

3/17/2023

HB 2 Amendments to OPLC Sections

	Page in HB 2	Amendments	Reason	Status
Amendment 1 - Technical Changes	90 - 102	Delete Sections 285-286	Same as HB 655	Amendment 2023-1007h
	110	Section 310 line 13 replace secretary of state with executive director	Minor Edit	
	110	Delete Section 311	Incorrectly Included	
	111	Section 315 line 36 change to "5" members	Minor correction	
	152-153	Section 421-427 - Amended Language	Incorporate House Position for HB 341	
	194	Section 484 line 14 add back "at least one" and remove "2"	Minor Edit	
	217	ReNUMBER sections on last page - New Section 535 "Any holder of active licenses being repealed by this act shall be refunded their license fee"	Fairness	
217	ReNUMBER section New Section 536 "Section 208 thru Section 534 of this act shall take effect September 1, 2023" (Original Section 535 will now be Section 537)	Give time to implement changes		
Amendment 2 - Board of Mental Health	160-181	Delete Sections 443 to 445	Not Fully Vetted	Amendment 2023-0969h
Amendment 3 - Nursing Changes	188-190	Amend Section 466 IV and all other section referring to "Nurse Aide"	Revised to add Nursing Assistants versus	Amendment 2023-0973h
	188	Section 467 line 28 & 29 Change to "3 registered or licensed practical nurses,"	Add up to 6 members currently adds to 5	
	189	Amend RSA 326-B:3, IV - Amended Language	Clean up language	
Amendment 4 - Restore LNA's	188-190	Delete Sections 466-472	Restore LNA language from Statute	Amendment 2023-1011h
Amendment 5 - Restoring License and Creating Board	130, 151,183	Amend Section 367 and 417 by repealing Foresters and Board of Landscape Architects and replace Section 453 with amending RSA 310-A:75 to be Natural Scientists, Foresters, and Landscape Architects and creating a new board for these entities.	Add Back Natural Scientists, Foresters, and Landscapes Architects under one board	Amendment 2023-1051h

Rep. C. McGuire, Merr. 27
March 15, 2023
2023-1007h
10/05

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 285 and 286, establishment of OPLC chapter.

2

3 Amend the bill by replacing section 310 with the following:

4

5 310 Auctioneers; Rulemaking Authority. RSA 311-B:3 is repealed and reenacted to read as
6 follows:

7 311-B:3 Rulemaking Authority.

8 I. The board, with the approval of the executive director of the office of professional licensure
9 and certification, shall adopt rules, pursuant to RSA 541-A, relative to:

10 (a) The qualifications of applicants for initial, renewal, and reinstatement licensure in
11 addition to those requirements set by statute, and the means to be used by applicants to
12 demonstrate good professional character;

13 (b) Ethical and professional standards required to be met by each holder of a license
14 under this chapter;

15 (c) How disciplinary actions by the board shall be implemented for violations of these
16 standards and for misconduct by licensees; and

17 (d) Establishing eligibility for certificates of authorization issued under RSA 311-B:4,
18 III.

19 II. The board may adopt rules, pursuant to RSA 541-A, relative to:

20 (a) Required maintenance of competence including requirements for continuing
21 education;

22 (b) Board approval of auctioneering educational programs; and

23 (c) Standards governing auctioneering apprenticeships.

24

25 Amend the bill by deleting section 311, auctioneers, business organizations.

26

27 Amend the bill by replacing section 315 with the following:

28

29 315 Barbering, Cosmetology, and Esthetics; Board. Amend RSA 313-A:2, I to read as follows:

30 I. There shall be a board of barbering, cosmetology, and esthetics consisting of [7] 5
31 members as follows: one licensed barber, one licensed cosmetologist, one licensed esthetician, one
32 licensed manicurist, ~~one owner of a licensed barbering, cosmetology, esthetics, or manicuring school~~

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1 ~~who shall be a resident of New Hampshire or a designee of such owner who shall be a licensee and a~~
2 ~~resident of New Hampshire, one owner of a registered tanning facility]~~ and one public member; each
3 to be appointed by the governor with the consent of the council to a term of 5 years. No board
4 member shall be appointed to more than 2 consecutive terms. Appointees to the unexpired portion of
5 a full term shall become members of the board on the day following such appointment. Time served
6 in filling an unexpired term shall not affect an appointee's eligibility to serve 2 consecutive full
7 terms. Only board members provided for in this paragraph shall have the authority to vote in board
8 determinations.

