companies. Amend RSA 310-B:12-b, I as follows:

10 I. It is unlawful for a person to directly or indirectly engage in or attempt to engage in
11 business as an appraisal management company or to advertise or hold itself out as engaging in or
12 conducting business as an appraisal management company in this state without first obtaining a
13 registration issued by the ~~[board]~~ **office** under the provisions of this chapter.

14 (a) An applicant for registration as an appraisal management company in this state
15 shall submit to the ~~[board]~~ **office** an application using the method prescribed and furnished by the
16 office of professional licensure and certification.

17 (b) In the event a registration process is unavailable upon the effective date of this
18 chapter, an appraisal management company already conducting business in this state may continue
19 to conduct business in accordance with this chapter until the 120th day after a registration process
20 becomes available.

21 517 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
22 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, I to read as follows:

23 I. An appraisal management company that applies to the ~~[board]~~ **office** for a registration to
24 do business in this state as an appraisal management company shall not:

25 518 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company
26 Appraiser Credentials. Amend the introductory paragraph of RSA 310-B:12-h, III to read as follows:

27 III. Each appraisal management company seeking to be registered in this state shall certify
28 to the ~~[board]~~ **office** on an annual basis on a form prescribed by the ~~[board]~~ **office** that the appraisal
29 management company has systems in place to verify that:

30 519 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
31 Appraisal Review. Amend RSA 310-B:12-i as follows:

32 310-B:12-i Appraisal Management Company; Appraisal Review. Any employee of, or
33 independent contractor to, an appraisal management company that performs a USPAP Standard 3
34 review of an appraisal report on property located in this state shall be an appraiser with the proper
35 level of licensure issued by the ~~[board]~~ **office**. Quality control examinations are exempt from this
36 requirement as they are not considered a Standard 3 review

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 212 -

1 520 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company;
2 Registration Number. Amend RSA 310-B:12-m as follows:

3 310-B:12-m Appraisal Management Company; Registration Number.

4 I. The [board] *office* shall issue a unique registration number to each appraisal
5 management company registered in this state pursuant to this chapter.

6 II. The [board] *office* shall maintain a list of the appraisal management companies
7 registered in this state and the registration numbers assigned to such persons.

8 III. An appraisal management company registered in this state shall disclose the
9 registration number provided to it by the [board] *office* on the engagement documents presented to
10 an appraiser.

11 521 State Licensed or Certified Real Estate Appraisers; License or Certificate. Amend RSA 310-
12 B:16, I as follows:

13 I. A license or certificate issued under authority of this chapter shall bear a license or
14 certificate number assigned by the [board] *office*.

15 522 State Licensed or Certified Real Estate Appraisers; Repeals. The following provisions of
16 RSA chapter 310-B are hereby repealed:

17 I. RSA 310-B:3-a, relative to penalty.

18 II. RSA 310-B:10, relative to term of licensure.

19 III. RSA 310-B:12, relative to nonresident licensure.

20 IV. RSA 310-B:12-a, relative to temporary practice.

21 V. RSA 310-B:12-e, relative to appraisal management company fee.

22 VI. RSA 310-B:13, relative to renewal.

23 VII. RSA 310-B:13-a, relative to lapse.

24 VIII. RSA 310-B:14, I relative to continuing education.

25 IX. RSA 310-B:18, relative to disciplinary proceedings.

26 X. RSA 310-B:18-b, relative to reissuance of license.

27 XI. RSA 310-B:19, relative to hearings.

28 XII. RSA 310-B:20, relative to fees.

29 XIII. RSA 310-B:21, relative to receipts.

30 XIV. RSA 310-B:23-a, relative to summons.

31 XV. RSA 310-B:24, VII, relative to rulemaking authority.

32 XVI. RSA 310-B:24, IX, relative to the requirements for public information requests.

33 523 New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-A:25 by inserting
34 after 331-A:25, XV, the following subsection:

35 XVI. Supervision requirements for salespersons

36 524 New Hampshire Real Estate Practice Act; Repeals. The following provisions of RSA chapter
37 331-A are hereby repealed:

