

CHAPTER 112
HB 655-FN - FINAL VERSION

16Mar2023... 0807h

2023 SESSION

23-0606
09/10

HOUSE BILL

655-FN

AN ACT relative to the office of professional licensure and certification.

SPONSORS: Rep. C. McGuire, Merr. 27; Rep. Goley, Hills. 21; Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Sen. Carson, Dist 14; Sen. Lang, Dist 2

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

The bill consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the office of professional licensure and certification.

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

1 112:1 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and
2 reenacted to insert the following new chapter:

3 CHAPTER 310

4 OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

5 310:1 Purpose. The purpose of the office of professional licensure and certification is to promote
6 efficiency and economy in the administration of the business processing, record keeping, and other
7 administrative and clerical operations of professional licensing and certification boards, including both
8 professional healthcare licensing and professional technical licensing. The individual licensing and
9 certification boards that are organized under the office of professional licensure and certification have
10 specialized knowledge and experience and are separate and distinct for the purpose of regulating their
11 various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that
12 there are opportunities for improving efficiency and customer service by providing for the joint
13 administration of the boards' administrative, clerical, business processing, and record keeping functions.
14 Except as provided in this section, the licensing and certification boards and entities organized under the
15 office of professional licensure and certification shall exercise the powers, duties, functions, and
16 responsibilities granted by statute.

17 310:2 Definitions; Establishment.

18 I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

19 (a) "Board" means a board, council, commission, committee, or other regulatory body with
20 jurisdiction over professions listed in paragraph II.

21 (b) "Lapse" when referring to licenses shall mean expire.

22 (c) "License" shall include licenses, certifications or registrations required to practice a
23 regulated profession.

24 (d) "Office" or "OPLC" shall mean the office of professional licensure and certification.

25 II. The office of professional licensure and certification shall consist of the division of licensing
26 and board administration and the division of enforcement, under the executive director as the
27 administrative head of the agency. The boards within the office of professional licensure and certification
28 shall consist of:

29 (a) Advisory board of body art practitioners under RSA 314-A.

30 (b) Advisory board of court reporters under RSA 310-A:163.

31 (c) Advisory board of massage therapists under RSA 328-B.

32 (d) Advisory board of medical imaging and radiation therapy under RSA 328-J.

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- 1 (e) Advisory board of recreational therapists established under RSA 326-J.
- 2 (f) Advisory board of respiratory care practitioners established under RSA 326-E.
- 3 (g) Advisory board of reflexology, structural integration, and Asian bodywork therapy under
- 4 RSA 328-H.
- 5 (h) Board of accountancy under RSA 309-B.
- 6 (i) Board of acupuncture licensing under RSA 328-G.
- 7 (j) Board of architects under RSA 310-A:29.
- 8 (k) Board of barbering, cosmetology, and esthetics under RSA 313-A.
- 9 (l) Board of chiropractic examiners under RSA 316-A.
- 10 (m) Board of dental examiners under RSA 317-A.
- 11 (n) Board of directors, office of licensed allied health professionals under RSA 328-F.
- 12 (o) Board of examiners of nursing home administrators under RSA 151-A.
- 13 (p) Board of family mediator certification under RSA 328-C.
- 14 (q) Board of home inspectors under RSA 310-A:186.
- 15 (r) Board of land surveyors under RSA 310-A:55.
- 16 (s) Board of landscape architects under RSA 310-A:142.
- 17 (t) Board of licensed dietitians under RSA 326-H.
- 18 (u) Board of licensing for alcohol and other drug use professionals under RSA 330-C.
- 19 (v) Board of licensing for foresters under RSA 310-A:100.
- 20 (w) Board of manufactured housing under RSA 205-A:25.
- 21 (x) Board of medicine under RSA 329.
- 22 (y) Board of mental health practice under RSA 330-A.
- 23 (z) Board of natural scientists under RSA 310-A:81.
- 24 (aa) Board of nursing under RSA 326-B.
- 25 (bb) Board of pharmacy under RSA 318.
- 26 (cc) Board of podiatry under RSA 315.
- 27 (dd) Board of psychologists under RSA 329-B:3.
- 28 (ee) Board of professional engineers under RSA 310-A:3.
- 29 (ff) Board of professional geologists under RSA 310-A:120.
- 30 (gg) Board of psychologists under RSA 329-B.
- 31 (hh) Board of registration of funeral directors and embalmers under RSA 325.
- 32 (ii) Board of registration in optometry under RSA 327.
- 33 (jj) Board of registration of medical technicians under RSA 328-I.
- 34 (kk) Board of septic system evaluators under RSA 310-A:206.
- 35 (ll) Board of veterinary medicine under RSA 332-B.
- 36 (mm) Electricians' board under RSA 319-C.
- 37 (nn) Electrology advisory committee under RSA 314.
- 38 (oo) Genetic counselors governing board established under RSA 328-F and RSA 326-K.
- 39 (pp) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.

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- 1 (qq) Guardians ad litem board under RSA 490-C.
- 2 (rr) Installation standards board under RSA 205-D.
- 3 (ss) Mechanical licensing board under RSA 153:27-a.
- 4 (tt) Midwifery council under RSA 326-D.
- 5 (uu) Naturopathic board of examiners under RSA 328-E.
- 6 (vv) Occupational therapy governing board established under RSA 326-F; and RSA 326-C.
- 7 (ww) Physical therapy governing board established under RSA 328-F and 328-A.
- 8 (xx) Real estate appraiser board under RSA 310-B.
- 9 (yy) Real estate commission under RSA 331-A.
- 10 (zz) Registration of ophthalmic dispensers under RSA 327-A.
- 11 (aaa) Speech-language pathology and hearing care provider governing board established

12 under RSA 328-F and 326-F.