9
10 Replace sections 421- 427 with the following:

11
12 421 Regulation of Massage Therapists and Massage Establishments. Amend RSA 328-B:1 to
13 read as follows:

14 328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to
15 protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a
16 regulatory program for massage therapists, including establishing basic qualifications for licensure
17 of massage therapists, *reflexology, structural integration, or Asian bodywork. To promote*
18 *efficiency and economy, eliminate redundancies in licensure requirements, reduce*
19 *administrative costs, and facilitate customer service, the advisory boards previously*
20 *established in RSA 328-B and RSA 328-H shall be combined to provide consultation to the*
21 *executive director under one advisory board, effective September 1, 2023.*

22 422 Massage Therapists and Massage Establishments; Definitions. Amend RSA 328-B:2, II to
23 read as follows:

24 II. "Advisory board" means the advisory board of massage therapists, *reflexology,*
25 *structural integration, and Asian bodywork therapists.*

26 424 Therapists and Massage Establishments; Advisory Board of Massage Therapists. Amend
27 RSA 328-B:5 to read as follows:

28 328-B:5 Advisory Board of Massage Therapists, *Reflexology, Structural Integration, and*
29 *Asian Bodywork Therapy.*

30 The executive director shall establish the advisory board of massage therapists, *reflexology,*
31 *structural integration, and Asian bodywork therapy.* The board shall consist of [3] 2 massage
32 therapists, *1 reflexologist, 1 structural integrator, and 1 Asian bodywork therapist,* who are
33 licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so
34 that the term of one member expires each year, and they shall hold office until successors are
35 appointed, and shall serve on the board without any compensation. In no event shall a member
36 serve more than 2 full consecutive terms. The board shall:

37 I. Review the qualifications of applicants for licenses.

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1 II. Review the qualifications of individuals desiring to conduct massage workshops or
2 seminars who are not licensed in this state.

3 III. Review the continuing education programs for licensees.

4 IV. Advise the executive director regarding the implementation of this chapter *and RSA*
5 *328-H*.

6 426 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Definitions. Amend
7 RSA 328-H:2, II to read as follows:

8 II. "Board" means the advisory board of *massage therapists*, reflexology, structural
9 integration, and Asian bodywork therapy.

10

11 Replace section 484

12

13 484 Pharmacy; Board. Amend RSA 318:2 to read as follows:

14 318:2 Board. There shall be a pharmacy board consisting of [7] 5 members; including [6] 4
15 practicing pharmacists, at least one of whom shall be a full-time hospital pharmacist, and one public
16 member, each to be appointed by the governor, with the approval of the council, to a term of 5 years.
17 No member shall be appointed to more than 2 consecutive terms and no member shall serve for more
18 than 10 consecutive years. Only board members provided for in this section shall have the authority
19 to vote in board determinations.

20

21 Insert after section 534 the following new sections:

22

23 535 Refund of Fees; Repealed License Requirements. Any holder of an active license of
24 profession whose license requirement is repealed by this act shall be refunded their license fee for
25 their current active license.

26 536 Effective Date. Sections 208 through 535 of this act shall take effect September 1, 2023.

Rep. C. McGuire, Merr. 27
March 13, 2023
2023-0969h
02/08

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 443-445.

UNAPPROVED

Rep. C. McGuire, Merr. 27
March 13, 2023
2023-0973h
07/05

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing sections 466 and 467 with the following:

2

3 466 Nursing Practice Act; Definitions. Amend RSA 326-B:2, IV-VIII to read as follows:

4 IV. [~~Licensed nursing assistant~~ or "LNA"] "**Nursing assistant**" means an individual who
5 [~~holds a current license~~] *meets the requirements of an individual who provides client care*
6 *under the direction of a registered nurse or licensed practical nurse, as well as being on*
7 *the nursing assistant registry pursuant to 42 C.F.R. section 483.156* [~~to provide client care~~
8 ~~under the direction of a registered nurse or licensed practical nurse~~].

9 V. "Licensed practical nurse" or "LPN" means an individual who holds a current license to
10 practice practical nursing as defined in paragraph IX.

11 VI. "Medication nursing assistant" means a [~~licensed~~] nursing assistant holding a currently
12 valid certificate authorizing the delegation to the nursing assistant of tasks of medication
13 administration.

