

New Hampshire Office of Professional Licensure & Certification



House Finance Division 1

March 2, 2021

Office of Professional Licensure and Certification

Agency Overview

- OPLC oversees the administration of fifty-four occupational licensing boards, councils, and commissions within the State of New Hampshire, as well as the Prescription Drug Monitoring Program (PDMP).
 - The Governor's Recommended Budget proposes to transfer the PDMP to the Department of Health and Human Services, and to transfer the Mechanical Licensing Board from the Department of Safety to OPLC.
- With the exception of the PDMP, OPLC staff largely assist the boards, councils, and commissions with two major functions: (1) licensing individuals who wish to practice in New Hampshire; and (2) ensuring compliance with laws through investigations or inspections.
 - In FY20, 223,423 occupational licenses in New Hampshire were active under OPLC or its boards, representing an increase of 29% in active licenses from FY 2019 (2020 Annual Report).
 - OPLC is currently averaging receipt of approximately 150 complaints per month.
 - In FY21, OPLC anticipates completing nearly 3000 inspections for three professions (pharmacy, electrical, and cosmetology).
- OPLC is a self-funded agency. Its fees “must bear a relationship to and approximate the expense of issuing the license of inspection and regulating the business licensed.” D’Antoni v. Commissioner, 153 N.H. 655, 658 (2006).

Office of Professional Licensure and Certification

Agency Overview

- Purpose of the agency is to “promote efficiency and economy” in occupational licensing. See RSA 310-A:1.
 - OPLC has an obligation to constituents to ensure licensing and disciplinary processes are efficient in order to reduce unnecessary barriers to workforce entry and to protect the public and due process.
- Through the Governor’s Recommended FY22-23 Budget, OPLC will strive to eliminate unnecessary workforce barriers by: (1) significantly reducing timeframe to licensure; and (2) significantly reducing timeframe for investigations and disciplinary proceedings.
 - Reducing timeframe for investigations and disciplinary proceedings will better protect the public, as well as due process rights of licensees.
- These goals will be achieved by maximizing efficiency in workflow and fully funding agency’s personnel and technology needs.

