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State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
7 Eagle Square, Suite 200
Concord, New Hampshire 03301
Telephone: (603) 271-2152

Lindsey B. Courtney
Executive Director

July 29, 2021

The Honorable Kenneth Weyler, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the Office of Professional Licensure and Certification to accept and expend $1,745,321 of additional revenue (License Fees and Professional Health Program Fees) and to establish classes 059 and 102, effective upon Fiscal Committee and Governor and Executive Council approval through June 30, 2022. 100% Agency Funds.

2. Pursuant to RSA 124:15, I, authorize the Office of Professional Licensure and Certification to establish the following temporary full-time positions for the purpose of managing the agency's procurement of new information systems, effective upon Fiscal Committee and Governor and Council approval through June 30, 2023. 100% Agency Funds.

No.	Title	Labor Grade	Salary Range
1	Business Systems Analyst I	28	$58,636.50–$83,869.50
2	Business Systems Analyst I	28	$58,636.50–$83,869.50

Funds to be budgeted as follows:

01-021-2110-24040000 Office of Professional Licensure and Certification Division of Administration			
Class / Description	**FY22 Current Budget**	**Requested Action**	**FY22 Revised Budget**
Expenditures			
010 - PERSONAL SERVICES PERM CLASSIFIED	573,012	0	573,012
011 - PERSONAL SERVICES UNCLASSIFIED	117,804	0	117,804
020 - CURRENT EXPENSES	537,300	40,000	577,300
022 - RENTS-LEASES OTHER THAN STATE	393,000	340,344	733,344
026 - ORGANIZATIONAL DUES	87,000	3,000	90,000
027 - TRANSFERS TO DOIT	1,266,747	0	1,266,747

028 - TRANSFERS TO GENERAL SERVICES	4,301	0	4,301
030 - EQUIPMENT NEW REPLACEMENT	50,000	120,000	170,000
038 - TECHNOLOGY-SOFTWARE	3,000	1,500	4,500
039 - TELECOMMUNICATIONS	64,500	25,000	89,500
040 - INDIRECT COSTS	1,131,120	0	1,131,120
046 - CONSULTANTS	80,000	0	80,000
049 - TRANSFER TO OTHER STATE AGENCIES	663,820	0	663,820
050 - PERSONAL SERVICE TEMP APPOIN	24,388	300,000	324,388
057 - BOOKS, PERIODICALS, SUBSCRIPTION	4,000	2,500	6,500
059 - TEMP FULL TIME	0	167,739	167,739
060 - BENEFITS	380,300	94,950	475,250
061 - UNEMPLOYMENT COMPENSATION	3,020	0	3,020
062 - WORKERS COMPENSATION	3,020	0	3,020
064 - RET-PENSION BENE-HEALTH INS	236,500	4,245	240,745
065 - BOARD EXPENSES	208,000	2,600	210,600
066 - EMPLOYEE TRAINING	8,000	1,500	9,500
070 - INSTATE TRAVEL REIMBURSE	47,000	30,000	77,000
080 - OUT OF STATE TRAVEL	6,000	0	6,000
102 - CONTRACTS FOR PROGRAM SERVICES	0	345,000	345,000
211 - PROPERTY & CASUALTY INSURANCE	3,090	2,087	5,177
531 - IMPAIRED PROGRAMS	542,000	264,856	806,856
Total Expenditures	**6,436,922**	**1,745,321**	**8,182,243**
Revenue			
00C-401350 - AGENCY INDIRECT COST RECOV	4,301	0	4,301
009-401867 - AGENCY INCOME	6,432,621	938,465	7,371,086
009-403166 – PROFESSIONALS' HEALTH PROGRAM	0	806,856	806,856
Total Revenue	**6,436,922**	**1,745,321**	**8,182,243**

EXPLANATION

The Office of Professional Licensure and Certification (OPLC) requests to accept additional revenue and expend funds to 1) obtain more physical office space and fund move-related expenses, 2) support the statutorily mandated Professionals' Health Program, 3) support payment of statutorily required licensure exams, 4) establish appropriations for the Mechanical Licensing Board, and 5) establish two, temporary full-time positions to manage the agency's procurement of new information systems.