- 13 (bbb) Assessing standards board under RSA 21-J:14-a.

14 310:3 Executive Director; Directors; Unclassified Personnel.

15 I. The executive director of the office of professional licensure and certification shall be an
16 unclassified employee of the state. The executive director shall be appointed by the governor, with
17 consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified to
18 hold that position by reason of professional competence, education, and experience. A vacancy shall be
19 filled for the remainder of the unexpired term in the same manner as the original appointment.

20 II. The executive director shall nominate for appointment by the governor and council the
21 unclassified positions of director of the division of licensing and board administration and director of the
22 division of enforcement. Each director shall be qualified for the position by reason of education,
23 competence, and experience and shall serve at the pleasure of the executive director for a term of 4
24 years.

25 III. The executive director shall nominate for appointment by the governor and council the
26 unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator
27 positions. Each inspector shall be qualified for the position by reason of education, competence, and
28 experience and shall serve at the pleasure of the executive director.

29 IV. The executive director shall nominate for appointment by the governor and council the
30 unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be
31 qualified for the position by reason of education, competence, and experience and shall serve at the
32 pleasure of the executive director.

33 V. The salaries of the executive director, each division director, each legal officer, the chief
34 pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

35 310:4 Duties of Executive Director.

36 I. The executive director, as the administrative head of the office of professional licensure and
37 certification, may employ such clerical or other assistants as are necessary for the proper performance of
38 the office's work and may make expenditures for any purpose which are reasonably necessary, according
39 to the executive director, for the proper performance of the office's duties under this chapter. The office

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1 shall contract for the services of investigators, presiding officers, legal counsel, and industry experts as
2 necessary and in consultation with the appropriate board.

3 II. The executive director of the office of professional licensure and certification shall be
4 responsible for:

5 (a) Supervision of the division directors and chief legal officers.

6 (b) Employment of personnel needed to carry out the functions of the office and the boards.

7 (c) The examination, processing and approval or denial of an application for licensure,
8 certification, or registration for all license types governed by the office or a board listed in RSA 310:2,
9 based on set objective standards developed by the boards, and in accordance with RSA 541-A.

10 (d) The investigation of all complaints of professional misconduct in accordance with RSA
11 310:9.

12 (e) Maintenance of the official record of the office and the boards in accordance with the
13 retention policy established by the office.

14 (f) Drafting and coordinating rulemaking for all boards within the office in accordance
15 with RSA 541-A, with the advice and recommendations of the boards.

16 (g) Maintaining the confidentiality of information, documents, and files in accordance with
17 RSA 91-A.

18 (h) Submitting, by November 1, to the speaker of the house of representatives, the president
19 of the senate, the chairpersons of the house and senate executive departments and administration
20 committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year
21 and a complete statement of the receipts and expenditures of the office of professional licensure and
22 certification. The report shall be posted on the website of the office of professional licensure and
23 certification immediately upon submission.

24 (i) Notwithstanding any other provisions of law to the contrary, for the performance of the
25 administrative, clerical, and business processing responsibilities under paragraph II(b), the office and all
26 boards shall accept electronic signatures and scans of signed documents in addition to original
27 signatures.

28 310:5 Administration of the Office of Professional Licensure and Certification; Funding.

29 I. The executive director of the office of professional licensure and certification shall establish and
30 collect all license, certification, and renewal fees, as well as any necessary administrative fees for each
31 professional regulatory board administered by the office. Such fees shall be sufficient to produce
32 estimated revenues up to 125 percent of the total operating expenses for the office, as determined by
33 averaging the operating expenses for the office for the previous 2 fiscal years.

34 II. There is hereby established the office of professional licensure and certification fund into which
35 the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated,
36 nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries
37 associated with the office. Funds in excess of \$5,000,000 shall lapse to the general fund at the close of
38 each biennium.

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1 III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire
2 health professionals' program administration fund for the administration of the professionals' health
3 program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring
4 program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee
5 charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for
6 the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary
7 medicine, board of psychologists, board of chiropractic examiners, board of mental health practice,
8 midwifery council, board of registration in optometry, board of podiatry, board of licensed dietitians, and
9 board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual
10 cost of providing the services. Other health and technical professions boards may be added to program at
11 the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

12 IV. The office of professional licensure and certification shall be responsible for the financing of
13 any interstate compact joined by the state that affects a profession governed by a board listed in RSA
14 310:2. Such financing shall be from funds deposited in the office of professional licensure and
15 certification fund.

16 310:6 Rulemaking Authority. The executive director of the office of professional licensure and
17 certification shall adopt rules, relative to RSA 541-A, for the following:

18 I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board.
19 Fees shall be reassessed, at a minimum, every five years.

20 II. Such organizational and procedural rules necessary to administer the boards in the office,
21 including rules governing the administration of complaints and investigations, hearings, disciplinary and
22 non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

23 III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

24 IV. Rules governing the professionals' health program as set forth in RSA 310:5.

25 V. Temporary licenses to out-of-state health care professionals who present evidence of an
26 active license in good standing from another jurisdiction. The temporary license shall be valid for 120
27 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be
28 renewed, except that a complete application for full licensure before the expiration of the temporary
29 license shall continue the validity of the temporary license until the office has acted on the application. All
30 individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction
31 of the state licensing body for that profession.

