

HB 405 - AS INTRODUCED

2021 SESSION

21-0539

10/11

HOUSE BILL **405**

AN ACT relative to out-of-state applicants occupational licensure or certification.

SPONSORS: Rep. Harrington, Straf. 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill modifies the procedures for out-of-state applicants for professional licensure or certification to be issued a license or certificate in this state, allows for appeals of decisions, and provides for licensure or certification based on work experience and private certification.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to out-of-state applicants occupational licensure or certification.

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

1 1 Occupational Regulation; Out-of-state Applicants. Amend RSA 332-G:14 to read as follows:

2 332-G:14 Reciprocal and Temporary Licenses ***or Certifications***.

3 I. Any board or commission regulating an occupation or profession which is a member of an
4 interstate licensure compact, or which has, in statute or by administrative rules, a procedure for
5 reciprocity or temporary licensure for individuals from other states, need not comply with this
6 section for any license or certificate issued by the board or commission.

7 II. Any board or commission may determine that another state's licensure ***or certification***
8 is not comparable to New Hampshire's in education, training, experience, or scope of practice, and if
9 so shall publish this determination on its website. An individual from such other state possessing
10 such a license ***or certification*** shall not be granted temporary or reciprocal licensure ***or***
11 ***certification*** under this section, ***except as provided in paragraphs VII and VIII***.

12 III. A person applying for a temporary license ***or certification*** shall present to the office of
13 professional licensure and certification:

14 (a) A current equivalent license ***or certification*** from another jurisdiction in the United
15 States ***held for at least one year***.

16 (b) A statement of good standing from the licensing ***or certifying*** authority.

17 (c) Authorization for a criminal history records check, if required.

18 (d) A completed application.

19 (e) A certification that the person has committed no acts or omissions which are grounds
20 for disciplinary action ***as negligence or intentional misconduct related to the person's***
21 ***profession*** in another jurisdiction, or, if such acts have been committed, would be grounds for
22 disciplinary action, ***or has surrendered his or her license or certification because of such***
23 ***acts***.

24 (f) ***The person does not have a complaint, allegation, or investigation pending***
25 ***before another regulating entity in another state or country that relates to unprofessional***
26 ***conduct. If an applicant has any complaints, allegations, or investigations pending, the***
27 ***office of professional licensure and certification and the respective board or commission***
28 ***shall suspend the application process and may not issue or deny a license or certification***
29 ***to the applicant until the complaint, allegation, or investigation is resolved.***

30 (g) Other information specifically required by the board.

31 ~~(g)~~ (h) Payment of a fee, not to exceed \$100.

IV. After verifying the completeness of the application and information under paragraph III, the office of professional licensure and certification shall issue a temporary license **or certification** valid for ~~[120]~~ **60** days. No more than one temporary license **or certification** shall be issued to any individual.

V. The board or commission shall review the application and information, prior to the expiration date of the temporary license **or certification**. The board or commission shall issue a full-term New Hampshire license **or certification** upon payment by the temporary license holder **or certificate holder** of the applicable ~~[license]~~ fee, unless the board or commission determines that the information shows that the individual does not qualify for such license **or certification**. If the disqualification is due to state requirements that are not comparable, this determination shall be published as provided in paragraph II. Upon a determination of disqualification, the board or commission shall identify the disqualification in writing, which shall invalidate the temporary license **or certification**.

VI. A board or commission that administers an examination on laws of this state as part of its license or certificate application requirement may require an applicant to take and pass an examination on the laws of this state.

VII. Notwithstanding any other provision of law to the contrary, the board or commission shall issue an occupational license or certification to a person upon application based on work experience in another state, if all the following apply:

(a) The person worked in a state that does not use an occupational license or certification to regulate a lawful occupation, but New Hampshire requires an occupational license or certification to regulate a lawful occupation with a similar scope of practice, as determined by the board or commission;

(b) The person worked for at least 3 years in the lawful occupation; and

(c) The person satisfies the requirements of subparagraphs III(c) through (h).

VIII.(a) Notwithstanding any other provision of law to the contrary, the board shall issue an occupational license or certification to a person based on holding a private certification and work experience in another state, if all the following apply:

(1) The person holds a private certification and worked in a state that does not use an occupational license or certification to regulate a lawful occupation, but New Hampshire uses an occupational license or certification to regulate a lawful occupation with a similar scope of practice, as determined by the board;

(2) The person worked for at least 2 years in the lawful occupation;

(3) The person holds a current and valid private certification in the lawful occupation;

(4) The private certification organization holds the person in good standing;

and

1 (5) *The person satisfies the requirements of subparagraphs III(c) through*
2 *(h).*

3 (b) *In this paragraph, "private certification" means a voluntary program in*
4 *which a private organization grants nontransferable recognition to an individual who*
5 *meets personal qualifications and standards relevant to performing the occupation as*
6 *determined by the private organization. The individual may use the designated title of*
7 *"certified," as permitted by the private organization.*

8 IX.(a) *Nothing in this section shall be construed to prevent this state from*
9 *recognizing occupational credentials issued by a private certification organization,*
10 *foreign province, foreign country, international organization, or other entity.*

11 (b) *Nothing in this section shall be construed to require a private certification*
12 *organization to grant or deny private certification to any individual.*

13 X. *A person applying for licensure or certification under this section may appeal a*
14 *board's or commission's denial or determination made under this section to a court of*
15 *competent jurisdiction.*

16 2 Effective Date. This act shall take effect 60 days after its passage.