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STANDING ORDER

Board of Acupuncture

Order on Failed, Disputed, or Returned Licensee Fee Payments

WHEREAS, The Office of Professional Licensure and Certification ("OPLC") has the authority to establish and collect licensure and other administrative fees on license applicants and existing licensees pursuant to RSA 310:5, I and administrative rules Plc 1001 et seq. and Plc 1002 et seq.; and

WHEREAS, failure to pay the required fee (s) is a violation of OPLC statute and rules; and

WHEREAS, both the Board and OPLC considers an instance of failed, rejected, or returned licensee fee payment to constitute a failure to pay required license fees and a violation of RSA 310:5 and Plc 1001 et seq. and/or Plc 1002 et seq.; and

WHEREAS the OPLC considers such conduct a facially valid complaint of professional misconduct pursuant to RSA 310:9; and

WHEREAS the Board also considers such conduct a violation of law and sufficient grounds for the Board to initiate a disciplinary proceeding against a licensee under RSA 310:10 and Plc 200 et seq.; and

WHEREAS, the OPLC Executive Director has determined that waiver of the procedural requirements of Plc 204 et seq. and Plc 205.03 for such alleged violations is appropriate in accordance with Plc 206.05.

NOW THEREFORE, the OPLC Executive Director and/or Board order as follows with respect to situations where a license applicant or existing licensee has allegedly failed to pay the required fee(s) for the licensure:

1. The Executive Director hereby waives Plc 204 et seq. and 205.03 pursuant to Plc 206.05; and
2. The Board initiates disciplinary proceedings in such situations; and
3. The OPLC acting on behalf of the Board, shall serve the Notice of Adjudicatory Hearing on the respondent licensee in accordance with RSA 310 and Plc 200 et seq. The Notice of Adjudicatory Hearing shall be attached to a letter from OPLC staff that notifies the licensee of the failed, rejected, disputed, or returned payment and provides instructions for remitting remedial fee payment plus payment for any additional fees incurred as a result of the failed, rejected, disputed, or returned payment. OPLC shall cancel the hearing for any licensee who successfully remits fully payment in advance of the hearing. OPLC shall provide notice of that cancellation to the Board and the Enforcement Division.
4. The Board hereby directs the presiding officers employed by the OPLC pursuant to RSA 310:11 to receive evidence, make findings of fact, determine appropriate action(s), and accept or deny settlement agreements for all matters in which the only issue in dispute pertains to for failed, disputed, or returned license fee payments.

This standing order shall remain in effect until terminated by operation of law or the Board votes to rescind the Order.

By Order of the Board and Executive Director:

Date:

Board Chair:

Date:

Executive Director: