

13936, (eff 6-23-24)

Change the chapter heading for Vet 200 to read as follows:

CHAPTER Vet 200 RULES OF PRACTICE AND PROCEDURE

Repeal Vet 201.01 through Vet 201.07, effective 9/29/21 (Document #13269), cited and to read as follows:

~~[PART Vet 201 FILING OF COMPLAINTS~~

~~— Vet 201.01 Commencement of Proceedings.~~

~~— (a) The board shall consider all written complaints alleging misconduct by licensees and permittees.~~

~~— (b) Should the majority of the board determine that a violation pursuant to RSA 332-B:14 might have occurred based on any information that comes to its attention, and an inquiry into the conduct of any licensee is warranted, the board shall initiate a disciplinary investigation. If the board believes there is credible evidence that a violation has occurred pursuant to RSA 332-B:14, II, it shall take action pursuant to RSA 332-B:14, III.~~

~~— Vet 201.02 Appointment of Investigator.~~

~~— (a) The president shall appoint a board member, or other person who has expertise in the area of the alleged complaint and hired pursuant to RSA 332-B:7, V a, to investigate a written complaint or to conduct a board initiated investigation.~~

~~— (b) When a board member is appointed to act as investigator, said member shall take no part in any subsequent decision of the board regarding the matter.~~

~~— Vet 201.03 Settlement During Investigation.~~

~~— (a) When consistent with the board's instructions, and the nature of the allegations involved, an investigator shall engage a licensee or permittee, and a complainant, if any, in discussions which might result in a mutually satisfactory settlement of the misconduct allegations being investigated.~~

~~— (b) If an agreement can be reached, the investigator shall file a report with the board recommending that it approve the settlement agreement.~~

~~— (c) The board shall evaluate the nature and severity of the complaint and consider the investigation settlement agreement to see if the final action is appropriate for the seriousness of the complaint, as agreed by the majority of the board.~~

~~— (d) If the board declines to accept the recommendation, the investigation shall continue or a hearing order shall be issued.~~

~~— Vet 201.04 Obligation to Answer Allegations.~~

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~~— (a) At any time during an investigation or disciplinary hearing the investigator or, if no investigator has been appointed, the board, shall direct the respondent to reply to specific allegations in writing by mailing the respondent a written statement of allegations.~~

~~— (b) In addition to what is required by RSA 332-B:15, VII, the statement of allegations shall include the following information:~~

~~(1) A summary of each act of unprofessional conduct, incompetency, gross negligence, or other misconduct, or any other act in violation of RSA 332-B:14 which the complainant claims the respondent to be guilty of in connection with his or her business as a veterinarian; and~~

~~(2) A list of presently known witnesses to the relevant events.~~

~~— Vet 201.05 Answer to Statement of Allegations. Within 30 days from the receipt of statement of allegations, the respondent shall provide the investigator with a written reply which contains the following information:~~

~~— (a) Licensee's legal name, any aliases, physical home address, phone number, email (if applicable), and work address(es) regardless whether the location is where the complaint occurred, and the phone number to contact or another preference for contact;~~

~~— (b) The name of the attorney, if any, representing the respondent;~~

~~— (c) The respondent's understanding of the facts, including dates and times, out of which the allegations arose;~~

~~— (d) A summary of each defense to each allegation of misconduct or any other act in violation of RSA 332-B:14; and~~

~~— (e) A list of presently known witnesses to the relevant events.~~

~~— Vet 201.06 Investigator's Report to the Board.~~

~~— (a) The investigator shall prepare a report to the board summarizing the position of the parties and shall include a recommendation as to whether a disciplinary hearing should be held and the issues to be included in said hearing.~~

~~— (b) The report shall include:~~

~~(1) Complainant name, address, phone number, and other contact information;~~

~~(2) Respondent name, legal home address and phone number;~~

~~(3) Case number;~~

~~(4) List of interviews;~~

~~(5) List of documents;~~

~~(6) List of prior letters of concern with summary of content or attached as appendices; and~~