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 213 -

- 1 I. RSA 331-A:7, II relative to fees.
- 2 II. RSA 331-A:7, IV, relative to fees.
- 3 III. RSA 331-A:7, V, relative to orders.
- 4 IV. RSA 331-A:12-a, relative to inactive license status.
- 5 V. RSA 331-A:15, relative to issuance of licenses.
- 6 VI. RSA 331-A:17, relative to license amendments.
- 7 VII. RSA 331-A:18, relative to lapse of license.
- 8 VIII. RSA 331-A:19, relative to renewal of license.
- 9 IX. RSA 331-A:24, relative to fees.
- 10 X. RSA 331-A:25, IV, relative to rulemaking regarding fees.
- 11 XI. RSA 331-A:25, VII, relative to license certificates.
- 12 XII. RSA 331-A:25, X, relative to procedures.
- 13 XIII. RSA 331-A:25, XI, relative to conduct of hearings.
- 14 XIV. RSA 331-A:25, XIII, relative to procedures for renewal licenses.
- 15 XV. RSA 331-A:28, relative to disciplinary actions.
- 16 XVI. RSA 331-A:29, relative to disciplinary procedures.
- 17 XVII. RSA 331-A:30, relative to hearing procedures.
- 18 XVIII. RSA 331-A:31, relative to payment by the state.
- 19 XIX. RSA 331-A:33, relative to immunity.
- 20 XX. RSA 331-A:34, relative to unlawful practice.
- 21 XXI. RSA 331-A:35, relative to prosecution.

22 525 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 as follows:

23 I. The purpose of a provisional license is to permit an individual to practice speech-language
24 pathology while completing the postgraduate professional experience required for initial licensure.
25 The ~~board~~ ***office of professional licensure and certification*** shall issue a provisional license to
26 an applicant who has met the eligibility requirements for initial licensure except for completion of
27 the required postgraduate professional experience and has completed the application procedure for
28 initial licensure except for submitting documentation of completion of the postgraduate professional
29 experience.

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

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

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

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 214 -

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

2 ~~VI.]~~ The [board] **office of professional licensure and certification** is authorized to issue
3 conditional provisional licenses in accordance with rules adopted **by the board** pursuant to RSA
4 541-A.

5 526 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5 , VI- VIII to read as follows:

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

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

9 ~~VIII.]~~ The sale and fitting of hearing aids.

10 527 Speech-language Pathology. Out of State Sales Regulated. Amend RSA 326-F:16 as
11 follows:

12 326-F:16 Out-of-State Sales Regulated.

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

16 II. The [board] **office of professional licensure and certification** shall issue a permit to
17 such out-of-state business if the business discloses and provides proof:

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

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

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

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

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

27 528 Speech-language Pathology; Repeals. The following provisions of RSA 326-F are repealed:

28 I. RSA 326-F:6-a, relative to renewal.

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

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

31 IV. RSA 326-F:9, relative to registration of hearing aid dealers.

32 V. RSA 326-F:11, relative to audiologists from outside New Hampshire.

33 529 New Hampshire Veterinary Practice Act; Board; Compensation. Amend RSA 332-B:3 as
34 follows:

35 332-B:3 Board; Compensation.

36 I. There shall be a board of veterinary medicine consisting of [7] **5** members: [5] **3**
37 veterinarians, the state veterinarian, and one public member. The members, other than the state

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 215 -

1 veterinarian, shall be appointed by the governor, with the approval of the council, to a term of 5
2 years, and until a successor is appointed. No appointed member of the board shall be appointed to 2
3 consecutive 5-year terms. Vacancies shall be filled for the remainder of the term and in the same
4 manner as the original appointment. Any appointed member of the board may be removed by the
5 governor after a hearing by the board determines cause for removal. The state veterinarian shall
6 serve as an ex officio member, provided any duties of the state veterinarian relative to this chapter
7 shall be agreed upon in writing by the board and the executive director of agriculture, markets, and
8 food and which agreement may include:

- 9 (a) Recording and producing meeting minutes for regular board meetings;
- 10 (b) Representing the board on the advisory council established in RSA 126-A:96;
- 11 (c) Submission of periodic reports to the board; and
- 12 (d) Participation in complaint investigations.