Agency Physical Relocation/Need for Office Space.
OPLC requests an additional $340,344 in appropriations to be fully supported from agency income (OPLC FUNDS) to support an amendment to its existing, commercial lease of space at 7 Eagle Square, Concord, New Hampshire to acquire additional office space. OPLC also requests an additional $120,000 in appropriations from agency income to support one-time, move-related expenses. Until July 2020, OPLC was physically located at the Anna Philbrook building, where it occupied approximately 27,743 square feet of space. In late May 2020, OPLC was advised that it needed to physically relocate from the

Anna Philbrook building by July 1, 2020, so that Department of Health and Human Services (DHHS) could convert the building to transitional housing. There was no appropriate state-owned building available and, at the time, the only available commercial space that was available within the very short timeframe was 16,247 square feet of space at 7 Eagle Square (Suites 100, 200, and 300). The ten-year lease was approved by Governor and Council on August 5, 2020.

OPLC has already outgrown its existing space at 7 Eagle Square. Notably, the 16,247 square feet of space currently leased by OPLC at 7 Eagle Square was an approximate 40% decrease in space that OPLC occupied at the Anna Philbrook Building nearly one year ago. Since leaving Philbrook, OPLC has also added necessary staff members such as embedded IT support and the Mechanical Licensing Board staff transferred as of July 1, 2021 from the Department of Safety with the passage of HB2. With the vast reduction in space, the increase in staff members, and the modifications to allow for social distancing, OPLC currently cannot fit all of its staff members at the building at 7 Eagle Square. OPLC is also struggling to manage conference meeting space between its two board conference rooms for its fifty-four licensing boards, as well as committees and subcommittees.

In or around May 2021, Deloitte, a state contractor, unexpectedly vacated Suite 301 (approximately 14,000 square feet) at 7 Eagle Square, rendering additional space in the building available. OPLC immediately sought to procure additional space to recoup the space it lost in the move from Philbrook, and to house additional staff and meeting space for its licensing boards. OPLC is exploring several options to ensure that it is pursuing the most cost-effective approach that will also meet the state's needs.

Due to the extensive modifications and buildout to the building to allow for ADA accommodations, should OPLC not seek to lease the entire space available, OPLC believes the most cost-effective approach is to amend the lease to permit OPLC to acquire the entire Suite 301 (approximately 14,000 square feet), with no buildout necessary. With the addition of this space, OPLC will be able to fully house all of its staff at one location, and host all board meetings onsite. Additionally, OPLC will be able to grow, as needed, should additional staff be added in the future. Finally, the space requires no to minimal modification, and can permit the agency to move in in a short timeframe. The proposed space is approximately a 10% increase in occupied space from the space OPLC occupied at Philbrook.

Accordingly, OPLC requests additional appropriations in the amount of $340,344 in class 022 to support the amendment of its lease, as well as $120,000 in class 030 to support one-time move related-expenses and workstation purchases. These appropriations will be fully funded by agency fees. OPLC will be able to support an increase in appropriations as requested.

Professionals' Health Program

OPLC requests an additional $264,856 in appropriations to be fully supported from agency income (OPLC FUNDS) to cover additional costs not originally appropriated in the FY 2022 budget for the Professionals' Health Program (PHP). OPLC is statutorily required to contract with an organization on behalf of the Board of Nursing to operate a PHP for licensees who are impaired by substance use disorder or mental or physical illness (RSA 326-B:36-a, VI). Other health licensing boards within OPLC, including but not limited to the Board of Medicine and Board of Pharmacy, may require licensees whose ability to practice safely is impaired or could reasonably be expected to become impaired by a mental or physical illness, including by substance abuse or disruptive behavior, to participate in a PHP as a condition of continued licensure. The contract for PHP services is funded through a dedicated, non-

lapsing fund for the administration of the PHP, comprised of fees charged to licensees per year at the time of licensure.