14 VII. "Nursing" means assisting clients or groups of clients to attain or maintain optimal
15 health by implementing a strategy of care to accomplish defined goals and by evaluating responses
16 to nursing care and medical treatment. Nursing includes basic health care that helps both clients
17 and groups of clients cope with difficulties in daily living associated with their actual or potential
18 health or illness status and also those nursing activities that require a substantial amount of
19 scientific knowledge or technical skill.

20 VII-a. "Nurse" means a person authorized to practice nursing and who holds a current
21 license to provide care as an APRN, RN, or LPN.

22 VIII. "Nursing-related activities" means client care provided by a [~~licensed~~] nursing
23 assistant directed by an APRN, an RN, or an LPN.

24 467 Nurse Practice Act; Board of Nursing. Amend RSA 326-B:3 to read as follows:

25 326-B:3 Board of Nursing.

26 I. The board of nursing shall comprise [~~11~~] **6** members to be appointed by the governor with
27 the consent of the council. [~~Any interested individual, association, or entity may make~~
28 ~~recommendation to the governor.~~] The members of the board shall include [~~5~~] **3** registered *or*
29 *licensed practical* nurses, [~~one of whom shall be~~] an advanced practice registered nurse, [~~2~~
30 ~~licensed practical nurses, 2 licensed nursing assistants~~] **1 nursing assistant**, [~~one of whom shall~~
31 ~~be a medication licensed nursing assistant if possible,~~] and [~~2~~] **1** representative [~~members~~] of the
32 public. The terms of members shall be staggered as determined by the governor and council. All

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1 terms shall be for 3 years, and no member of the board shall be appointed to more than 3 consecutive
2 terms.

3 II. Each *APRN or RN* member shall be a resident of this state, licensed in good standing
4 under the provisions of this chapter, and currently engaged in the practice of nursing as an RN and
5 shall have no fewer than 5 years of experience as an RN, at least 3 of which shall have immediately
6 preceded appointment. RN members of the board shall represent the various areas of nursing
7 practice including education, administration, and clinical practice.

8 III. The LPN members of the board shall be *a* resident of this state, licensed in good
9 standing under the provisions of this chapter, and currently engaged in the practice of nursing and
10 shall have had no fewer than 5 years of experience as an LPN, at least 3 of which shall have
11 immediately preceded the date of appointment.

12 IV. The ~~[LNA members]~~ *NA member* of the board shall be ~~[residents]~~ *a resident* of this
13 state, licensed in good standing under the provisions of this chapter, and currently engaged in
14 nursing-related activities. ~~[These members]~~ *This member* shall have a minimum of 5 years of
15 experience as ~~[an LNA]~~ *a NA*, at least 3 of which shall have immediately preceded the date of their
16 appointment.

17 V. The public ~~[members]~~ *members* shall be *a* resident of the state of New Hampshire who
18 ~~[are]~~ *is* not, and never ~~[have]~~ *has* been, *a* ~~[members]~~ *member* of the nursing profession or the
19 spouse of any such person. The public ~~[members]~~ *member* shall not have, and shall never have had,
20 a material financial interest in either the provision of nursing services or an activity directly related
21 to nursing, including the representation of the board or its predecessor or the profession for a fee at
22 any time during the 5 years preceding the date of appointment.

23 VI. No more than 2 board members shall be associated with a particular agency,
24 corporation, or other enterprise or subsidiary at one time.

25 VII. [Repealed.]

26 VIII. An appointee to a full term on the board shall be appointed by the governor with the
27 consent of the council before the expiration of the term of the member being succeeded and shall
28 become a member of the board on the first day following the appointment expiration date of the
29 previous appointee. Appointees to unexpired portions of full terms shall become members of the
30 board on the day following such appointment, and shall serve the unexpired term and then be
31 eligible to serve 3 full 3-year terms.

32 IX. The governor may remove any member from the board for neglect of any duty under RSA
33 326-B:4 or for incompetence or unprofessional or dishonorable conduct. Any person may file a
34 complaint against a board member with the office ~~[of professional licensure and certification]~~. The
35 provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in
36 dismissing board members.

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1 X. All members of the board and its agents or employees shall enjoy immunity from
2 individual civil liability while acting within the scope of their duties as board members, agents, or
3 employees, as long as they are not acting in a wanton or reckless manner.