32 310:7 Telemedicine and Telehealth Services.

33 I. For this section:

34 (a) "Asynchronous interaction" means an exchange of information between a patient and a
35 health care professional that does not occur in real time.

36 (b) "Synchronous interaction" means an exchange of information between a patient and a
37 health care professional that occurs in real time.

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1 (c) "Telemedicine" means the use of audio, video, or other electronic media and technologies
2 by a health care professional in one location to a patient at a different location for the purpose of
3 diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

4 (d) "Telehealth" means the use of audio, video, or other electronic media and technologies by
5 a health care professional in one location to a patient at a different location for the purpose of diagnosis,
6 consultation, or treatment, including the use of synchronous or asynchronous interactions.

7 II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315;
8 RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA
9 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I;
10 RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are
11 authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of
12 practice for individuals regulated under this chapter.

13 III. Unless otherwise prescribed by statute, an out-of-state healthcare professional providing
14 services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by
15 the appropriate New Hampshire licensing body if the patient is physically located in New Hampshire at the
16 time of service. This paragraph shall not apply to out-of-state physicians who provide consultation
17 services pursuant to RSA 329:21, II.

18 IV. An individual providing services by means of telemedicine or telehealth directly to a patient
19 shall:

20 (a) Use the same standard of care as used in an in-person encounter;

21 (b) Maintain a medical record;

22 (c) Subject to the patient's consent, forward the medical record to the patient's primary care
23 or treating provider, if appropriate; and

24 (d) Provide meaningful language access if the individual is practicing in a facility that is
25 required to ensure meaningful language access to limited-English proficient speakers pursuant to 45
26 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing individuals pursuant to 45 C.F.R.
27 section 92.102, RSA 521-A, or RSA 354-A.

28 V. Under this section, Medicaid coverage for telehealth services shall comply with the provisions
29 of 42 C.F.R. section 410.78 and RSA 167:4-d.

30 VI. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced
31 practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home
32 health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed by
33 RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A;
34 mental health practitioners governed by RSA 330-A; community mental health providers employed by
35 community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals,
36 governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide
37 consultation services or follow-up care via telehealth to a patient who previously received services from
38 the provider in the state where the provider is licensed.

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1 VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual
2 patient.

3 310:8 License Renewals; Lapse.

4 I. The executive director of the office of professional licensure and certification shall issue
5 licenses, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute,
6 and rules adopted by each individual board.

7 II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete
8 application for license renewal by eligible applicants shall continue the validity of the licenses being
9 renewed until the office has acted on the renewal application.

10 III. Applicants shall submit completed applications for renewal, the renewal fee, and any
11 supporting documents required for that renewal on or before the expiration of the license. Licenses shall
12 lapse when completed renewal applications, renewal fee, and supporting documents have not been filed
13 by the expiration of the license and the holders of a lapsed license are not authorized to practice until the
14 licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible
15 to reinstate licenses by submitting an application and meeting the eligibility requirements as defined in
16 statute, and rules adopted by each individual board.

17 IV. The office of professional licensure and certification shall provide licensees, at least 2 months
18 before the date of expiration of their license, with notice of the need to complete their renewal
19 applications. Failure to receive notice shall not relieve any licensee of the obligation to renew their
20 license, comply with the rules of the office, the rules of the board, or this section. Timeliness of
21 submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications
22 submitted electronically the electronic time stamp of submission.

23 V. Upon the request of a licensee who is a member of any reserve component of the armed
24 forces of the United States or the national guard and is called to active duty, the office of professional
25 licensure and certification shall place the person's license on inactive status. The license may be
26 reactivated within one year of the licensee's release from active status by payment of the renewal fee and
27 with proof of completion of the most current continuing education requirement unless still within the
28 renewal period.

29 310:9 Complaints and Investigations.

30 I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

31 II. Upon receipt of an allegation of professional misconduct, the office shall determine whether
32 the allegation states a viable claim. If the office determines that the allegation is not viable, it shall make a
33 recommendation to the board for dismissal. The board shall review the office's recommendation and
34 dismiss the allegation if it determines that the allegation does not state a claim of professional
35 misconduct.

36 III. Notwithstanding any other law to the contrary, the office shall investigate allegations of
37 misconduct by licensees (a) upon its own initiative or (b) upon written complaint alleging misconduct of a
38 licensed, or unlicensed, individual or entity of a profession regulated under the office.

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1 IV. Allegations of misconduct received by the office, information and records acquired by the
2 office during an investigation, and reports and records made by the office because of its investigation,
3 shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A, unless such
4 information subsequently becomes part of a public disciplinary hearing. However, the office may disclose
5 information acquired in an investigation to law enforcement or licensing agencies in this state or any other
6 jurisdiction, or in accordance with specific statutory requirements or court orders.

7 V. To carry out investigations, the executive director is authorized to:

8 (a) Retain qualified experts that have sufficient knowledge on appropriate statutes or
9 professions and their practices.

10 (b) Conduct inspections of places of business of a profession regulated under the office.

11 (c) Issue subpoenas for persons, relevant documents and relevant materials in accordance
12 with the following conditions:

13 (1) Subpoenas for persons shall not require compliance in less than 48 hours after
14 receipt of service.