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- (7) List of prior settlements and discipline or attached as appendices.
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- ~~— (c) After reviewing the investigator's report the board shall:~~
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- (1) Dismiss the complaint if the investigation discloses no credible evidence that a violation has occurred;
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- (2) Commence a hearing if the investigator does disclose credible evidence that a violation has occurred; or
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- (3) Investigate further if:
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 - a. The investigator's report does not provide enough information to reach a decision; or
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 - b. The investigator discovers other potential acts of misconduct.
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~~— Vet 201.07 Action Without Investigation.~~

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- ~~— (a) When the board possesses facts that public health, safety, or welfare is at risk, the board shall take emergency action under RSA 332-B:15 a or schedule a disciplinary hearing under RSA 332-B:15 without further investigation.~~
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- ~~— (b) The licensee shall be notified immediately, in writing, of the suspension and shall be provided a hearing within 10 days of the effective date of suspension.]~~

Repeal Vet 201.08, effective 4/23/09 (Document #9464-A), as follows:

~~[Vet 201.08 Action Without Investigation. When the board possesses facts that public health, safety or welfare is at risk, the board shall take emergency action under RSA 332-B:15 a or schedule a disciplinary hearing under RSA 332-B:15 without further investigation. The licensee shall be notified immediately, in writing, of the suspension and shall be provided a hearing within 10 days of the effective date of suspension.]~~

Repeal Vet 202 through Vet 206, effective 9/29/21 (Document #13269), as follows:

~~[PART Vet 202 DISCIPLINARY HEARINGS~~

~~— Vet 202.01 Date of Issuance or Filing. All written documents governed by these rules shall be rebuttably presumed to have been issued on the date noted on the document and to have been filed with the board on the actual date of receipt by the board, as evidenced by a date stamp placed on the document by the board in the normal course of business.~~

~~— Vet 202.02 Format of Documents.~~

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- ~~— (a) All correspondence, pleadings, motions, or other documents filed under these rules shall:~~
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- (1) Be on the board's letterhead;

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- ~~(2) Include the title and docket number of the proceeding, if known;~~
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- ~~(3) Be typewritten or clearly printed on durable paper 8 1/2 by 11 inches in size;~~
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- ~~(4) Be signed by the party or proponent of the document, or, if the party appears by a representative, by the representative; and~~
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- ~~(5) Include a statement certifying that a copy of the document has been delivered to all parties to the proceeding in compliance with Vet 202.03.~~
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~~— (b) A party's or representative's signature on a document filed with the board shall constitute certification that:~~

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- ~~(1) The signer has read the document;~~
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- ~~(2) The signer is authorized to file it;~~
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- ~~(3) To the best of the signer's knowledge, information, and belief, there are good and sufficient grounds to support it; and~~
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- ~~(4) The document has not been filed for purposes of delay.~~
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~~— Vet 202.03 Delivery of Documents.~~

~~— (a) Copies of all petitions, motions, exhibits, memoranda, or other documents filed by any party to a proceeding governed by these rules shall be delivered by that party to all other parties to the proceeding.~~

~~— (b) All notices, orders, decisions, or other documents issued by the presiding officer or board shall be delivered to all parties to the proceeding.~~

~~— (c) Delivery of all documents relating to a proceeding shall be made by personal delivery or by depositing a copy of the document, by first class mail, postage prepaid, in the United States mail, addressed to the last address given to the board by the party.~~

~~— (d) When a party appears by a representative, delivery of a document to the party's representative at the address stated on the appearance filed by the representative shall constitute delivery to the party.~~

~~— Vet 202.04 Computation of Time.~~

~~— (a) Unless otherwise specified, all time periods referenced in this chapter shall be calendar days.~~

~~— (b) Computation of any period of time referred to in these rules shall begin with the day after the action which sets the time period in motion, and shall include the last day of the period so computed.~~

