

CHAPTER 132
SB 277-FN - FINAL VERSION

4May2022... 1773h

2022 SESSION

22-2939
04/05

SENATE BILL

277-FN

AN ACT

relative to emergency or temporary health care licenses.

SPONSORS:

Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Prentiss, Dist 5; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Gray, Dist 6; Sen. Giuda, Dist 2; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Sen. Sherman, Dist 24; Sen. Gannon, Dist 23; Sen. Morse, Dist 22; Sen. Daniels, Dist 11; Sen. Soucy, Dist 18; Rep. Alexander Jr., Hills. 6; Rep. Bucu, Carr. 2; Rep. Rice, Hills. 37; Rep. Lang, Belk. 4

COMMITTEE:

Finance

AMENDED ANALYSIS

This bill extends the expiration date for the emergency licensing process and the emergency or temporary licensing of health care workers enacted in 2021, 121 (SB 155-FN), converts the temporary or emergency licenses issued to permanent licenses, and extends the repeal dates of those provisions.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to emergency or temporary health care licenses.

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

1 132:1 Office of Professional Licensure and Certification; Emergency Licenses Converted. RSA 310-
2 A:1-i is repealed and reenacted to read as follows:

3 310-A:1-i Emergency Licenses Process. Notwithstanding any other law to the contrary, the office of
4 professional licensure and certification may issue emergency licenses to the following applicants:

5 I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is
6 no longer active, subject to the following:

7 (a) The medical provider's license was in good standing prior to being placed in inactive or
8 lapsed status.

9 (b) A medical provider shall be required to present evidence that they are current with
10 continuing education pursuant to the applicable statute as a condition of licensure.

11 II. Any medical provider previously licensed to practice in another jurisdiction within the last 3
12 years whose license is no longer active, subject to the following:

13 (a) The medical provider's license was in good standing in another United States jurisdiction
14 prior to being placed in inactive or lapsed status; and

15 (b) The medical provider presents evidence to the office of professional licensure and
16 certification that the medical provider was licensed and in good standing immediately prior to the change
17 in licensure status.

18 (c) A medical provider shall be required to present evidence that they are current with
19 continuing education pursuant to the applicable statute as a condition of licensure.

20 III. Any fellow enrolled in a New Hampshire program accredited by the Accreditation Council for
21 Graduate Medical Education to practice within the fellow's core specialty, subject to the following:

22 (a) The fellow is American Board of Medical Specialties (ABMS) or American Osteopathic
23 Association (AOA) board-eligible or certified in the core specialty.

24 (b) The fellow is appointed to the medical staff at a sponsoring institution and will engage in
25 practice consistent with the policies and procedures of the sponsoring institution and its participating sites.

26 (c) The time spent in core specialty service is limited to 20 percent of the fellow's annual
27 education time in any academic year.

28 (d) A fellow seeking to practice under this paragraph shall provide the office of professional
29 licensure and certification with appropriate evidence that the required qualifications have been met.

30 IV. Senior nursing students, who are scheduled to graduate within 5 months from the date of
31 application, from a board of nursing approved registered nursing or practical nursing program, subject to
32 the following:

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1 (a) The individual is employed by, or providing health care services at the direction of, a
2 licensed health care facility or a licensed health care provider.

3 (b) The individual is directly supervised while providing health care services.

4 (c) The health care services are being provided in response to the COVID-19 pandemic.

5 V. Any provider seeking an emergency license under this section shall submit his or her request
6 on a form adopted by the office of professional licensure and certification for such purpose.

7 VI. In this section, an applicant in good standing shall include medical providers who are subject
8 to nondisciplinary conditions, but shall not include medical providers whose licenses have been revoked,
9 canceled, surrendered, suspended, denied, or subject to disciplinary restrictions.

10 VII. A license issued pursuant to this section on or before January 31, 2022 shall be converted to
11 a permanent, single state license as of the effective date of this section. For the purpose of license
12 renewal, the date of original license issuance shall be used.

13 VIII. Emergency licenses issued during the COVID-19 pandemic pursuant to the governor's
14 executive order 2020-04 on or before January 31, 2022 shall not be deemed to have lapsed upon
15 expiration of the state of emergency and shall be converted to a permanent license under this section on
16 the effective date of this section.

17 IX. All individuals licensed under this section shall be subject to the jurisdiction of the state
18 licensing body for that profession.

19 X. The office of professional licensure and certification may issue guidance relative to the
20 emergency licensing process established in this section, which may include guidance concerning the
21 appropriate supervision of nursing students. Any guidance shall be posted on the board's website.

22 132:2 Emergency or Temporary Health Care Licenses. Amend 2021, 121:8 to read as follows:

23 121:8 Emergency or Temporary Healthcare [~~Licenseses~~] **Licenses**. Healthcare workers issued
24 emergency or temporary licenses during the COVID-19 pandemic ***on or before January 31, 2022***,
25 including but not limited to those recruited for youth camps, organized recreation, and community-
26 sponsored recreation, and who meet the requirements for such licensure, shall be allowed to continue in
27 their professional capacity for so long as the emergency or temporary license remains valid. The office of
28 professional licensure and certification shall continue to offer and issue emergency or temporary licenses
29 for healthcare workers; provided that any emergency or temporary licenses issued during the COVID-19
30 pandemic or in response to conditions occurring immediately thereafter shall expire no later than [~~January~~
31 ~~31, 2022~~] ***June 30, 2023***.

32 132:3 Repeal. RSA 310-A:1-i, relative to the emergency license process, is repealed.

33 132:4 Effective Date.

34 I. Section 3 of this act shall take effect June 30, 2023.

35 II. The remainder of this act shall take effect upon its passage.

Approved: June 03, 2022

Effective Date:

I. Section 3 effective June 30, 2023

II. Remainder effective June 3, 2022