15 (2) Subpoenas for documents and materials shall not require compliance in fewer than
16 15 days after receipt of service.

17 (3) Service shall be made on licensees and certified individuals by certified mail to the
18 address on file with the office or by hand and shall not entitle them to witness or mileage fees.

19 (4) Service shall be made on persons who are not licensees or certified individuals in
20 accordance with the procedures and fee schedules of the superior court, and the subpoenas served on
21 them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and
22 Certification."

23 VI. When an allegation of misconduct is determined to be unfounded after an investigation, the
24 board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for
25 dismissing the complaint. The office shall retain all information concerning investigations in accordance
26 with the retention policy established by the office.

27 VII. Subject to the limitations of RSA 329-B:26 and RSA 330-A:32, the office shall obtain, handle,
28 archive, and destroy mental health and psychological records as follows:

29 (a) If a client or patient owning a privilege is the person who has made a complaint against a
30 licensee, the office may access the records of such client or patient. The complaint form provided by the
31 office and initial follow-up correspondence shall clearly indicate that the submission of the complaint by
32 the client or patient who is the owner of the privilege shall override the privacy of that record for the
33 purposes of the office's confidential investigation and proceedings. The client or patient's identity shall
34 not be disclosed to the public in any manner or in any proceeding of the board without his or her consent.
35 If the client or patient named in the complaint is a child, the legitimate assertion of the privilege by one
36 natural or adoptive parent or legal guardian is sufficient for this paragraph to apply. The office may act on
37 that parent or guardian's initiation of complaint regardless of the objection of the other parent or guardian.

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1 (b) If the person who has made the allegations against the licensee is not the owner of the
2 privilege for the records of the client or patient named in the complaint whose treatment is under
3 investigation by the office, the records for investigation shall be treated as follows:

4 (1) When the office reviews the initial complaint and upon all further reviews of the case
5 by the office or the board, the identity of the named client or patient shall be redacted from the documents
6 reviewed.

7 (2) The names of clients or patients may be made available only to office staff and
8 consultants assigned to investigate or adjudicate the matter, and in instances where the board has
9 decided to proceed with discipline, to board members for purposes of determining recusal issues as
10 described in subparagraph (f).

11 (3) The record of a client or patient under this subparagraph that has been specifically
12 named in a complaint may be obtained by office staff as specified:

13 (A) Office staff and consultants may request permission from the client or patient to
14 obtain the record for the investigation, informing the client or patient about the bounds of confidentiality of
15 such records and the nature of the investigative process. If the client or patient grants permission, office
16 staff may obtain the copies of the record.

17 (B) If the client or patient denies permission for access to the record, the office may
18 only obtain the record pursuant to a court order.

19 (4) Personally identifiable information pertaining to a client or patient under this
20 subparagraph shall remain known only to staff and consultants assigned to the matter, which may include
21 an employee of the office's investigations bureau, an employee of the office's prosecutions bureau,
22 professional conduct investigator, the board administrator, and only those additional investigative
23 assistants as the office's investigation team deems necessary to accomplish the investigation of the
24 complaint.

25 (5) All communication beyond the office staff and consultants, or the board, pertaining to
26 these clients or patients shall be conducted without the use of personally identifiable information.

27 (6) The identity of a client or patient shall not be disclosed to the public in any manner or
28 in any proceeding of a board without his or her consent.

29 (c) Records of clients or patients who are not named in the initial complaint shall be treated
30 as follows:

31 (1) If office staff and consultants assigned to the matter wish to obtain records of, or
32 contact, clients or patients not named in the initial complaint, they shall make a request to the board with
33 reasons for the request, specify the scope of cases and types of records requested, and state the name of
34 the individual for whom authorization is requested to contact the client or patient.

35 (2) Upon board approval of a request pertaining to treatment of clients or patients defined
36 in this subparagraph, the names of the clients or patients that fulfill the criteria of selection may be made
37 available to office staff and consultants for purposes of determining whether recusal issues pertain to their
38 selection for the investigation as described in subparagraph (f).

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1 (3) If the board approves an investigation into client or patient cases who are not named
2 in the original complaint, the board shall specify whether the clients or patients may be contacted directly.

3 (4) For records requested under this subparagraph, the keeper of the record shall be
4 instructed to provide records that are redacted of personally identifiable information as defined in
5 subparagraph (g). Each record shall be marked with an identifying code and the keeper of the record
6 shall provide to the office's staff and consultants the contact information for corresponding clients or
7 patients.

8 (5) The office shall store in a secure manner the list of these client or patient codes with
9 corresponding contact information.

10 (6) If office staff and consultants have just cause to verify redacted copies against
11 originals records of specified cases they shall request permission of the board, giving reason for the
12 request. Upon board approval, office staff and consultants may have access to the identified unredacted
13 records, which may be viewed at a time and location of their choosing. Office staff and consultants may
14 request a copy of the identified original records be sent to the office. Copies and corrections to the
15 redacted records may be made by the office staff and consultants, after which any identified unredacted
16 copies shall be destroyed and original records returned to the keeper of the records.

17 (7) Office staff and consultants contacting the clients or patients pursuant to
18 subparagraph (c)(1) shall request permission from the clients or patients to conduct an interview, include
19 an explanation that the individual(s) may grant or refuse permission for such interview, and explain there
20 are no adverse personal consequences of any kind for refusal to grant permission or for withdrawing
21 permission at any time during the interview. Office staff and consultants may inform the individual(s) that
22 refusal to participate may prevent the investigation from proceeding or reaching a satisfactory conclusion.