Office of Professional Licensure and Certification

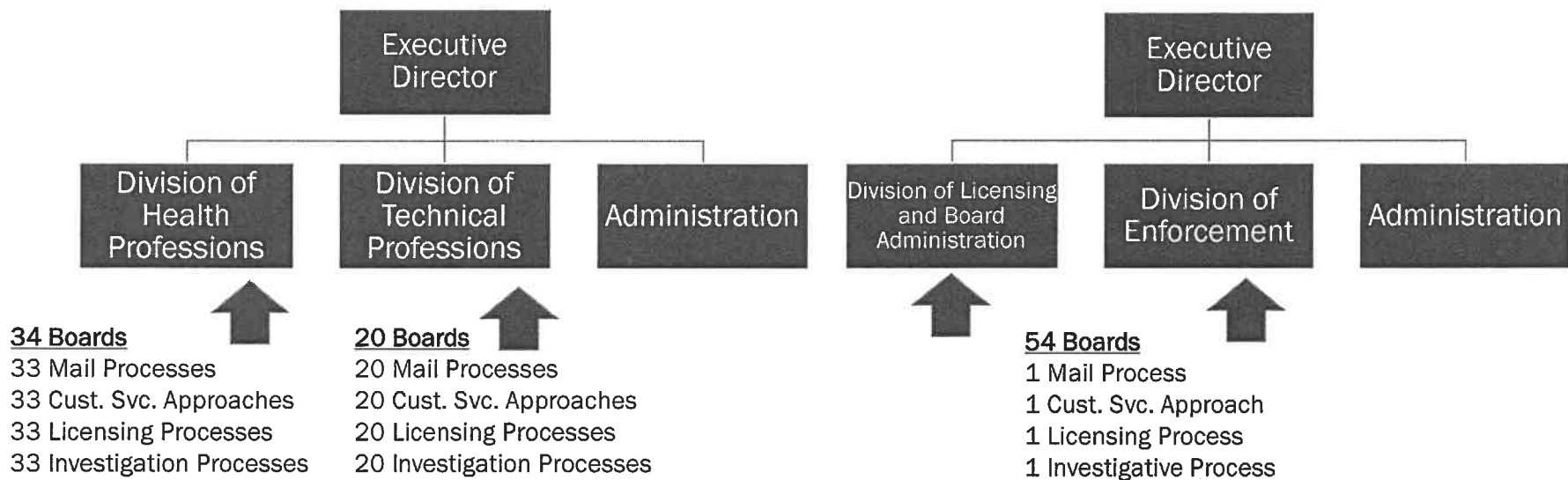
Achieving Efficient Agency Operations

- In FY21, OPLC embarked on mission to maximize efficiency in agency utilizing our existing resources.
- Agency Reorganization Project:
 - Organized staff based on job function in lieu of subject matter of boards—July 2020
 - Centralized mail intake—December 2020
 - Centralizing customer service—go live mid-March 2021
 - Adopting same policies and procedures for all boards concerning investigations and licensing—ongoing.
- Leveraging technology
 - Online Licensing Renewals—All license renewals will be online by March 15
 - Online Licensing Initial Applications—End of FY22
 - Website redesign—go live March 4, 2021
 - Document management—scanning all documentation to reduce error rates, render information easier to access and increase public transparency.

Office of Professional Licensure and Certification Agency Reorganization

• FY20-21

• FY22-23



Office of Professional Licensure and Certification

FY22-23 Governor's Recommended Budget

- OPLC, through the Governor's Recommended Budget, proposes to maximize efficiency in agency operations, by:
 - Formally reorganizing the agency to divide staff based on job function: Division of Licensing and Board Administration/Division of Enforcement v. Division of Health Professions/Division of Technical Professions—HB 2
 - Significantly reducing OPLC's part-time (class 50) budget, and utilizing those funds to assist in establishing full-time positions.
 - Currently, approximately 20% of OPLC's workforce is part-time, which is a barrier to achieving efficient operations.
 - Establishing OPLC as a 125% agency, eliminating the double accounting method to increase transparency, and moving all expenses to Administration
 - Leveraging technology: funding OPLC's vital IT needs to maximize efficiency

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

- To accomplish its objectives, OPLC proposes to increase its budget in FY22-23 as set forth in the Governor's Recommended Budget.
- Increase in appropriations largely comprises the following classes:
 - Class 10 (11 new positions, not including Mechanical Licensing)
 - Class 20 (due to credit card processing fees)
 - Class 22 (move to Eagle Sq)
 - Class 27 (tech projects)
- OPLC **has existing funding** (agency funding) for these increases; fees must relate to cost of licensing/disciplinary process. D'Antoni, 153 N.H. at 168.

	FY20	FY21	FY22	FY23
Expenses	9,087,677*	10,524,908*	11,956,139**	12,220,786**
	(adjusted for double billing)	(adjusted for double billing)	(adjusted for mechanical licensing)	(adjusted for mechanical licensing)

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

- In January 2020, OPLC and DOIT sought and obtained G&C approval to establish IT Manager III and Business Analyst positions within DOIT to be embedded in OPLC, and to permit OPLC to accept and expend funds for these positions (\$206,948 in FY21). (G&C, January 22, 2020).
 - IT Manager and BSA hired in Fall 2020. Salaries included in Class 27 for FY21 and are proposed in FY22-23 Efficiency Budget Proposal.
- Additional Prioritized Needs:
 - Investigations Software
 - Inspections Software
 - Document Management
 - Critical Software updates

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

- What new positions are contemplated in the Governor's Proposed Budget?
 - Efficiency:
 - 6 positions: (2) Hearings Examiners; Administrator III; (2) Program Assistant IIs; and, an Investigative Paralegal.
 - Additional Prioritized Needs:
 - 5 positions: Administrator III; (2) Program Assistant IIs; Investigative Paralegal; and, Program Specialist IV.
- The Governor's Proposed Budget also contemplates transferring 7 existing positions from the Department of Safety to OPLC.

