

REGULAR CALENDAR

January 20, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on Executive
Departments and Administration to which was referred
HB 1059,**

**AN ACT clarifying limits on licensure by operation of
law. Having considered the same, report the same with
the recommendation that the bill OUGHT TO PASS.**

Rep. Jeffrey Goley

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1059
Title:	clarifying limits on licensure by operation of law.
Date:	January 20, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

Under current law someone would submit an application for a licensed profession in NH to the appropriate board for review to make sure all of the criteria is met prior to a license being issued. However, when that application is submitted boards have a certain amount of time to review the application and approve or deny it. If the board is unable to meet in that set time frame an applicant is automatically granted a license even if they do not meet all the qualifications needed for licensure. This bill allows the Executive Director of the Office of Professional Licensure to review and make sure applicants meet the appropriate requirements prior to licensing should a board be unable to meet in that time frame. An example the committee heard was that if someone had filed an application to be an audiologist, the board had 60 days to review and approve or deny an application, after the 60 days if the board was unable to meet and act, a license was granted, even if all the criteria for licensing was not met. This bill would make sure all applications are reviewed and meet the appropriate requirements prior to a license being issued.

Vote 11-5.

Rep. Jeffrey Goley
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1059, clarifying limits on licensure by operation of law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for the **Majority** of Executive Departments and Administration. Under current law someone would submit an application for a licensed profession in NH to the appropriate board for review to make sure all of the criteria is met prior to a license being issued. However, when that application is submitted boards have a certain amount of time to review the application and approve or deny it. If the board is unable to meet in that set time frame an applicant is automatically granted a license even if they do not meet all the qualifications needed for licensure. This bill allows the Executive Director of the Office of Professional Licensure to review and make sure applicants meet the appropriate requirements prior to licensing should a board be unable to meet in that time frame. An example the committee heard was that if someone had filed an application to be an audiologist, the board had 60 days to review and approve or deny an application, after the 60 days if the board was unable to meet and act, a license was granted, even if all the criteria for licensing was not met. This bill would make sure all applications are reviewed and meet the appropriate requirements prior to a license being issued. **Vote 11-5.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

January 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Executive Departments and Administration to which was referred HB 1059,

AN ACT clarifying limits on licensure by operation of law. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Tony Lekas

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1059
Title:	clarifying limits on licensure by operation of law.
Date:	January 26, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would permit the Executive Director of the Office of Professional Licensure and Certification (OPLC) to make decisions on granting licenses in some circumstances if the relevant licensing board does not act within 60 days. This bill was requested by OPLC because some boards are unable to act, either because there are so many vacancies that the board cannot achieve the quorum required to meet, or because not enough board members will attend a meeting in order to achieve a quorum. While the minority understands the concern about licenses being granted automatically, the underlying problem is that New Hampshire requires licenses for too many professions. We require more professions to be licensed than many other states which do not appear to have significant public safety problems caused by that lack of licensure. If there are not enough people either willing to serve on a licensure board or who are willing to meet in order to perform their duties the requirement for a license for such professions should be repealed.

Rep. Tony Lekas
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1059, clarifying limits on licensure by operation of law. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Minority** of Executive Departments and Administration. This bill would permit the Executive Director of the Office of Professional Licensure and Certification (OPLC) to make decisions on granting licenses in some circumstances if the relevant licensing board does not act within 60 days. This bill was requested by OPLC because some boards are unable to act, either because there are so many vacancies that the board cannot achieve the quorum required to meet, or because not enough board members will attend a meeting in order to achieve a quorum. While the minority understands the concern about licenses being granted automatically, the underlying problem is that New Hampshire requires licenses for too many professions. We require more professions to be licensed than many other states which do not appear to have significant public safety problems caused by that lack of licensure. If there are not enough people either willing to serve on a licensure board or who are willing to meet in order to perform their duties the requirement for a license for such professions should be repealed.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1059

BILL TITLE: clarifying limits on licensure by operation of law.

DATE: January 20, 2022

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS

Moved by Rep. Goley

Seconded by Rep. O'Brien

Vote: 11-5

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: ^{HB} 1059 Motion: OTP AM #: _____ Exec Session Date: 1-20-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman <i>R RHODES</i>	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael		X	
Lekas, Tony		X	
Alliegro, Mark C.		X	
Bailey, Glenn		X	
Lanzara, Tom E.			
Santonastaso, Matthew		X	
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.			
Schmidt, Peter B.	X		
Schultz, Kristina M. <i>MARSH</i>	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.			
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

11-5

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1059

BILL TITLE: clarifying limits on licensure by operation of law.

DATE: January 20, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:40 a.m.

Committee Members: Reps. McGuire, Rhodes, Sytek, Yakubovich, S. Pearson, T. Lekas, Alliegro, Bailey, Santonastaso, Goley, Schuett, P. Schmidt, Fellows, Grote, Marsh and O'Brien

Bill Sponsors:
Rep. Fellows

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Fellows introduced the bill and spoke in favor. She said it was a request of OPLC. She said the next speaker would explain the bill.

***Lindsey Courtney**, Executive Director of the OPLC, spoke in favor. She said this bill was important for public safety. She said many boards lack a quorum and so cannot issue licenses, do not or cannot delegate this authority so after 60 days, the license is granted, regardless of qualification, "by operation of law." This bill addresses that concern and allows the agency to deny if qualifications are not met. She took Committee questions regarding qualifications and noted that OPLC did not like subjective criteria. There were questions about implications on rule making.

Rep. Infantine spoke and said he was not sure whether he supported or was opposed. He said he was the public member of the Electricians' Board. He noted that, while some boards may be problems, the Electricians' Board has always had a quorum and has never missed a meeting. His concern was the background check on character should be able to be considered. He took Committee questions.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1059 on 2022-01-20

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 2:37 PM

HB 1059 - AS INTRODUCED

2022 SESSION

22-2032

11/04

HOUSE BILL **1059**

AN ACT clarifying limits on licensure by operation of law.

SPONSORS: Rep. Fellows, Graf. 8

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification shall issue licenses pursuant to RSA 541-A:29-a only if applications for such licenses otherwise meet the requirements for licensure.

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 Two

AN ACT clarifying limits on licensure by operation of law.

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

1 1 New Paragraph; Administration of the Office of Professional Licensure and Certification.
2 Amend RSA 310-A:1-d by inserting after paragraph IV the following new paragraph:

3 V. In the event a board, commission, or council does not meet the requirements of RSA 541-
4 A:29 for taking action on a license application, such application shall only be deemed approved and
5 the executive director shall only issue a license if the application otherwise meets the requirements
6 for licensure established in law or administrative rule.

7 2 Administrative Procedure Act; Failure of Agency to Act. Amend RSA 541-A:29-a, I to read as
8 follows:

9 I. If an agency fails to take any required action on an application, petition, or request within
10 the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition,
11 or request shall be deemed approved and any permit, approval or other item requested shall be
12 deemed granted to or received by the applicant, petitioner, or requestor, ***except as provided in***
13 ***RSA 310-A:1-d, V.***

14 3 Effective Date. This act shall take effect 60 days after its passage.