13 II. ~~[When a vacancy has occurred, or is due to occur in a veterinary position on the board,~~
14 ~~the New Hampshire Veterinary Medical Association shall nominate 3 qualified persons and forward~~
15 ~~the nominations to the governor. The governor may make appointments from those nominated by~~
16 ~~the association, but shall not be required to appoint one of those so nominated.] **Annually, the**
17 **board shall organize by electing a president and such other officers as may be prescribed**
18 **by rule. Officers of the board shall serve for terms of one year and until a successor is**
19 **elected, without limitation on the number of terms an officer may serve.**~~

20 III. [Repealed.]

21 ~~[IV. All administrative, clerical, and business processing functions of the board shall be~~
22 ~~transferred to the office of professional licensure and certification established in RSA 310-A:1~~
23 ~~through RSA 310-A:1-e.]~~

24 530 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7 as
25 follows:

26 332-B:7 Powers of the Board. The board shall have the power to:

27 I. ~~[Examine and]~~ Determine the qualifications and fitness of applicants for a license to
28 practice veterinary medicine in this state.

29 II. ~~[Issue, renew, deny, suspend, revoke licenses and temporary permits to practice~~
30 ~~veterinary medicine in the state or otherwise]~~ Discipline licensed veterinarians consistent with the
31 provisions of this chapter and the rules and regulations adopted thereunder.

32 ~~III. [Repealed.]~~

33 ~~IV. Conduct investigations and hearings as provided in RSA 332-B:15 and RSA 332-B:16.~~

34 ~~V. [Repealed.]~~

35 ~~V-a. [Repealed.]~~

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 216 -

1 ~~VI. Employ full-time or part-time professional, clerical or special personnel necessary to~~
2 ~~effectuate the provisions of this chapter and purchase or rent necessary office space, equipment and~~
3 ~~supplies within the limits of appropriations made therefor.~~

4 ~~VII. Appoint from its own membership one or more of the members to act as representatives~~
5 ~~of the board at any meeting within or without the state where such representation is deemed~~
6 ~~desirable.~~

7 ~~VIII. Bring proceedings in the courts for the enforcement of this chapter or any regulations~~
8 ~~made pursuant thereto.]~~

9 IX-XI. [Repealed.]

10 531 Veterinary Practice Act; Examinations. RSA 332-B:10 is repealed and reenacted to read as
11 follows:

12 332-B:10 Examinations. The office shall issue an initial license to practice veterinary medicine
13 to any applicant who:

14 I. Is 18 years of age or more;

15 II. Has graduated from an AVMA accredited school of veterinary medicine or other
16 veterinary school accepted to the board; or, who holds an ECFVG certificate or a PAVE certificate;

17 III. Demonstrates good professional character according to rules adopted by the board
18 pursuant to RSA 541-A;

19 IV. Satisfactorily passed an examination adopted by the board pursuant to rule; and

20 V. Has paid the required fee.

21 532 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend
22 RSA 332-B:20, I as follows:

23 I. Any physical therapist practicing physical therapy on any animal shall meet the
24 requirements of this section and any additional requirements set by the board of veterinarians
25 pursuant to RSA 332-B:7-a, XIV ~~[and shall be certified by the board of veterinary medicine.]~~

26 533 Veterinary Practice Act; Repeals. The following provisions of RSA 332-B are repealed:

27 I. RSA 332-B:3-a, relative to temporary member.

28 II. RSA 332-B:5, relative to meetings and duties.

29 III. RSA 332-B:6, relative to revenues.

30 IV. RSA 332-B:7-a, VIII, relative to procedures for the conduct of investigations.

31 V. RSA 332-B:7-a, IX, relative to procedures for the conduct of hearings.

32 VI. RSA 332-B:12, relative to temporary permit.

33 VII. RSA 332-B:13, relative to license renewal and lapse.

34 VIII. RSA 332-B:14, relative to disciplinary action.

35 IX. RSA 332-B:15, relative to investigations.

36 X. RSA 332-B:15-a, relative to emergency suspension.

37 XI. RSA 332-B:16, relative to hearings.

HB 2-FN-A-LOCAL - AS INTRODUCED
- Page 217 -

1 XII. RSA 332-B:16-a, relative to immunity from civil action.

2 XIII. RSA 332-B:9, relative to licensure.

3 534 Court Reporters; Repealed. RSA 310-A:161 through 310-A:181, relative to court reporters,
4 are repealed.

5 535 Effective Date. Unless otherwise specified, the remainder of this act shall take effect July 1,
6 2023.

LBA
23-1064
3/1/23

**HB 2-FN-A-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to state fees, funds, revenues, and expenditures.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

None