23 (8) The identity of each client or patient shall be redacted from any documents reviewed
24 by the board.

25 (9) The identity of a client or patient defined in this subparagraph shall not be disclosed
26 to the public in any manner or in any proceeding of the board without the client or patient's consent.

27 (d) Mental health or psychological records obtained through subparagraphs (a)-(c) shall be
28 archived or destroyed at the conclusion of the matter in accordance with a retention schedule established
29 by the office. The identification and contact information collected during the investigation for clients or
30 patients other than a client or patient complainant shall be destroyed.

31 (e) For the purposes of this paragraph:

32 (1) "Record" means health or psychological information collected from or about an
33 individual that:

34 (A) Is created or received by a health care provider, health plan, employer, or health
35 care clearinghouse; and

36 (B) Relates to the individual, the past, present, or future physical or mental health or
37 psychological condition of an individual, the provision of health care to an individual, or the past, present,
38 or future payment for the provision of health care to an individual.

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1 (2) “Personally identifiable information” means information which identifies an individual
2 or which a reasonable person would believe could be used to identify an individual, including common and
3 uncommon identifiers, including but not limited to, name, address, birth date, social security number, court
4 docket number, insurance policy number, and any other identifiers of an individual and of the individual’s
5 known relatives, household members, and employers that a reasonable person would believe could
6 identify the individual to whom the record pertains.

7 (f) In the process of determining recusal, the security of the client or patient’s identity shall be
8 preserved as follows:

9 (1) Before engaging in any matter as defined in subparagraph (a), board members,
10 investigators, and others as specified in this paragraph with access to case files shall first review the
11 name of the client/patient before proceeding. If a conflict of interest is identified, that person shall recuse
12 himself or herself from the matter.

13 (2) Before engaging in any cases defined in subparagraph (b), office staff and
14 consultants at the onset of the investigation, board members at the time of reviewing the findings of the
15 investigation, and any others authorized to have access to the case prior to commencing review of such
16 cases shall first determine if there is a need for recusal.

17 (3) If a client or patient as defined in subparagraph (b) or (c) testifies or intends to attend
18 the hearing of the case involving his or her treatment and the board may see the client or patient
19 inadvertently or directly, the client or patient’s name shall be revealed to the board members so they may
20 have the opportunity to recuse themselves prior to the proceeding. The client or patient shall be informed
21 beforehand of such disclosure.

22 (4) For recusals pertaining to clients or patients under subparagraph (c) of this section,
23 office staff and consultants shall review the names of the clients or patients who qualify for the scope of
24 investigation as approved by the board, to determine if there is cause for recusal.

25 (5) When board members review any report of investigation that includes case
26 information pertaining to clients or patients as defined in subparagraph (c), they shall review their names
27 prior to reading such reports in the following manner:

28 (A) If there are 10 or fewer cases with individual clinical information presented, then
29 the methods of testing for recusal shall follow the recusal procedures in subparagraph (f)(2).

30 (B) When the report includes clinical information pertaining to more than 10 cases,
31 the recusal methods of subparagraph (f)(4) shall apply.

32 (C) When such client or patients’ information is presented only in aggregate form, no
33 recusal is required.

34 (g) A keeper of the record shall comply with board and the office’s investigative team’s
35 requests for client or patient records and all redaction requirements specified under this section. The
36 board may seek a court order to enforce valid requests for such records under this section.

37 VIII. Any board member who has had a personal relationship or has worked in a professional
38 capacity with a complainant or with a licensee against whom a complaint has been filed or whose
39 personal or professional views regarding the licensee or the complainant could prevent the board member

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1 from being impartial in considering the complaint shall recuse himself or herself from any investigation or
2 disciplinary action against such licensee.

3 310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

4 I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-
5 disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board
6 shall disclose any final remedial action that affects the status of a license, including any non-disciplinary
7 restrictions imposed. The docket file for each such proceeding shall be retained in accordance with the
8 retention policy established by the office of professional licensure and certification.

9 II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance
10 with procedural rules adopted by the executive director.

11 III. The office shall employ sufficient administrative prosecutors qualified by reason of education,
12 competence, and relevant experience to serve as hearing counsel in all disciplinary proceedings before
13 the boards.

14 IV. The office shall employ sufficient personnel qualified by reason of education, competence,
15 and relevant experience to serve as presiding officer in all disciplinary or non-disciplinary remedial
16 proceedings before the boards. The presiding officer shall have the authority to preside at such hearing
17 and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and
18 issue final orders based on factual findings of the board.

19 V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue
20 subpoenas for persons, relevant documents and relevant materials in accordance with the following
21 conditions:

22 (a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of
23 service.

24 (b) Subpoenas for documents and materials shall not require compliance in fewer than 15
25 days after receipt of service.

26 (c) Service shall be made on licensees and certified individuals by certified mail to the
27 address on file with the office or by hand and shall not entitle them to witness or mileage fees.

28 (d) Service shall be made on persons who are not licensees or certified individuals in
29 accordance with the procedures and fee schedules of the superior court, and the subpoenas served on
30 them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and
31 Certification."

32 VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as
33 defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt
34 from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and
35 make conclusions of law.