4 XI. Board meetings shall be open to the public. In accordance with RSA 91-A:3, the board
5 may conduct part of a meeting in nonpublic session.

6

7 Amend the bill by replacing section 471 with the following:

8

9 471 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing
10 Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

11 I. The board may issue a certificate of medication administration to a current [LNA]
12 **nursing assistant** who:

UNAPPROVED

Rep. C. McGuire, Merr. 27
March 15, 2023
2023-1011h
05/07

Amendment to HB 2-FN-A-LOCAL

- 1 Amend the bill by deleting sections 466-472.

UNAPPROVED

Rep. C. McGuire, Merr. 27
March 16, 2023
2023-1051h
10/08

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by replacing section 367 with the following:

2

3 367 Repeal; Board of Foresters. RSA 310-A:98 through 310-A:117, relative to licensing
4 foresters, are repealed.

5

6 Replace section 417 with the following:

7

8 417 Repeal; Board of Landscape Architects. RSA 310-A:140 through 310-A:160, relative to
9 licensing landscape architects, are repealed

10

11 Replace section 453 with the following:

12

13 453 Subdivision Heading; Natural Scientists, Foresters, and Landscape Architects. Amend the
14 subdivision heading preceding RSA 310-A:75 to read as follows:

15

Natural Scientists, ***Foresters, and Landscape Architects***

16

17 454 Combined Board; Natural Scientists, Foresters, and Landscape Architects. RSA 310-A:75
18 through 310-A:96, relative to the regulation of natural scientists, are repealed and reenacted to read
19 as follows:

19

310-A:75 Definitions. As used in this subdivision:

20

I. "Board" means the board of natural scientists, foresters and landscape architects.

21

22 II. "Certified soil scientist" means a person who, by reason of special knowledge of
23 pedological principles acquired by professional education and practical experience, as specified in
24 this section, is qualified to identify, classify, and prepare soil maps according to the standards of the
25 National Cooperative Soil Survey, or standards adopted by the New Hampshire department of
26 environmental services, or standards adopted by the board, and who has been duly certified by the
27 board.

27

28 III. "Certified wetland scientist" means a person who, by reason of his or her special
29 knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work
30 and experience, as specified by this section, is qualified to delineate wetland boundaries and to
31 prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to
32 design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and
values; and to prepare associated reports, all in accordance with standards for identification of

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1 wetlands adopted by the New Hampshire department of environmental services or the United States
2 Army Corps of Engineers or their successors, and who has been duly certified by the board.

3 IV. "Forester" means a person who practices forestry and is licensed under this subdivision,
4 or a person specifically exempted from licensure under this subdivision.

5 V. "Forestry" means the science of silviculture and the practice and art of managing and
6 using for human benefit forestlands and the natural resources that occur in association with
7 forestlands, including trees, other plants, animals, soil, water, and related air and climate.

8 VI. "Landscape architect" means a person who, by reason of professional education or
9 practical experience, or both, is qualified to engage in the practice of landscape architecture as
10 attested by licensing as a landscape architect.

11 VII. "Pedological principles" means, but is not limited to, the taxonomic identification,
12 classification, and morphological description of soils as natural bodies.

13 VIII. "Practice of forestry" includes, but is not limited to, services related to a wooded area
14 such as consultation, investigation, evaluation, the development of management plans, timber
15 appraisal and the responsibility for the supervision of silviculture, utilization, protection and other
16 forest-related activities, consistent with all state laws applicable to the harvesting and transport of
17 forest products.

18 IX. "Practice of landscape architecture" means the performance of professional services in
19 connection with the development of land areas where, and to the extent that the dominant purpose
20 of such services is the preservation, enhancement or determination of proper land uses, natural land
21 features, ground cover and planting, naturalistic and aesthetic values, the setting, approaches or
22 environment for structures or other improvements, natural drainage and the consideration and
23 determination of inherent problems of the land relating to erosion, wear and tear, blight or other
24 hazards, to the extent that such services protect public health, safety and welfare. The practice of
25 landscape architecture shall include the location, design, and arrangement of such tangible objects
26 and features as are incidental and necessary to the purposes outlined in this paragraph, but shall
27 not include the design, assessment, analysis, or evaluation of structures or facilities with separate
28 and self-contained purposes, streets or highways, utilities, storm and sanitary sewer systems and
29 appurtenant structures, and water and sewage treatment facilities such as are exclusive to the
30 practice of professional engineers, natural scientists, or architects as defined in this chapter.
31 Furthermore, this practice shall not include the making of land surveys or final land plats for official
32 approval or recording, the official mapping of soils, or the analysis, testing, and reporting of soil and
33 bedrock conditions, delineation of wetlands or determination of soil, surface, or groundwater related
34 to hazardous waste contamination. The practice of landscape architecture shall include:

35 (a) Production of graphic and written material for use in the planning and design of land
36 development programs including:

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1 (1) Preparation, review, and analysis of master plans and land development plans
2 incidental to the practice of landscape architecture.