The PHP develops, administers, and monitors treatment plan contracts with licensees. The PHP may require impaired licensees to obtain care, counseling, or treatment. The PHP monitors the licensee's recovery process, which may include body fluid monitoring, support group programs, and any other related programs or interventions that will help the healthcare professional return to full service in his or her professional capacity. If the licensee violates the contract with the PHP, the PHP reports the licensee to the respective licensing board for possible disciplinary action. Permitting health licensing boards to refer potentially impaired licensees to the PHP for monitoring is crucial to ensuring public safety, while at the same time providing potentially lifesaving assistance to those professionals who are impaired. After participating successfully in a PHP, many licensees are able to return to work safely.

OPLC requires additional funds to support the proposed current contract with the only in-state vendor that provides the statutorily-required services noted above. In April 2021, OPLC released a Request for Proposal, advertising for proposals on the state's website, as required by RSA 21-G. OPLC received two proposals. OPLC selected an out-of-state vendor, which scored the highest and also offered the lowest price that was within OPLC's current FY22 appropriations. At the June 30, 2021, Governor and Executive Council meeting, however, the Governor and Executive Council did not approve the contract, noting that the vendor was an out-of-state vendor. Accordingly, OPLC entered into a sole source contract with the current and only in-state vendor. To support the proposed contract, OPLC requires additional appropriations in the amount of $264,856.

Pass-thru Examination and National Registry Costs
OPLC requests an additional $345,000 in appropriations to be fully supported from agency income (OPLC FUNDS) to cover additional costs not originally appropriated in the FY 2022 budget. At the time it submitted its budget request, OPLC had anticipated that the necessary administrative rule changes would be in effect before FY 2022 allowing applicants for state licensure exams the ability to pay the testing contractors directly without the need to send testing fees through OPLC. Unfortunately, the rules still need to make it through the respective Board and JLCAR approval process and it is anticipated that they may not be in place for several months. Until such time as these rules are in place, OPLC must continue to collect these testing pass-thru fees from applicants of the Real Estate Commission and the Board of Licensing for Alcohol and Other Drug Use Professionals.

Further, OPLC is required to pay the Federal Government (Appraisal Subcommittee) for the National Registry fees for NH Real Estate Appraisers per Federal Law (12 CFR, §1102.402) which are $80 for each biennial NH Real Estate Appraiser License. These are pass-thru costs paid as part of the application fees paid by licensees as required by the above Federal Law.

Appropriations for the Mechanical Licensing Board
OPLC requests additional appropriations to be fully supported from agency income (OPLC FUNDS) to cover additional costs not originally appropriated in the FY2022 budget. OPLC acquired the Mechanical Licensing Board from the Department of Safety on July 1, 2021, as a result of HB2. With the exception of personnel and benefits, the budget originally proposed by the Department of Safety to support the Mechanical Licensing Board was not included in OPLC's final budget. Accordingly, OPLC requests an additional $112,432 in appropriations to support the Mechanical licensing Board, specifically the following: (1) $40,000 in Class 20 (Current Expenses); (2) $3,000 in Class 26 (Organizational Dues); (3) $1,500 in Class 38 (Technology/Software); (4) $25,000 in Class 39 (Telecommunications); (5) $2,500 in

Class 57 (Books, Periodicals, Subscription); (6) $4,245 in Class 64 (Ret-Pension Bene-Health Ins); (7) $2,600 in Class 65 (Board Expenses); (8) $1,500 in Class 66 (Employee Training); (9) $30,000 in Class 70 (Instate Travel Reimbursement); and (10) $2,087 in Class 211 (Property and Casual Insurance).