~~— (c) If the last day of the period so computed falls on a Saturday, Sunday, or legal holiday, then the time period shall be extended to include the first business day following the Saturday, Sunday, or legal holiday.~~

~~— Vet 202.05 Notice.~~

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~~— (a) Whenever the board determines that a disciplinary hearing shall be held, the parties shall be given at least 15 days' written notice of such hearing. The notice shall be served on the parties either personally or by certified mail, return receipt requested.~~

~~— (b) The notice shall include:~~

~~(1) The time, place, and nature of the hearing;~~

~~(2) A statement of the legal authority under which the hearing is held;~~

~~(3) A reference to the particular sections of the statutes and rules involved;~~

~~(4) A short and plain statement of the issues involved;~~

~~(5) A statement that each party has the right to have an attorney present to represent the party at the party's expense; and~~

~~(6) A statement that each party has the right to have the board provide a certified shorthand court reporter at the party's expense and that any such request be submitted in writing at least 10 days prior to the proceeding.~~

~~— Vet 202.06 Appearances and Representation. A party or the party's representative shall file an appearance that includes the following information:~~

~~— (a) A brief identification of the matter;~~

~~— (b) A statement as to whether or not the representative is an attorney and if so, whether the attorney is licensed to practice in New Hampshire; and~~

~~— (c) The party or representative's daytime address and telephone number.~~

~~— Vet 202.07 Pre-hearing Conferences:~~

~~— (a) The board may hold a pre-hearing conference at any time prior to a hearing. The parties or their counsel shall be requested to attend the conference. A representative of the board shall be designated as the presiding officer.~~

~~— (b) The parties attending the pre-hearing conference shall consider the following:~~

~~(1) Stipulations, admissions, and settlement;~~

~~(2) Identification, clarification, and simplification of the issues;~~

~~(3) Identification of and limitations on the number of witnesses and exhibits either party may seek to introduce at the hearing; and~~

~~(4) Such other matters as might aid in the disposition of the complaint.~~

~~— (c) The presiding officer shall issue and serve upon all parties a pre-hearing order incorporating all actions taken and agreements reached at the pre-hearing conference.~~

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~~— (d) Upon his or her own initiative or upon the motion of any party, a presiding officer or board official shall, for good cause, withdraw from any hearing.~~

~~— (e) Good cause under (d) above shall exist if a presiding officer or agency official:~~

~~(1) Has a direct interest in the outcome of a proceeding, including, but not limited to, a financial or family relationship, with any party; or~~

~~(2) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of a case; or~~

~~(3) Personally believes that he or she cannot fairly judge the facts of a case.~~

~~— (f) Mere knowledge of the issues, the parties, or any witness shall not constitute good cause for withdrawal.~~

~~— Vet 202.08 Waiver of Rules by Presiding Officer. The presiding officer, upon his or her own initiative or upon the motion of any party, shall waive any requirement or limitation imposed by this chapter upon reasonable notice to affected persons when the proposed waiver appears to be lawful, and would be more likely to promote the fair, accurate, and efficient resolution of issues pending before the board than would adherence to a particular rule or procedure.~~

~~— Vet 202.09 Postponements.~~

~~— (a) Any party or intervenor to a hearing may make an oral or written motion that a hearing be postponed to a later date or time.~~

~~— (b) If a postponement is requested by a party to the hearing, it shall be granted if the presiding officer determines that good cause has been demonstrated. Good cause shall include the unavailability of parties, witnesses, or attorneys necessary to conduct the hearing, the likelihood that a hearing will not be necessary because the parties have reached a settlement, or any other circumstances that demonstrate that a postponement would assist in resolving the case fairly.~~

~~— (c) If the later date, time, and place are known at the time of the hearing that is being postponed, the date, time, and place shall be stated on the record. If the later date, time, and place are not known at the time of the hearing that is being postponed, the presiding officer shall issue a written scheduling order stating the date, time, and place of the postponed hearing as soon as practicable.~~