3 (2) Reconnaissance, planning, construction documents and specifications, and
4 construction supervision incidental to the practice of landscape architecture.

5 (3) Providing professional services for feasibility studies and site selection incidental
6 to the practice of landscape architecture.

7 (4) Providing professional advice on land preservation, restoration, conservation,
8 reclamation, rehabilitation, management, and development incidental to the practice of landscape
9 architecture.

10 (b) Consultation, research, stewardship, analysis, investigation, reconnaissance, and
11 construction overview.

12 X. "Practice of soil science" means any professional service that requires the application of
13 pedological principles to identify, classify, and prepare maps delineating soils according to the
14 standards of the National Cooperative Soil Survey or other standards approved by the board.

15 310-A:76 Board of Natural Scientists, Foresters and Landscape Architects.

16 I. To promote efficiency and economy, eliminate redundancies in licensure requirements,
17 and reduce administrative costs, the regulation of natural scientists, foresters, and landscape
18 architects, shall be held by one regulatory body. A board of natural scientists, foresters, and
19 landscape architects is established to administer the provisions of this subdivision. The board shall
20 consist of 7 persons appointed by the governor and council, 2 licensed foresters, 1 certified soil
21 scientist, 1 certified wetlands scientist, 2 licensed landscape architects, and 1 public member. The
22 public member of the board shall be a person who is not, and never was, a member of the professions
23 regulated by the board, or the spouse of any such person, and who does not have and never has had,
24 a material financial interest in either the provision of professional services, or an activity directly
25 related to professional services, including the representation of the board or profession for a fee at
26 any time during the 5 years preceding appointment.

27 II. Each member of the board shall be a resident of this state. Each professional member
28 shall have been engaged in at least five years of active, licensed professional practice prior to
29 appointment. No appointed member shall be eligible to serve more than 2 full consecutive terms,
30 provided that for this purpose only a period served which exceeds 1/2 of the 5-year term shall be
31 deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is
32 qualified and appointed. The successor's term shall be 5 years from the date of expiration of the
33 predecessor's appointment, regardless of the date of the successor's appointment. Vacancies
34 occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired
35 term. A board member may be removed for cause by the governor and council under RSA 4:1.

36 III. The board shall biennially elect a chairperson. A majority of the members of the board
37 who have been approved by the governor and council shall constitute a quorum.

1 310-A:77 Rulemaking Authority.

2 I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

3 (a) Eligibility requirements for licensure or certification, including the qualifications for
4 satisfactory evidence of good professional character and what constitutes professional experience for
5 the purposes of licensure requirements.

6 (b) Examination requirements.

7 (c) The eligibility requirements for renewal of a license, including the requirements for
8 continuing education.

9 (d) Ethical and professional requirements required to be met by each holder of a license
10 or certificate under this subdivision and how disciplinary actions by the board shall be implemented
11 for violations of these standards.

12 (e) Substantive requirements for assessing, compromising, and collecting civil penalties
13 against licensees.

14 (f) The issuance of corporate practice certificates.

15 310-A:78 Apprentice Scientists.

16 I. To be eligible for recognition as an apprentice soil scientist, a person shall have the
17 following qualifications:

18 (a) Be of responsible character;

19 (b) Have completed the formal education under RSA 310-A:79; and

20 (c) Be in training to become a certified soil scientist and be engaged in the practice of soil
21 science under the direct supervision of a certified soil scientist who is performing soil science work.

22 II. To be eligible for recognition as an apprentice wetland scientist, a person shall have the
23 following qualifications:

24 (a) Be of responsible character;

25 (b) Have completed the formal education under RSA 310-A:79; and

26 (c) Be in training to become a certified wetland scientist and be engaged in the practice
27 of wetland science under the direct supervision of a certified wetland scientist who is performing
28 wetland science work.

