

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Plc 1600

<p>1. Agency Name & Address:</p> <p>Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 326-M:2, II; RSA 326-M:4; RSA 310:6, II</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Registration of Nurse Agencies**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The Executive Director of the Office of Professional Licensure and Certification (OPLC) is proposing to adopt rules to implement, for the first time, RSA 326-M as enacted by 2023, 242 (eff. 10-07-23), relative to the registration of nurse agencies. The statute defines a “nurse agency” as “any individual, firm, corporation, partnership or other legal entity that employs, assigns or refers nurses or licensed nursing assistants to a health care facility on a per diem or temporary basis for a fee.”

The rules are intended to establish the criteria and procedures for initial and renewal registration of nurse agencies, as well as obligations of registered nurse agencies and procedures for discipline and reinstatement of registrations.

6. (b) Brief description of the groups affected:

The proposed rules will affect any individual or entity that wishes to operate as a nurse agency in New Hampshire on or after January 1, 2024.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	State Statute(s) Implemented
Plc 1600 (see below for additional/specific statutes)	RSA 326-M
Plc 1603	RSA 310:4, II(c); RSA 310:8, I; RSA 326-M:2, I
Plc 1604	RSA 310:9
Plc 1605	RSA 310:8, II-IV; RSA 326-M:2, I
Plc 1606	RSA 326-M:3
Plc 1607	RSA 310:4, II(d); RSA 310:9; RSA 310:10

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Gretchen Hamel**

Title: **Program Specialist IV**

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Mailing Address: **OPLC
7 Eagle Square
Concord, NH 03301**

Phone #: **Please contact via email**
Fax #: **[discontinued]**
E-mail: Gretchen.R.Hamell@oplcnh.gov

The rules can be reviewed on-line at <https://www.oplc.nh.gov/oplc-laws-and-rules>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 PM on Wednesday, February 7, 2024**

Please submit comments to OPLC-Rules@oplcnh.gov

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, January 30, 2024 at 2:00PM**

Physical Location: **Board Room (2nd Floor), Office of Professional Licensure & Certification, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **Not applicable**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 23:304, dated 12/22/2023

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

Not applicable as these are new rules.

2. **Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

This proposed rule establishes definitions and requirements for Nurse Agencies based on RSA 326-M. Any associated costs or benefits would be attributable to RSA 326-M and the new cost for licensing fees would be attributable to Plc 1002 once established.

- A. **To State general or State special funds:**

None

- B. **To State citizens and political subdivisions:**

None

- C. **To independently owned businesses:**

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rules do not apply to political subdivisions, and do not impose any costs. The rules thus do not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures and so do not violate Part I, Article 28-a of the N.H. Constitution.