~~— Vet 202.10 Hearing Procedures.~~

~~— (a) Board hearings shall be open to the public.~~

~~— (b) The investigator shall open the proceedings through production of witnesses and exhibits, and shall be followed by the witnesses and exhibits of the respondent. Members of the board shall ask questions of witnesses during or subsequent to direct or cross examination, and each party shall produce such additional evidence as the board deems necessary to an understanding and determination of the issues.~~

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~~— (c) Any oral, documentary, tangible, or demonstrative evidence shall be received. The board shall exclude irrelevant, immaterial, or unduly repetitious evidence and shall apply evidentiary privileges recognized by law.~~

~~— (d) The board shall direct the parties to submit legal memoranda or other written statements whenever such submissions will assist the board in reaching a decision and would not unduly delay the proceedings.~~

~~— (e) No party and no person acting on behalf of a party shall make ex parte communications to the board.~~

~~— (f) The party asserting a proposition shall bear the burden of proving the truth of the proposition by a preponderance of the evidence.~~

~~— (g) Subsequent to the hearing, the board shall meet and reach its decision by majority vote based solely upon the evidence presented at the hearing. The board's decision shall be based on a preponderance of the evidence, taking into consideration the fact that the burden of proof is on the complainant.~~

~~— Vet 202.11 Effect of Intervention and Rights of an Intervenor.~~

~~— (a) Approval of intervention by the presiding officer shall apply only to the proceeding in which the petition for intervention was granted.~~

~~— (b) Notwithstanding the provisions of this chapter, an intervenor's right to participate in an adjudicative proceeding shall be subject to any limitations or conditions imposed by the presiding officer pursuant to RSA 541-A:32, III.~~

~~— (c) No portion of the proceeding shall be repeated because of the fact of intervention.~~

~~— Vet 202.12 Role of Complainants and Board Staff.~~

~~— (a) Complainants shall have no role in any hearing other than that of witness unless they petition for, and are granted, the right to intervene.~~

~~— (b) Unless called as witnesses, board staff shall have no role in any hearing.~~

~~— Vet 202.13 Reopening the Record. At any time prior to the issuance of the decision on the merits, the presiding officer, on the presiding officer's own initiative or on the motion of any party, shall reopen the record to receive relevant, material, and non duplicative testimony, evidence, or arguments not previously received, if the presiding officer determines that such testimony, evidence or arguments are necessary to a full and fair consideration of the issues to be decided.~~

~~— Vet 202.14 Retention of Written Decisions. The board shall keep a decision on file in its records for at least 6 years following the date of the final decision or the date of the decision on any appeal, unless the director of the division of records management and archives of the department of state sets a different retention period pursuant to rules adopted under RSA 5:40.~~

~~— Vet 202.15 Hearing Officers. Pursuant to RSA 332-B:7, IV, the board shall designate one of its members, other than the investigator, to act as a hearing officer in an adjudicatory proceeding.~~

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~~— Vet 202.16 Public Notice of Disciplinary Action. When the board takes disciplinary action due to misconduct pursuant to RSA 332 B:14, II, (a) (p) and RSA 332 B:14, III, (a) (e), the board shall post a copy of the board's decision in at least 2 places which would be suitable for posting public meeting notices under RSA 91 A:2, II. This rule shall apply to disciplinary actions taken with and without the agreement of the licensee, and it shall not be waived.~~

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~~PART Vet 203 PETITIONS FOR RULEMAKING~~

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~~— Vet 203.01 Petitions for Rulemaking.~~

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~~— (a) Any person may seek the adoption, amendment, or repeal of a rule by submitting to the board a petition pursuant to RSA 541 A:4.~~

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~~— (b) Each petition for rulemaking shall contain:~~

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~~(1) The name and address of the individual petitioner or, if the request is that of an organization or other entity, the identity of such organization or entity, and the name and address of the representative authorized by the entity to file the petition;~~