29 310-A:79 Certification as a Soil or Wetland Scientist.

30 I. To be eligible for certification as a soil scientist, a person shall be of high ethical
31 professional standards, have successfully passed an examination designed to determine the person's
32 proficiency and qualifications, including references to soil characteristics in the New England region,
33 to be engaged in the practice of soil science, and shall have one of the following qualifications:

34 (a) Be a graduate of an accredited 4-year college curriculum leading to a baccalaureate
35 degree, where the applicant successfully completed 30 semester hours in biological, physical and
36 earth science, including 15 semester hours in soil science, and have a specific record of an additional
37 3 or more years experience in the practice of soil science.

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1 (b) Be a graduate of an accredited college curriculum leading to a baccalaureate or an
2 associate degree, where the applicant has successfully completed 15 semester hours in soil science,
3 and have a specific record of an additional 4 or more years experience in the practice of soil science.

4 (c) Be a graduate of an accredited college curriculum leading to a baccalaureate or
5 associate degree, or have earned the equivalent number of credits, and have a specific record of an
6 additional 6 or more years in the practice of soil science.

7 II. Experience in the practice of soil science shall be of a grade and character that indicates
8 to the board that the applicant is competent to practice as a soil scientist. Experience shall be
9 determined as follows:

10 (a) Teaching soil science courses or performing research in soil science at an accredited
11 college, university, or institution offering an approved soil science or agronomy curriculum shall be
12 considered as experience in the practice of soil science.

13 (b) Educational training shall not be considered as experience. Summer employment
14 shall be considered experience for purposes of this section.

15 (c) Actual field mapping experience in an acceptable apprenticeship program shall count
16 as experience time and shall account for a minimum of one year of the experience requirement.

17 (d) Each advanced degree in a related field shall be counted as one year of experience.

18 III. To be eligible for certification as a wetland scientist, a person shall meet high ethical
19 and professional standards, have successfully passed an examination designed to determine the
20 person's proficiency and qualifications, including references to wetland characteristics in the New
21 England region, be engaged in the practice of wetland science, and shall have one of the following
22 qualifications:

23 (a) Be a graduate of an accredited college curriculum leading to a baccalaureate or an
24 associate degree, where the applicant has successfully completed a minimum of 24 semester hours in
25 any of the following environmental sciences: botany, soil science, hydrology, wetland science,
26 biology, forestry, wildlife, ecology, water resources, plant science, agronomy, geology, or earth
27 science, and have one or more years experience in the practice of wetland science.

28 (b) Have a minimum of 12 combined credit or non-credit semester hours in any of the
29 environmental sciences under subparagraph (a), and have 3 or more years experience in the practice
30 of wetland science.

31 IV.(a) Experience in the practice of wetland science shall be of a quality and character that
32 indicates to the board that the applicant is competent to practice as a wetland scientist. Experience
33 shall be defined as one or more of the following:

34 (1) Teaching wetland science courses or performing research in wetland science at
35 an accredited college, university, or institution offering an approved wetland science or wetland
36 ecology curriculum.

37 (2) Actual field experience gained in an acceptable apprenticeship program.

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1 (3) Actual field mapping experience, defined as the delineation of wetland
2 boundaries and the preparation of wetland maps; the classification of wetlands; the preparation of
3 wetland function and value assessments; the design of wetland mitigation; the implementation of
4 wetland mitigation; the monitoring of wetlands functions and values; and preparation of associated
5 reports, all in accordance with standards for the identification of wetlands adopted by the
6 department of environmental services or the United States Army Corps of Engineers or their
7 successors.

8 (b) For the purposes of this paragraph, educational training shall not be considered as
9 experience; summer employment shall be considered experience.

10 (c) For the purposes of this paragraph, each advanced degree in a related field may be
11 counted as one year of experience, however, a minimum of one year of actual field experience shall be
12 required for all candidates.

13 V. A candidate failing an examination may apply for a re-examination upon payment of an
14 additional fee as determined by the board in its rules and shall be re-examined on the next regularly
15 scheduled semi-annual examination date. A candidate failing the examination 3 consecutive times
16 shall be required to furnish evidence of additional experience, study, or education credits acceptable
17 to the board before being allowed to proceed with the examination.

18 310-A:80 Qualifications for Licensure as a Forester. Applicants for licensure as foresters shall
19 qualify under one of the following categories:

20 I. Possession of a 4-year forestry degree and 2 years experience of a nature satisfactory to
21 the board. The board may require an applicant to pass an oral or written examination, or otherwise
22 meet the approval of the board.

