

SB 185-FN - AS INTRODUCED

2025 SESSION

25-0964

09/05

SENATE BILL ***185-FN***

AN ACT relative to office of professional licensure and certification investigations.

SPONSORS: Sen. Pearl, Dist 17; Sen. Lang, Dist 2; Sen. Reardon, Dist 15; Sen. Innis, Dist 7; Sen. Rochefort, Dist 1; Sen. Rosenwald, Dist 13; Sen. McGough, Dist 11; Sen. Watters, Dist 4; Sen. Murphy, Dist 16; Sen. Perkins Kwoka, Dist 21; Sen. Ricciardi, Dist 9; Rep. C. McGuire, Merr. 27; Rep. Grote, Rock. 24; Rep. Moffett, Merr. 4; Rep. See, Merr. 26; Rep. Cambrils, Merr. 4

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill puts time limitations on investigations conducted by the office of professional licensure and certification in response to allegations of professional misconduct.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to office of professional licensure and certification investigations.

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

1 1 Office of Professional Licensure and Certification; Complaints and Investigations. Amend  
2 RSA 310:9, II through III to read as follows:

3 II. Upon receipt of an allegation of professional misconduct, ***within 30 days***, the office shall  
4 determine whether the allegation states a claim of professional misconduct on its face.

5 (a) If the office determines that the allegation does not state a claim, it shall make a  
6 recommendation to the board ***at its next regularly scheduled meeting*** for dismissal. The board  
7 shall review the office's recommendation and dismiss the allegation if it agrees with the office's  
8 recommendation. Each board shall dismiss a complaint if the board concludes that the allegations  
9 do not state a claim of professional misconduct.

10 (b) If the office determines that the allegation does state a claim on its face, the office  
11 shall proceed under paragraph III.

12 III. Notwithstanding any other law to the contrary, the office shall investigate allegations of  
13 misconduct by licensees (a) upon its own initiative or (b) upon confirmation that a written complaint  
14 alleging misconduct of a licensed or unlicensed individual or entity of a profession regulated under  
15 the office should be investigated. ***The office shall have 60 days to complete the investigation  
16 and report to the board at its next regularly scheduled meeting. If the investigation is  
17 incomplete, the board at its own discretion may either instruct the office to continue with  
18 its investigation or make a final determination on the claim within 60 days of receipt.***

19 2 Effective Date. This act shall take effect 60 days after its passage.

**SB 185-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to office of professional licensure and certification investigations.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$0	Indeterminable Increase in excess of \$1,000,000	Indeterminable Increase in excess of \$1,000,000	Indeterminable Increase in excess of \$1,000,000
<i>Revenue Fund(s)</i>	Office of Professional Licensure and Certification Fund			
<b>Expenditures*</b>	\$0	Indeterminable Increase in excess of \$1,000,000	Indeterminable Increase in excess of \$1,000,000	Indeterminable Increase in excess of \$1,000,000
<i>Funding Source(s)</i>	Office of Professional Licensure and Certification Fund			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill puts time limitations on investigations conducted by the Office of Professional Licensure and Certification (OPLC) in response to allegations of professional misconduct. Within 30 days of receiving an allegation of professional misconduct, the OPLC shall determine whether the allegation constitutes a claim of professional misconduct. If the Board agrees it does constitute a claim, the OPLC has 60 days to complete an investigation and report to the Board it's findings by the Board's next regularly scheduled meeting. The Board has the ability to make a final determination or extend the investigation if the investigation is incomplete after the 60 days.

The OPLC indicates that in order to comply with the statutory time limits in this legislation they would need to add five new investigative paralegals, two compliance officers, one paralegal, and an off-schedule physician investigator for the Board of Medicine. The position salaries are estimated as follows with the additional cost of \$50,000 total for equipment and other office supplies.

<b>ESTIMATED FISCAL IMPACT (ROUNDED)</b>			
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
Investigative Paralegals Salary and Benefits (5 positions)	\$585,000	\$590,000	\$615,000
Compliance Officer I Salary and Benefits (1 position)	\$106,000	\$107,000	\$111,000
Compliance Officer II Salary and Benefits (1 position)	\$117,000	\$118,000	\$123,000
Paralegal II Salary and Benefits (1 position)	\$96,000	\$98,000	\$101,000
Off Schedule Physician Investigator Salary and Benefits (1 position)	\$140,000	\$147,000	\$154,000
Computers, office equipment and other supplies	\$50,000	\$0	\$0
<b>Total Estimated Cost</b>	<b>\$1,094,000</b>	<b>\$1,060,000</b>	<b>\$1,104,000</b>

Additionally, the OPLC anticipates having to raise fees for all boards by an indeterminable increase to offset the costs of the new positions.

However, this bill does not provide funding nor does it authorize new positions.

It is assumed that any fiscal impact would occur after FY 2025.

**AGENCIES CONTACTED:**

Office of Professional Licensure and Certification