Temporary Positions to Support Information Systems
OPLC is seeking approval for two (2) full time Business Systems Analysist I positions from agency income (OPLC FUNDS) for the purpose of formulating and analyzing information system procedures and controls to support the OPLC in achieving its objectives and in improving the effectiveness and efficiency of its business processes. Responsibilities include determining project scope, business and system requirements, business rules, analysis of proposed new systems to determine alternative designs and controls, development of information system procedures, identification of impact to existing systems, proposal of a recommended system design, and development of system test plans, implementation tasks, documentation, and knowledge transfer.

With the continued re-organization of fifty plus licensing boards under a single state agency, the OPLC continues to seek appropriate business solutions and seeks to maximize and leverage information technology solutions that will continue to increase productivity and efficiency of its daily operations and reduce operational costs. The OPLC realizes its technical deficiencies and growing IT needed to meet its operational goals and objectives.

Some of these needs include but are not limited to:

- **Web Development:** Continuously improving online access for licensees, the Boards and consumers.
- **Infrastructure Projects:** Development of appropriate solutions such as phones, networks, and security
- **Process Redesign:** Development of streamlined business processes and controls
- **Business Applications:** My License Online, Enforcement Case Management.
- **User Support and Account Maintenance:** With the agency reorganization, user management is critical for ensuring the safety and integrity of its systems and document management.
- **User Training and Development**

Online Licensing: Established as the highest OPLC priority, additional support is needed for the continued effort to make initial licensure and renewal of licenses available online. The initiative requires business process redesign and system changes of the My License Office for streamlined applications, intuitive user interfaces and document management. In addition, the current contract for the My Office Online is scheduled to expire in Fiscal Year 2024. It is critical that online licensing is complete before the awarding of a new contract. IT resources will be required to participate in the development of requirements for the Request for Proposals and Contract.

Enforcement Case Management: With the implementation of the OPLC Enforcement Unit, a business solution is required for a safe and secure Enforcement Case Management System. Currently, the Enforcement Unit is utilizing Microsoft Office applications, such as MS Excel, for tracking consumer complaints, investigations and enforcement of licensed professions. The method of managing daily operations in this manner is not secure, practical or efficient for supporting this critical OPLC business function.

The Enforcement Case Management system will allow OPLC Investigators to:

- Receive and catalog complaints
- Create and assign cases for investigation of allegations of non-compliance
- Assign and manage active caseloads
- Capture and record evidence of non-compliance of licensees
- Case reports and efficient management of workloads
- Support workflows that include referrals to the OPLC Hearing Office and Board review.
- Board Actions
- Notifications and correspondence with licensees and licensed establishments.
- User administration, profile and security
- Training
- Ongoing system support and maintenance

Customer Support: Several initiatives are required for improving licensee and public access to information. Some of these initiatives include OPLC website development, continued development of the Customer Support Unit, improved email and phone directories.

User Accounts and Security: With the re-organization of OPLC, user access and security is critical. Initiatives for improved security that support daily operations, systems access and data management require the redesign and implementation of security control groups and user permissions based on job functions. In addition, Board members will receive State user and email accounts for the purpose of conducting state and Board business. This addition of three hundred plus Board members will substantially increase the demand on current IT resources for user account support, such as creation and maintenance of Board member accounts.

The following information is being provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

1. List of personnel involved: Two, temporary full-time Business System Analyst I (BSA I) positions.

2. Nature, Need, and Duration: OPLC requires two BSA I positions through FY23, so that it may complete its restructuring project, as well as implement the existing agency priorities of transitioning all licensing and enforcement case processing online, prior to the expiration of the current state contract of the enterprise solution, My License Office, as noted above.

3. Relationship to existing agency programs: The two positions will support additional IT needs as identified in the agency's IT plan for FY22 and FY23.