23 II. Possession of a 2-year forestry degree and 4 years experience of a nature satisfactory to
24 the board. The board may require an applicant to pass an oral or written examination, or otherwise
25 meet the approval of the board.

26 III. Possession of a 4-year degree in a related field and 4 years experience of a nature
27 satisfactory to the board. The board may require an applicant to pass an oral or written
28 examination, or otherwise meet the approval of the board.

29 IV. Possession of a 2-year degree in a related field and 6 years experience of a nature
30 satisfactory to the board. The board may require an applicant to pass an oral or written
31 examination, or otherwise meet the approval of the board.

32 V. There shall be no minimum educational requirement for licensure as a forester for
33 applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the
34 board. The applicant shall be required to pass an oral or written exam, or otherwise meet the
35 approval of the board.

36 310-A:81 Eligibility Requirements for Licensure as a Landscape Architect.

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1 I. Each applicant for licensure as a landscape architect shall meet one of the following
2 requirements:

3 (a) Possession of an accredited 4-year landscape architecture degree or equivalent, and 3
4 years professional experience under the direct supervision of a licensed landscape architect; or

5 (b) Possession of a non-accredited 4-year landscape architecture degree or a 4-year
6 degree in a related field and 5 years professional experience, 3 of which shall be under the direct
7 supervision of a licensed landscape architect.

8 II. The board shall have the discretion to reject an applicant who is not of good professional
9 character, as evidenced by:

10 (a) Conviction for commission of a felony;

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

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

14 (d) Practicing landscape architecture without being licensed in violation of laws of the
15 jurisdiction in which the practice took place.

16 III. In considering the qualifications of applicants, landscape architectural teaching may be
17 construed as landscape architectural experience. The mere execution, as a contractor, of work
18 designed by a landscape architect or the supervision of the construction of such work as a foreman or
19 superintendent shall not be deemed to be experience in landscape architecture.

20 IV. Upon complying with the preliminary requirements set forth in this section, the
21 applicant shall, in order to become licensed, pass written examinations approved by the board.

22 V. Written technical examination in landscape architecture shall be held at least annually
23 as the board shall determine. The scope of the technical and professional examination and the
24 methods of procedure shall be prescribed by the board. A candidate failing an examination may
25 apply for reexamination upon payment of an additional fee determined by the board and shall be
26 reexamined on the next regularly scheduled examination date.

27 310-A:82 License Required; Exemptions.

28 I. No person shall practice natural science, landscape architecture, or forestry in this state
29 without a license issued under this chapter, except as permitted in this section.

30 II. Nothing in this subdivision shall be construed to prevent or impact:

31 (a) The work of an employee or a subordinate of a person holding a natural science,
32 landscape architecture, or forestry license under this subdivision, provided that such work is done
33 under the direct responsibility, checking, and supervision of a person holding a license under this
34 subdivision.

35 (b) The practice of officers and employees of the government of the United States or New
36 Hampshire while engaged within this state in the practice of soil science, wetland science, forestry,
37 or landscape architecture for the federal or state government.

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1 (c) The practice of soil science, wetland science, forestry, or landscape architecture by a
2 duly licensed individual working within his or her scope of practice.

3 (d) The practice of soil science by a nonresident having no established place of business
4 in this state when such practice does not exceed, in the aggregate, more than 30 working days in any
5 calendar year, provided such person is legally qualified to practice in a state or country in which the
6 requirements and qualifications for obtaining a certificate are not lower than those specified in this
7 subdivision. Practice for any portion of a day shall be deemed to constitute practice for an entire
8 day.

9 (e) The determination of a hydric soil boundary or test pit evaluation to the extent
10 permitted pursuant to RSA 485-A:35 for the purposes of septic system design or subdivision
11 application pursuant to RSA 485-A or rules adopted under RSA 485-A. For this work, a municipality
12 shall not require qualifications different from those established pursuant to RSA 485-A:35.

13 (f) A homeowner from preparing a plan to provide vehicular and utility access to the
14 homeowner's primary residence within 50 feet from the edge of a traveled way; provided, that he or
15 she complies with rules adopted by the department of environmental services and standards adopted
16 by the board.

17 (g) Any person, business organization, state university, department or agency of any
18 branch of government in order to practice forestry on their own lands.