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~~(2) A statement of the purpose of the petition, whether the adoption, amendment, or repeal of a rule;~~

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~~(3) If amendment or adoption of a rule is sought, the text proposed;~~

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~~(4) If amendment or repeal of a rule is sought, identification of the current rule sought to be amended or repealed;~~

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~~(5) Reference to the statutory provision that authorizes or supports the rulemaking petition; and~~

~~-~~
~~(6) Information or argument useful to the board when deciding whether to begin the rulemaking process.~~

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~~— Vet 203.02 Disposition of Petitions for Rulemaking.~~

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~~— (a) The board shall request additional information or argument from the petitioner for rulemaking or from others if such additional information or argument is required to reach a decision.~~

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~~— (b) The board shall grant the petition for rulemaking if the adoption, amendment, or repeal sought would not result in:~~

~~-~~
~~(1) A rule that is not within the rulemaking authority of the board;~~

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~~(2) Duplication of a rule or of a statutory provision;~~

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~~(3) Inconsistency between the existing rules and the statutory mandate of the board;~~

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~~(4) Inconsistency of administrative rules one with another; or~~

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~~(5) Excessive burden upon the board in terms of cost or a reduction in efficiency or effectiveness.~~

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~~— (c) The board shall within 30 days of the Board meeting following the receipt of a sufficient petition dispose of it in the following manner:~~

~~(1) By notifying the petitioner that the petition is granted and beginning rulemaking proceedings as required by RSA 541-A:4; or~~

~~(2) By notifying the petitioner in writing that the petition is denied and the reasons for its denial.~~

~~— (d) The denial of a petition for rulemaking shall not entitle the petitioner to a hearing.~~

~~PART Vet 204 PUBLIC COMMENT HEARINGS~~

~~— Vet 204.01 Purpose. The purpose of this part is to provide uniform procedures for the conduct of public comment hearings held pursuant to RSA 541-A:11.~~

~~— Vet 204.02 Public Access and Participation:~~

~~— (a) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the limitations of Vet 204.03.~~

~~— (b) People who wish to testify shall be asked to write on the speaker's list:~~

~~(1) Their full names and addresses; and~~

~~(2) The names and addresses of organizations, entities, or other persons whom they represent, if any.~~

~~— (c) Written comments, which may be submitted in lieu of or in addition to oral testimony, shall be accepted for the time period specified in the notice published in the state's rulemaking register.~~

~~— Vet 204.03 Limitations on Public Participation. The board's chair or other person designated by the board to preside over a hearing shall:~~

~~— (a) Refuse to recognize for speaking or revoke the recognition of any person who:~~

~~(1) Speaks or acts in an abusive or disruptive manner;~~

~~(2) Fails to keep comments relevant to the proposed rules that are the subject matter of the hearing; or~~

~~(3) Is unduly repetitious with their testimony; and~~

~~— (b) Limit presentations on behalf of the same organization or entity to no more than 3 individuals, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.~~

~~— Vet 204.04 Conduct of Public Comment Hearings:~~

~~— (a) Public comment hearings shall be attended by a quorum of the board.~~

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~~—(b) Public comment hearings shall be presided over by the board chair or a board member knowledgeable in the subject area of the proposed rules who has been designated by the board to preside over the hearing.~~

~~—(c) The chair or other person presiding over a hearing shall:~~

~~(1) Call the hearing to order;~~

~~(2) Identify the proposed rules that are the subject matter of the hearing and provide copies of them upon request;~~

~~(3) Recognize those who wish to be heard;~~

~~(4) If necessary, establish limits pursuant to Vet 204.03 and Vet 204.04;~~

~~(5) If necessary to permit the hearing to go forward in an orderly manner, effect the removal of a person who speaks or acts in a manner that is personally abusive or otherwise disrupts the hearing;~~

~~(6) If necessary, postpone or move the hearing to another physical location or, if allowed by law or the governor's emergency order, to a remote hearing; and~~

