

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: October 10, 2022

FROM: Michael Morrell
Acting Administrative Rules Director

AT (OFFICE): Legislative Services

SUBJECT: RSA 541-A Amendments in the 2022 Legislative Session

To: All State Agencies

NOTICE OF AMENDMENTS TO RSA 541-A IN THE 2022 SESSION

Only one piece of legislation, HB 1059 (Chapter 32), effective 7-2-22, was adopted in the 2022 legislative session that amended RSA 541-A, in this case RSA 541-A:29-a, I. The change affects only boards, councils, or commissions subject to administration by the Office of Professional Licensure and Certification under RSA 310-A:1-a, I as summarized below.

Proposed amendments to the *Manual* to address changes required by legislation in the 2017 through 2022 legislative sessions will be submitted for JLCAR review and approval pursuant to RSA 541-A:8. Agencies should call the Office of Legislative Services, Administrative Rules (OLS) at 271-3680 if they have any questions, although OLS cannot provide legal advice.

In the meantime, memos summarizing the changes are linked on the OLS website main page at <http://gencourt.state.nh.us/rules/default.htm>. **Effective amendments to RSA 541-A supersede any contrary statements in the *Manual*.** Additions to RSA 541-A are shown below by ***bold italic***.

HB 1059 (Chapter 32). Effective 7-2-22.

CLARIFYING TIME LIMITS ON PROCESSING LICENSE APPLICATIONS

32:1 New Paragraph; Administration of the Office of Professional Licensure and Certification. Amends RSA 310-A:1-d by inserting after paragraph IV the following new paragraph:

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

32:2 Administrative Procedure Act; Failure of Agency to Act. Amends RSA 541-A:29-a, I to read as follows:

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

NOTE:

The amendment to RSA 541-A:29-a, I in ***bold italic*** adds an exception as provided in RSA 310-A:1-d, V to the automatic approval and issuance of a license when an agency subject to RSA 541-A fails to act upon the license application within the time limits under RSA 541-A:29. Due to the reference to RSA 310-A:1-d, V, the exception applies only to license applications made to a board, commission, or council subject to the administration of the Office of Professional Licensure and Certification under RSA 310-A:1-a, I. The automatic approval and issuance of a license would occur only “if the application otherwise meets the requirements for licensure established in law or administrative rule.”