19 (h) Any person engaged in activities incidental to the practice of forestry as defined in
20 RSA 310-A:75, provided, however, that such person does not represent that the person is a forester.
21 Such incidental activities shall include: timber harvesting, agriculture, wildlife management, land
22 use planning, arboriculture, procurement of forest resources to supply concerns dependent on those
23 forest resources, and any other activity or occupation determined by the board to be incidental to the
24 practice of forestry.

25 (i) The preparation of plans, drawings, and specifications for and the supervision of the
26 construction or alteration of landscape design associated with farms, residences, or institutional or
27 commercial uses, where the client or reviewing governmental entity does not require the stamp of a
28 licensed landscape architect.

29 (j) Supervision by builders, or superintendents employed by such builders, of the
30 installation of landscape projects.

31 (k) Business conducted in this state by any agriculturist, horticulturist, tree expert,
32 arborist, forester, wetland scientist, certified professional in erosion and sediment control, natural
33 scientist, soil scientist, nurseryman or landscape nurseryman, gardener, landscape gardener,
34 landscape designer, landscape contractor, irrigation contractor, irrigation designer, garden or lawn
35 caretaker, or grader or cultivator of land, as these terms are generally used, except that no such
36 person shall use the designation "landscape architect," "landscape architectural," or "landscape
37 architecture" unless licensed as a landscape architect under this article.

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1 310-A:83 Continuing Education. Evidence satisfactory to the board of the completion in each
2 biennial renewal period of a minimum of 30 hours of continuing education shall be required for
3 license renewal. The board shall identify the types of educational courses and activities that would
4 further the professional competence of licensees. In general, the continuing education credits shall
5 be determined on the basis of one credit for each contact hour of course instruction or professional
6 development activity actually attended by a licensee.

7 310-A:84 Business Organizations.

8 I. The rights to practice soil science, wetland science, forestry, and landscape architecture
9 are personal rights based on the qualities of the individual and evidenced by a nontransferable
10 license.

11 II. A corporation, limited liability company, partnership, association, individual
12 proprietorship, or other business entity may furnish professional services, provided a member or
13 employee thereof is licensed and is responsible for the work rendered.

14 III. A corporation, limited liability company, partnership, association, or individual
15 proprietorship with which the professional may practice shall be jointly and severally liable with the
16 licensee for work performed.

17 310-A:85 Seal.

18 I. Each licensee shall obtain a seal of a design approved by the board according to rules
19 adopted pursuant to RSA 541-A.

20 II. Plans, specifications, reports, maps, and other instruments of service issued by a licensee
21 shall be signed and sealed by the licensee.

22 310-A:86 Real Estate Broker or Appraiser Credentials Not Necessary. Notwithstanding any
23 other provision of law, foresters licensed under this subdivision shall not be required to be licensed,
24 certified, or registered under RSA 331-A or as real estate appraisers.

25 310-A:87 Penalties.

26 I. It shall be a class B misdemeanor for anyone to endorse any document with such name
27 and license number or seal after the license of the named licensee has expired or has been revoked,
28 unless said license has been renewed or reissued.

29 II. It shall be a class B misdemeanor for any licensed individual to endorse any plan, map or
30 report unless the licensed forester shall have actually prepared such plan, map or report, or shall
31 have been in the actual charge of the preparation of the same.

32 III. Each licensee shall upon licensure obtain a seal of the design authorized by the board,
33 bearing the registrant's name and the legend, "licensed landscape architect." All papers or
34 documents involving the practice of landscape architecture under this subdivision, when issued or
35 filed for public record, shall be dated and bear the signature and seal of the licensed professional
36 who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the

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1 licensee to stamp or seal any documents with such seal after the license of the licensee has expired
2 or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

3 455 Reference Changed; Foresters. Amend RSA 227-J:4 to read as follows:

4 227-J:4 Licensed Foresters. It shall be unlawful for any person to practice for compensation or
5 offer to practice for compensation in this state, the profession of forestry, as defined in RSA [~~310-~~
6 ~~A:99, II]~~ 310-A:75, or to use in connection with a name or otherwise assume, use, or advertise any
7 title or description tending to convey the impression that such person is a forester, unless such
8 person has been duly licensed according to the provisions of RSA 310-A. Failure to comply with
9 these requirements may result in penalties under RSA 310-A.

UNAPPROVED