36 VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings,
37 and shall determine sanctions, if any.

38 VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings,
39 complaints may be dismissed or disposed of, in whole or in part:

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1 (a) By written settlement agreement approved by the board, provided that any complainant
2 shall have the opportunity, before the settlement agreement has been approved by a board, to comment
3 on the terms of the proposed settlement; or

4 (b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a
5 proper basis for disciplinary action.

6 IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the
7 issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such
8 decisions shall not be public until they are served upon the parties, in accordance with rules adopted by
9 the executive director.

10 X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at
11 least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an
12 itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether
13 the action has been initiated by a written complaint or upon the board's own motion, or both. If a written
14 complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene
15 as a party.

16 XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or
17 pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-
18 disciplinary remedial proceedings.

19 XII. No civil action shall be maintained against the office or the board, or any member of the
20 board, office, or its agents or employees, against any organization or its members, or against any other
21 person for or by reason of any statement, report, communication, or testimony to the board or
22 determination by the board or office in relation to proceedings under this chapter.

23 XIII. For matters involving individuals identified in mental health records, testimony by client or
24 patients shall be handled with utmost regard for the privacy and protection of their identity from public
25 disclosure.

26 (a) A noncomplainant client or patient shall not be compelled to testify at a hearing.

27 (b) If a noncomplainant client or patient testifies at a hearing, the identity of the individual
28 shall be screened from the public view and knowledge, although the respondent and attorneys shall be
29 within the view of the client patient. The board may view the client or patient. The public's access to view
30 or information that would identify the client or patient shall be restricted. The hearing may be closed to the
31 public for the duration of the client or patient's testimony, at the board's discretion.

32 (c) If a complainant client or patient requests the privacy safeguards in subparagraph (b), the
33 presiding officer may make such accommodations.

34 310:11 Licensing Proceedings.

35 I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the
36 executive director.

37 II. If a board denies a license following a licensing proceeding, its final decision shall be issued in
38 accordance with RSA 541-A:35.

39 III. In carrying out licensing proceedings, the board shall have the authority to:

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- 1 (a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;
2 (b) Appoint a board member or other qualified person as presiding officer; and
3 (c) Administer, and authorize an appointed presiding officer to administer, oaths and
4 affirmations.

5 IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the
6 fees of attorneys representing licensees, certified individuals, or witnesses during investigations or
7 adjudicatory proceedings.

8 V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.
9 310:12 Sanctions.

10 I. Upon making an affirmative finding that a licensee has committed professional misconduct,
11 boards may take disciplinary action in any one or more of the following ways:

- 12 (a) By reprimand.
13 (b) By suspension of a license for a period of time as determined reasonable by the board.
14 (c) By revocation of license.
15 (d) By placing the licensee on probationary status. The board may require the person to
16 submit to any of the following:

17 (1) Regular reporting to the board concerning the matters which are the basis of the
18 probation.

19 (2) Continuing professional education until a satisfactory degree of skill has been
20 achieved in those areas which are the basis of probation.

21 (3) Submitting to the care, counseling, or treatment of a physician, counseling service,
22 health care facility, professional assistance program, or any comparable person or facility approved by the
23 board.

24 (4) Practicing under the direct supervision of another licensee for a period of time
25 specified by the board.

26 (e) By assessing administrative fines in amounts established by the board which shall not
27 exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation
28 continues, whichever is greater.

29 II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising
30 that while there is insufficient evidence to support disciplinary action, the board believes the licensee or
31 certificate holder should modify or eliminate certain practices, and that continuation of the activities which
32 led to the information being submitted to the board may result in action against the licensee's license.
33 This letter shall not be released to the public or any other licensing authority, except that the letter may be
34 used as evidence to establish a relevant pattern or course of conduct in subsequent adjudicatory
35 proceedings by the board.

36 III. In the case of sanctions for discipline in another jurisdiction, the decision of the other
37 jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the
38 sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to
39 imposing any sanctions.

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1 IV. In cases involving imminent danger to public health, safety, or welfare, a board may order
2 immediate suspension of a license or certification pending an adjudicative proceeding before the board to
3 determine if the suspension should remain in place pending final adjudication of the matter, and which
4 shall commence not later than 10 working days after the date of the order suspending the license unless
5 the licensee or certified individual agrees in writing to a longer period. In such cases of immediate
6 danger, the board shall comply with RSA 541-A:30.

7 V. For any order issued in resolution of a disciplinary proceeding by the board, where the board
8 has found misconduct sufficient to support disciplinary action, the board may require the licensee or
9 certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable
10 cost of investigation and prosecution of the proceeding. This sum may be imposed in addition to any
11 otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and
12 prosecution costs shall be assessed by the office and any sums recovered shall be credited to the office's
13 fund and disbursed by the office for any future investigations of complaints and activities that violate this
14 chapter or rules adopted under this chapter.

15 310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice
16 according to the laws of this state, advertises oneself as engaging in a profession licensed or certified by
17 the office of professional licensure and certification, engages in activity requiring professional licensure, or
18 in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever
19 does such acts after receiving notice that such person's license to practice has been suspended or
20 revoked, is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon
21 making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount
22 of any gain or economic benefit that the person derived from the violation, or up to \$10,000 for each
23 offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed
24 a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or
25 municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or
26 entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil,
27 criminal, or regulatory remedy. An injunction without bond is available to any board.