~~(7) Adjourn or continue the hearing.~~

~~—(d) A hearing shall be postponed in accordance with RSA 541 A:11, IV when:~~

~~(1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing will be unable to do so;~~

~~(2) The board chair or other person designated by the board to preside over the hearing is ill or unavoidably absent; or~~

~~(3) Postponement will facilitate greater participation by the public.~~

~~—(e) A hearing shall be moved to another location in accordance with RSA 541 A:11, V when the original location is not able to accommodate the number of people who wish to attend the hearing.~~

~~—(f) A hearing shall be continued past the scheduled time or to another date in accordance with RSA 541 A:11, III when:~~

~~(1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or~~

~~(2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend and it is not possible to move the hearing to another location.~~

~~PART Vet 205 DECLARATORY RULINGS~~

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~~— Vet 205.01 Requests for Declaratory Rulings.~~

~~— (a) Any person may request a declaratory ruling by the board if that person is directly affected by RSA 332-B or by any administrative rule.~~

~~— (b) A request for a declaratory ruling shall be in a writing containing:~~

~~(1) The name and address of the individual or entity making the request;~~

~~(2) The text of the ruling being requested;~~

~~(3) The reasons for the request; and~~

~~(4) The following declaration signed by the individual making the request, the authorized representative of such individual, or the authorized representative of the entity making the request:~~

~~"I declare that I have examined the request for a declaratory ruling, including the accompanying documents, and state that, to the best of my knowledge and belief, the facts presented in support of the requested declaratory ruling are true, correct and complete."~~

~~— Vet 205.02 Documents Required to Support Requests for Declaratory Rulings.~~

~~— (a) A request for a declaratory ruling shall be accompanied by:~~

~~(1) A statement citing the statutory law, regulatory law, and orders believed to support the ruling being requested;~~

~~(2) A statement of the facts believed to support the ruling being requested; and~~

~~(3) Supplementary material necessary to establish or clarify the facts set forth in the statement of facts.~~

~~— (b) A request for a declaratory ruling may be accompanied by additional material chosen by the person making the request.~~

~~— Vet 205.03 Processing Requests for Declaratory Rulings.~~

~~— (a) Within 30 days of receiving a request for a declaratory ruling, the board shall advise the person requesting it if the ruling will be delayed by the need for additional information or the complexity of the issues presented.~~

~~— (b) If additional information should be needed, the board shall specify the additional information required and request that it be provided in a statement of additional information that includes the declaration specified in Vet 205.01(b)(4) and is accompanied by any material necessary to establish or clarify the facts set forth in the statement.~~

~~— Vet 205.04 Issuance and Publication of Declaratory Rulings.~~

~~— (a) When facts sufficient to support a declaratory ruling have been established, the board shall issue a written declaratory ruling which applies all relevant law to the established facts.~~

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~~— (b) When the established facts show that the board lacks subject matter or personal jurisdiction to issue a declaratory ruling, the board shall issue a written decision stating that it lacks jurisdiction to issue a declaratory ruling and identifying the lack of jurisdiction.~~

~~— (c) Declaratory rulings shall be filed on the day of issuance with the director of legislative services in accordance with RSA 541-A:16, II (b).~~

~~— Vet 205.05 Effect of Declaratory Rulings. A declaratory ruling shall apply only to the board and to the person requesting it and shall be confined to the facts presented pursuant to Vet 205.02 (a)(2) — (a)(3) and in response to a request of the board made pursuant to Vet 205.03 (b).~~

~~PART Vet 206 EXPLANATION OF ADOPTED RULES~~

~~— Vet 206.01 Requests for Explanation of Adopted Rules. Any interested person may, within 30 days of the final adoption of a rule, request a written explanation of that rule by making a written request to the board including:~~

~~— (a) The name and address of the person making the request; or~~

~~— (b) If the request is that of an organization or other entity, the name and address of such organization or entity and the name and address of the representative authorized by the organization or entity to make the request.~~

