

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: January 13, 2022

FROM: Michael A. Morrell
Administrative Rules Director

AT (OFFICE): Legislative Services

SUBJECT: Final Proposal 2021-105 Applicability; Definitions; Generally Applicable Fees

Attached are Christina Muniz's comments on Final Proposal 2021-105 from the Office of Professional Licensure and Certification (OPLC) relative to the re-adoption with amendments of Plc 1001 on purpose and applicability of Plc 1000, definitions, and generally applicable fees for providing copies of documents or electronic information, a credit card service fee, and the Professionals' Health Program fee. Plc 1001 is currently an interim rule which is scheduled to expire 3-21-22.

The substantive comment on page 4, regarding Plc 1001.08(c) on page 2, relates to lack of clarity and legislative intent in the rule due to the possibility of oral rulemaking in violation of RSA 541-A:22, I and being contrary to RSA 310-A:1-d, II(h)(1), while also being beyond the agency's authority due to lack of authority for a fee as noted. The comment also relates to the adequacy of the FIS.