28 310:14 Rehearing; Appeals.

29 I. Any person who has been denied a license or certification by the office or a board shall have
30 the right to a rehearing before the appropriate board. Requests for a rehearing shall be made in writing to
31 the appropriate board within 30 days of receipt of the original final decision.

32 II. Any person who has been disciplined by a board shall have the right to petition in writing for a
33 rehearing within 30 days of receipt of the original final decision.

34 III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to
35 RSA 541. No sanction shall be stayed by the board during an appeal.

36 310:15 Oversight Committee; Establishment; Purpose.

37 I. There shall be an oversight committee for the office of professional licensure and certification
38 (OPLC) consisting of the following members:

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1 (a) Three members of the house executive departments and administration committee, one
2 of whom shall be a minority member of that committee, appointed by the speaker of the house of
3 representatives.

4 (b) Two members of the senate executive departments and administration committee, one of
5 whom shall be a minority member of that committee, appointed by the president of the senate.

6 II. Membership on the oversight committee shall be for the duration of the biennium and shall be
7 coterminous with membership in the general court. The first meeting of the committee shall be called by
8 the first-named house member. The committee shall elect a chair from among the members at the first
9 meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of
10 the committee shall receive mileage at the legislative rate when performing the duties of the committee.
11 Three members of the committee shall constitute a quorum.

12 III. The committee shall provide legislative oversight and informational meetings on the policies
13 and rules of the office as brought to its attention by office personnel, legislators, members of the boards,
14 councils, committees, and commissions overseen by OPLC, and members of the professions under the
15 jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between
16 administration and the boards in order to promote more productive and efficient interactions.

17 IV. The oversight committee shall recommend legislation deemed necessary to correct issues it
18 identifies.

19 310:16 Military Service Members and Spousal Temporary Licensure. The office of professional
20 licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse,
21 if the applicant holds a current, valid unencumbered occupational or professional license in good standing
22 issued by a state or territory of the United States, in accordance with rules adopted by executive director
23 of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets
24 the requirements of this section, within 30 days of having received an application or, if the applicant is
25 subject to a criminal records check, within 14 days of having received the results of a criminal records
26 check. The rules shall contain the following provisions:

27 I. The applicant shall obtain a temporary license for a period of not less than 180 days while
28 completing any requirements for licensure in New Hampshire so long as no cause for denial of a license
29 exists under this title, or under any other law.

30 II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the
31 applicant is the person described and identified in the application, that all statements made on the
32 application are true and correct and complete, that the applicant has read and understands the
33 requirements for licensure and certifies that they meet those requirements, and that the applicant is in
34 good standing in all jurisdictions in which the applicant holds or has held a license.

35 III. The applicant may request a one-time 180-day extension of the temporary license if
36 necessary to complete the New Hampshire licensing requirements. The applicant must make this request
37 within 15 days prior to the temporary license's expiration date.

38 IV. All individuals licensed under this section shall be subject to the jurisdiction of the state
39 licensing body for that profession.

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1 112:2 Dedicated Fund; Office of Professional Licensure and Certification. Amend 6:12, I(b)(340) to
2 read as follows:

3 (340) Moneys deposited in the office of professional licensure and certification fund
4 established in RSA [~~310-A:1-e~~] **310:5**.

5 112:3 Transition; Administrative Rules; Recodification of Office of Professional Licensure and
6 Certification. The rules adopted for any occupation or profession under the office of professional licensure
7 and certification under former RSA 310-A:1-a in effect on the effective date of this act shall, to the extent
8 practicable, continue and be effective and apply to such respective occupation or profession until they
9 expire or are amended or repealed.

10 112:4 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:16-b, III to read as
11 follows:

12 III. The mechanical licensing board with the approval of the executive director of the office of
13 professional licensing and certification shall adopt rules, which shall not be subject to RSA 541-A, relative
14 to the establishment of fees for voluntary certification under this section. After the first year of this
15 program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct
16 operating expenses of the previous fiscal year. Fees collected shall be deposited in the office of
17 professional licensure and certification fund established in RSA [~~310-A:1-e~~] **310:5**.

18 112:5 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:28, II to read as follows:

19 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed
20 board members, in consultation with the office of professional licensure and certification and with the
21 approval of the executive director of the office of professional licensure and certification, shall establish
22 application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
23 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed
24 \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and
25 reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals
26 or jurisdictions relating to licensure and certification, and for transcribing and transferring records and
27 other services. The fee for examination by third parties shall be separate from the fees established by the
28 board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125
29 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply.
30 Fees collected shall be deposited in the office of professional licensure and certification fund established
31 in RSA [~~310-A:1-e~~] **310:5**.

32 112:6 Reference Changed; Accountancy. Amend RSA 309-B:4, III to read as follows:

33 III. The office of professional licensure and certification shall establish fees for examination of
34 applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and
35 reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification
36 of licensure or examination, and for transcribing and transferring records and other services. All moneys
37 collected by the office of professional licensure and certification from fees authorized under this chapter
38 shall be received and accounted for by the office of professional licensure and certification, shall be
39 deposited in the office of professional licensure and certification fund established in RSA [~~310-A:1-e~~]

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1 **310:5.** Administration expenses shall be limited to the funds collected and may include, but shall not be
2 limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of
3 witnesses before the board or its committees; all legal proceedings taken under this chapter for the
4 enforcement of this chapter; and educational programs for the benefit of the public or licensees and their
5 employees.