~~— Vet 206.02 Contents of Explanation. The board shall, within 90 days of receiving a request in accordance with Vet 206.01, provide a written response which:~~

~~— (a) Concisely states the meaning of the rule adopted;~~

~~— (b) Concisely states the principal reasons for and against the adoption of the rule in its final form; and~~

~~— (c) States, if the board did so, why the board overruled any arguments and considerations presented against the rule.]~~

Repeal Vet 207, effective 1/19/23 (Document #13522), as follows:

~~[PART Vet 207 WAIVER OF SUBSTANTIVE RULES~~

~~— Vet 207.01 Petitions for Waiver.~~

~~— (a) Any interested person may request the board to waive any rule not covered by Vet 202.08 by filing an original and 2 copies of a petition pursuant to Vet 203.01(b) which clearly identifies the rule in question and sets forth specific facts and arguments which support the requested waiver. No statutory requirements shall be waived.~~

~~— (b) Petitions for waivers of substantive rules shall address whether:~~

~~(1) Adherence to the rule would cause the petitioner hardship;~~

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- ~~(2) The requested waiver is necessary because of any neglect or misfeasance on the part of the petitioner;~~
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- ~~(3) Waiver of the rule would be consistent with the statutes and regulatory programs administered by the board;~~
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- ~~(4) Waiver of the rule would injure third persons; and~~
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- ~~(c) If examination of the petition reveals that the proposed relief might substantially affect other persons, the board shall require service of the petition on such persons and advise them that they may file a reply to the petition which includes the following:~~
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- ~~(1) The name and address of the respondent;~~
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- ~~(2) The name and address of the representative of the respondent, if any;~~
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- ~~(3) A concise statement of any additional or different facts which warrant the board acting in the manner requested by the respondent;~~
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- ~~(4) A citation to any statutes, rules, orders or other authority, not identified in the petition, having a bearing upon the subject matter of the petition;~~
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- ~~(5) The action which the respondent wishes the board to take; and~~
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- ~~(6) The respondent's signature and date.~~
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- ~~(d) The petitioner shall provide such further information or participate in such evidentiary or other proceedings, as ordered by the board after reviewing the petition and any replies received.~~
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- ~~(e) A petition for waiver of a rule which does not allege material facts, which, if true, would be sufficient to support the requested waiver, shall be denied without prior notice or further hearing.~~
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- ~~(f) The board shall initiate a waiver or suspension of a substantive rule upon its own motion by providing affected parties with notice and an opportunity to be heard and issuing an order which finds that waiver would be consistent with the criteria of (b), above.~~
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- ~~(g) For the purposes of this section, good cause shall be deemed to exist if, at a minimum, the petitioner has demonstrated that:~~
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- ~~(1) Adherence to the rule would cause the petitioner hardship;~~
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- ~~(2) Waiver or suspension of the rule would be consistent with the statutes and regulatory programs administered by the department;~~
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- ~~(3) Waiver or suspension of the rule would not injure third persons; and~~
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- ~~(4) Waiver or suspension is necessary due to factors outside the control of the petitioner.~~
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~~—(h) The board shall approve a waiver of an administrative rule request, for the time period requested, only if:~~

~~-~~

~~(1) Granting a waiver does not have the effect of waiving or modifying a provision of RSA 332-B; and~~

~~-~~

~~(2) The petitioner shows or has shown good cause exists, as described in (g) above, to waive the rule.]~~

Adopt Vet 201 to read as follows:

PART Vet 201 APPLICABILITY AND WAIVER OF SUBSTANTIVE RULES

Vet 201.01 Rules of Practice and Procedure. The Plc 200 rules shall govern with regards to all procedures for:

- (a) Adjudicatory proceedings;
- (b) Rulemaking submissions, considerations, and dispositions of rulemaking petitions;
- (c) Public comment hearings;
- (d) Declaratory rulings;
- (e) All statements of policy and interpretation;
- (f) Explanation of adopted rules; and
- (g) Voluntary surrender of licenses.