4. Has a similar program been requested of the legislature and denied? No.

5. Why wasn't funding included in the agency's budget request? Funding for two BSA I positions was not included in the agency's budget request because, at the time of the agency's budget submission, the agency had just acquired two embedded IT positions, and it was not clear that the agency required additional IT support. Over the last 10 months, with embedded IT support, the agency has been able to move all renewal licensing online, develop an entire new website, revise the agency infrastructure, complete agency transfers, and implement a priority project task list. However, these positions are maximized and will not be able to complete additional priority tasks in the timeframe required as a result of the expiration of existing state contracts. Accordingly,

additional support is needed.

6. Can portions of grant funds be utilized? These positions will be funded with agency funds.

7. Estimate the funds required to continue this position(s): Assuming the hires are at the highest Salary Step, the cost for salary and benefits for each BSA I would be $119,430 for a total of $238,860 in salary and benefits per year. In the event that Agency Funds are no longer available, General Funds will not be requested to continue the support of this program

Division of Administration (2404) 100% Agency Funds.

Class 20	Increase of $40,000 necessary for added costs associated with the Mechanical Licensing Board being moved to OPLC with the passage of HB2.
Class 22	Increase Rents-Leases as noted above for additional office space for 11 new positions in the FY22-23 approved budget as well as 7 new staff from the Mechanical Licensing Board.
Class 026	Increase of $3,000 for added costs associated with the Mechanical Licensing Board being moved to OPLC.
Class 030	Increase required for expenses related to increase in office space, including the purchase of workstations and related equipment for additional OPLC staff.
Class 038	Increase of $1,500 for added costs associated with the Mechanical Licensing Board being moved to OPLC.
Class 039	Increase of $25,000 for added costs associated with the Mechanical Licensing Board being moved to OPLC and for additional phone lines needed for additional office space for new staff.
Class 050	Increase of $300,000 necessary to maintain part-time staff necessary to manage workload with the additional statutory requirements placed on OPLC by HB 143 (relative to an electronic prescription drug program and establishing licensure and requirements for licensed social workers, licensed social work associates, and social work conditional licenses), as well as with the administrative support required as a result of the Mechanical Licensing Board being moved to OPLC.
Class 057	Increase of $2,500 for added costs associated with the Mechanical Licensing Board being moved to OPLC.
Class 059	New class needed for the above-noted, two full-time temporary IT positions necessary to manage the agency's procurement of new information systems for its Enforcement Division (Inspectional, Investigational and Complaint/Disciplinary Case Tracking Data Systems).

Class 060	Increase in associated benefit costs related to increases in OPLC's Class 050 and 059 classes.
Class 064-070	Increases for added costs associated with the Mechanical Licensing Board being moved to OPLC.
Class 102	Establish Class and Increase Contracts for Program Services by $345,000 for exam and registry pass-thru costs as noted on page 4.
Class 531	Increase Impaired Programs by $264,856.00 as noted on pages 3-4.

Respectfully submitted,

Lindsey B. Courtney
Executive Director

Office of Professional Licensure and Certification (OPLC - 021)
State Fiscal Year 2022 Fiscal Situation

	FY 2022 Amount
SFY 22 Enacted Budget Revenue	12,640,117
SFY 22 Anticipated Revenues	14,500,000
SFY 22 Anticipated Revenue Surplus	**1,859,883**

SFY 22 Anticipated Revenue Surplus	**1,859,883**
Less Revenue Required to Support this Request	(1,745,321)
SFY 22 Anticipated Revenue Surplus (Upon Fiscal Committee & Governor and Council Item Approval)	**114,562**

The Office of Professional Licensure and Certification anticipates FY 2022 actual revenue received to exceed the $12,640,117 amount required to support our FY 22 Enacted budget, as has historically been the case. OPLC anticipates the higher actual FY 22 revenue received due to acquiring the Mechanical Licensing Board, impaired programs pass-through income, typical annual licensee count increases, and in process license/fee adjustments.