6 112:7 Reference Changed; Architects. Amend RSA 310-A:32, II to read as follows:

7 II. In adopting any rule under this section, the board *shall* consult with the office of professional
8 licensure and certification established under RSA [~~310-A:1 through RSA 310-A:1-e~~] **310.**

9 112:8 Reference Changed; Body Art. Amend RSA 314-A:2, II to read as follows:

10 II. There shall be a fee for an initial license and a renewal license. The procedure and timeframe
11 for license renewals shall be as described in RSA [~~310-A:1-h~~] **310.**

12 112:9 Reference Changed; Chiropractic. Amend RSA 316-A:14-a to read as follows:

13 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
14 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a
15 license from the board as a chiropractor permitted to practice in New Hampshire. Each applicant who
16 qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license
17 and license renewals shall be valid for the terms established under RSA [~~310-A:1-h~~] **310.**

18 112:10 Reference Changed; Dentists Professional Health. Amend RSA 317-A:16-a, VII to read as
19 follows:

20 VII. Rules governing the professional health program shall be implemented through the office of
21 professional licensure and certification pursuant to RSA [~~310-A:1-d, II(h)(4)~~] **310.**

22 112:11 Reference Changed; Pharmacists. Amend RSA 318:1, XV-a to read as follows:

23 XV-a. "Practitioner-patient relationship" means a medical connection between a licensed
24 practitioner and a patient that includes an in-person exam or an exam using telemedicine, as defined in
25 RSA [~~310-A:1-g, 1-b~~] **310**, provided the health care practitioner: (i) verifies the identity of the patient
26 receiving health care services through telemedicine; (ii) discloses to the patient the health care
27 practitioner's name, contact information, and the type of health occupation license held by the health care
28 practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if
29 state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the
30 standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment
31 plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs
32 including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not
33 have a practitioner-patient relationship under the following circumstances: for a patient of another
34 practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire
35 licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first
36 appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed
37 in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a
38 relationship.

39 112:12 Reference Changed; Nurse Practice Act. Amend RSA 326-B:36-a, VI(c) to read as follows:

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1 (c) Rules governing this program shall be implemented through the office of professional
2 licensure and certification pursuant to RSA [310-A:1-d, II(h)(4)] **310**.

3 112:13 Reference Changed; Acupuncture. Amend RSA 328-G:9, IX to read as follows:

4 IX. The procedure and timeframe for license renewals shall be as described in RSA [310-A:1-h]
5 **310**.

6 112:14 Reference Changed; Reflexologists. Amend RSA 328-H:2, IV-a to read as follows:

7 IV-a. "Executive director" means the executive director of the office of professional licensure and
8 certification established under RSA [310-A:1 through RSA 310-A:1-e] **310**.

9 112:15 Reference Changed; Physicians. Amend RSA 329:1-c to read as follows:

10 329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection
11 between a licensed physician and a patient that includes an in-person exam or an exam using
12 telemedicine, as defined in RSA [310-A:1-g, I-b] **310**, provided the physician: (i) verifies the identity of the
13 patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's
14 name, contact information, and the type of health occupation license held by the physician; (iii) obtains
15 oral or written consent from the patient or from the patient's parent or guardian, if state law requires the
16 consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A
17 physician shall complete or review a history, a diagnosis, a treatment plan appropriate for the licensee's
18 medical specialty, and documentation of all prescription drugs including name and dosage. A licensee
19 may prescribe for a patient whom the licensee does not have a physician-patient relationship under the
20 following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another
21 licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse
22 practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to
23 the patient's first appointment or when providing limited treatment to a family member in accordance with
24 the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a
25 physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI.
26 The definition of a physician-patient relationship shall not apply to a physician licensed in another state
27 who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

28 112:16 Reference Changed; Physicians. Amend RSA 329:1-d, I to read as follows:

29 I. "Telemedicine" means the use of audio, video, or other electronic media and technologies by a
30 physician in one location to a patient in a different location for the purpose of diagnosis, consultation, or
31 treatment, including the use of synchronous or asynchronous interactions as defined in RSA [310-A:1-g]
32 **310**.

33 112:17 Reference Changed; Physicians Health. Amend RSA 329:13-b, VII to read as follows:

34 VII. Rules governing the program shall be implemented through the office of professional
35 licensure and certification pursuant to RSA [310-A:1-d, II(h)(4)] **310**.

36 112:18 Reference Changed; Administrative Procedures. Amend 541-A:29-a, I to read as follows:

37 I. If an agency fails to take any required action on an application, petition, or request within the
38 time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request

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1 shall be deemed approved and any permit, approval or other item requested shall be deemed granted to
2 or received by the applicant, petitioner, or requestor, except as provided in RSA ~~[310-A:1-d, V]~~ **310**.

3 112:19 Reference Changed; Planning Boards. Amend RSA 676:4-b, V to read as follows:

4 V. Any person who becomes aware of a failure by a third party inspector to report properly and
5 promptly a construction defect or deviation from the terms of the approval or approved project plans, may
6 file a written complaint to the ~~[joint board established under RSA 310-A:1]~~ **office of professional licensure**
7 **and certification under RSA 310** for possible ~~[peer review or]~~ disciplinary action.

8 112:20 Effective Date. This act shall take effect July 1, 2023.

Approved: June 28, 2023
Effective Date: July 01, 2023