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

- Is your agency adequately staffed to complete all work assigned to OPLC under state law?
 - Yes—as proposed by the Governor's Recommended Budget.
 - Without the additional personnel and IT support contemplated by the Governor's Recommended Budget, there will be backlogs of licensing leading to workforce barriers, and reduced workforce availability in this State. There will also be increased timeframes for investigations and disciplinary actions, potentially in violation of licensee's due process rights.

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

- What things are you doing (found in state law) that could be eliminated and why?
 - There are certain legislative changes, reflected in SB 13, SB 58, and SB 133, which OPLC has proposed to eliminate and/or modify to create an efficient licensing or disciplinary process.
 - OPLC is currently obtaining signatures from Electrician board members, per RSA 310-A:18, before licenses may be issued. This is inefficient, and runs contrary to OPLC's goal of moving all licensing and communications to electronic communications. OPLC would propose to eliminate RSA 310-A:18 as unnecessary.

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EXHIBIT A

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

	FY 2020 Actual	FY 2021 Adj Auth	FY 2022 Gov Rec	FY 2023 Gov Rec
010 Pers. Svcs-Perm. Class.	3,145,719*	3,342,385*	4,317,081	4,586,548
011 Pers. Svcs-Unclassified	103,268	101,092	117,804	128,468
018 Overtime	2,821	10,050	10,050	10,051
020 Current Expenses	349,562	337,666	537,300	567,300
022-Rents Other Than State	1,480	1,749	393,000	393,000
026 Organizational Dues	62,314	82,292	87,000	87,000
027 Transfers to OIT	473,166	718,865	1,266,747	1,066,393
028 Transfers to Gen. Svcs.	267,464	264,359	4,301	4,397
030 Equipment New/Replace	11,657	17,085	50,000	45,000
038 Technology-Software	2,204	11,055	3,000	3,000
039 Telecommunications	51,580	71,452	64,500	64,500
040 Indirect Costs	2,471,209**	4,443,087**	1,131,120	1,131,120

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

	FY 2020 Actual	FY 2021 Adj Auth	FY 2022 Gov Rec	FY 2023 Gov Rec
046 Consultants	51,580	71,452	80,000	68,000
049 Transfer to State Agency	678,174	690,610	663,820	693,358
050 Personal Svc-Temporary	547,937	455,432	156,884	162,918
057 Books, Periodicals, Subs	1,934	3,016	4,000	4,000
060 Benefits	1,812,482	1,891,992	2,696,940	2,849,500
061 Unemployment Comp	1,288	3,015	3,020	3,050
062 Workers Compensation	134	3,015	3,020	3,050
064 Ret-Pension Ben-Health	268,402	304,100	236,500	260,500
065 Board Expense	134,000	144,203	208,000	208,000
066 Employee training	7,870	10,533	8,000	8,000
069 Promotional-Marketing	13,130	31,241	0	0
070-In-State Travel Reimburs.	70,439	124,275	47,000	47,000

Office of Professional Licensure and Certification FY22-23 Governor's Recommended Budget

	FY 2020 Actual	FY 2021 Adj Auth	FY 2022 Gov Rec	FY 2023 Gov Rec
080 Out-of State Travel	2,423	2,012	6,000	6,000
089 Transfer to DAS Maint Fund	15,956	15,956	0	0
102 Contracts for Program Ser.	0	10,000	0	0
104 Certification Expense	209,602	201,000	0	0
211 Property and Casualty Ins.	90	2,857	3,090	3,380
229 Sheriff Reimbursement	0	503	0	0
232 Witness Fees	0	503	0	0
531 Impaired Programs	471,850	542,000	542,000	542,000
Total:	11,045,568	13,729,114	12,640,177	12,945,033
Adjusted for billing method	-2,167,493	-3,416,212		
Adjusted for Mechanical Licensing			-684,038	-724,247
Actual Total:	9,087,677	10,524,908	11,956,038	12,220,786