Vet 201.02 Waiver of Administrative Rules.

(a) The board shall initiate a waiver of a substantive rule upon its own motion by providing affected parties with notice and opportunity to be heard, and issuing an order which finds that waiver would be necessary to advance the purpose of the rules of the board.

(b) Individuals who wish to request a waiver of a rule shall submit a written request to the board, which includes:

- (1) The rule for which a waiver is requested;
- (2) The anticipated length of time the requested waiver will be needed;
- (3) The reason for requesting the waiver;
- (4) Evidence of how the waiver will provide for the health and safety of the consumer or licensee;

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- (5) A time-limited written compliance plan which sets forth plans to achieve compliance including an estimated date of compliance; and
 - (6) The signature of the applicant.
- (c) The board shall consider the following when determining whether to approve or deny a waiver:
- (1) If adherence to the rule would cause the petitioner unnecessary or undue hardship;
 - (2) If the requested waiver is necessary because of any neglect or misfeasance on the part of the practitioner;
 - (3) If enforcement of the rule would injure a third person(s); and
 - (4) If waiver of the rule would injure a third person(s).
- (d) The board shall approve a waiver of an administrative rule request only if:
- (1) Granting a waiver does not have the effect of waiving or modifying a provision of RSA 332-B;
 - (2) The petitioner has shown good cause exists pursuant to (c) above to waive the rule; and
 - (3) The board determines that the individual’s plans for compliance with the rule includes an estimated date of compliance and eventual compliance.
- (e) If the board, after receiving and reviewing a request for a waiver, requires further information or documentation to grant or deny the waiver, the board shall:
- (1) Notify the applicant in writing within 30 days; and
 - (2) Specify the information or documentation the board requires.
- (f) The board shall issue a written approval or denial of the waiver within 60 days of the date the request is received, unless additional information or documentation is required. If additional information and documentation is required, then the board shall issue a written approval or denial within 60 days of receiving the requested information or documentation.

APPENDIX I

Rule	Specific State Statute Which the Rule Implements
Vet 201.01 (repeal)	2023, 216:36, I; RSA 332-B:14
Vet 201.02 thru 201.05 (repeal)	2023, 216:36, VI
Vet 202.05 (repeal)	2023, 216:36, VI
Vet 202.06 (repeal)	RSA 541-A:30, III
Vet 202.07 (repeal)	2023, 216:36, VI
Vet 202.08 thru 202.09 (repeal)	RSA 541-A:30, III
Vet 202.01 thru 202.04 (repeal)	RSA 541-A:30, III
Vet 202.05 (repeal)	2023, 216:36, VI

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Vet 202.06 (repeal)	RSA 541-A:30, III
Vet 202.07 (repeal)	2023, 216:36, VI
Vet 202.08 thru 202.09 (repeal)	RSA 541-A:30, III
Vet 202.10 (repeal)	2023, 216:36, VI
Vet 202.11 thru 202.12 (repeal)	RSA 541-A:32
Vet 202.13 thru 202.14 (repeal)	RSA 541-A:30, III
Vet 202.15 (repeal)	2023, 216:36, I
Vet 202.16 (repeal)	RSA 91-A:2, II
Vet 203.01 thru 203.02 (repeal)	RSA 541-A:4
Vet 204.01 thru 204.05 (repeal)	RSA 541-A:11, I-V; RSA 541-A:16, I (b) (3)
Vet 205.01 thru 205.05 (repeal)	RSA 541-A:16, I (d)
Vet 206.01 thru 206.02 (repeal)	RSA 541-A:11, VII
Vet 201.01	RSA 332-B:7-a, IX and XII
Vet 201.02	RSA 541-A:22, IV
Vet 201.01 (repeal)	2023, 216:36, I; RSA 332-B:14