

JUN 11 2021

APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

ADOPTED RULE	
DOCUMENT #	13213
FILED	6-11-21
EFFECTIVE	6-11-21
EXPIRES	12-8-21

Document Number 13213 Rule Number Plc 800

<p>1. Agency Name &amp; Address:</p> <p><b>Office of Professional Licensure &amp; Certification 7 Eagle Square Concord, NH 03301</b></p> <p>5. Date of Filing: <b>June 11, 2021</b></p>	<p>2. RSA Authority: <b>RSA 310-A:1-f; RSA 332-G:14</b></p> <p>3. Federal Authority: <b>n/a</b></p> <p>4. Type of Action:</p> <p>Adoption <u>  X  </u></p> <p>Amendment <u>          </u></p> <p>Repeal <u>          </u></p>
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6. Short Title: **Procedures for Issuing Temporary Licenses**

7. Contact person for copies and questions:

Name: <b>Lindsey B. Courtney</b>	Title: <b>Executive Director</b>
Address: <b>7 Eagle Square Concord, NH 03301</b>	Phone #: <b>(603) 271-6985</b>


**\*\*PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

- 8. An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.
- 9. A summary of the effect if the rule were not adopted.
- 10. A description of those affected.

**\*PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the emergency rule to the Office of Legislative Services, Administrative Rules.

**\*\*PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,\* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 6/11/21 Signature: 

Name: Lindsey B. Courtney

Title: Executive Director

\*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

8. On Friday, March 13, 2020, Governor Chris Sununu signed Executive Order 2020-04. This executive order declared a state of emergency due to Novel Coronavirus (COVID-19). Section 5 of the Executive Order states:

Any out-of-state personnel, including, but not limited to, medical personnel, entering New Hampshire to assist in preparing for, responding to, mitigating the effects of, and recovering from COVID-19 shall be permitted to provide services in the same manner as prescribed in RSA 21-P:41 and any other applicable statutory authority with respect to licensing and certification regarding mutual aid during emergencies for a period of time not to exceed the duration of this emergency.

On March 23, 2020, the Governor issued Emergency Order #15, which states, in part:

To protect the public's health and increase access to medical care in New Hampshire, any out-of-state medical provider whose profession is licensed within this State shall be allowed to perform any medically necessary service as if the medical provider were licensed to perform such service within the state of New Hampshire subject to the following conditions:

- a) The medical provider is licensed and in good standing in another United States jurisdiction.
- b) The medical services provided within New Hampshire are in-person or through appropriate forms of telehealth, as set forth in Emergency Order #8.
- c) The medical provider presents to the Office of Professional Licensure & Certification evidence that they are licensed in good standing in another jurisdiction. Such medical providers shall be issued an emergency New Hampshire license at no cost, which shall remain valid during the declared state of emergency.
- d) Medical providers shall be subject to the jurisdiction of the appropriate state licensing body while providing services within New Hampshire.

Emergency Order #15 has been renewed consistently since March 2020, through Executive 2020-04 (2020) as extended by Executive Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17, 2020-18, 2020-20, 2020-21, 2020-23, 2020-24, 2020-25, 2021-01, 2021-02, 2021-04, 2021-05, 2021-06, and 2021-08. To date, OPLC has issued over 22,000 emergency licenses, representing nearly 10% of the State's authorized healthcare workforce. Approximately 65% of physicians authorized to practice in New Hampshire, 63% of psychologists authorized to practice in New Hampshire, and 45% of clinical mental health counselors authorized to practice in New Hampshire are doing so under an emergency license issued pursuant to Emergency Order #15. Pursuant to Emergency Order #15, these emergency licenses remain valid only during the declared state of emergency.

On June 12, 2021, the State of Emergency will expire. These emergency rules convert the existing emergency licenses to temporary licenses and provide a mechanism for out-of-state health care providers to apply for a temporary license under RSA 310-A:1-f. OPLC has current statutory authority to issue temporary licenses pursuant to RSA 310-A:1-f (this legislation authority was

sought during the COVID-19 pandemic), but was operating under the emergency orders to issue emergency licenses to assist with the COVID-19 pandemic during the state .

These rules are being implemented because there is an imminent peril to public health and safety which requires that these emergency rules be implemented to prevent the imminent peril. Nearly 10% of the State's authorized healthcare workforce has only an emergency license. Should authorization to practice for these individuals cease without ample notice, the State could face a massive shortage of eligible healthcare workers and a discontinuation of care. As the State was already facing a health care workforce shortage when COVID-19 began, a sudden loss of qualified licensees in the State would have devastating impact on public health. These rules are not being adopted solely to avoid the time requirements of RSA 541-A, but to avoid an imminent period to public health and safety that would take place if the State lost access to 10% of its authorized healthcare workers.

9. If these rules were not adopted, New Hampshire would lose nearly 10% of its authorized healthcare workers overnight, at a time when New Hampshire already faces a significant healthcare workforce shortage. New Hampshire would not be able to provide an adequate workforce to meet the health needs of its constituents.

10. These emergency rules will affect out-of-state licensees that wish to practice in New Hampshire, including those who have an emergency license issued pursuant to Emergency Order #15 pursuant to Executive Order #2020-04.

Doc. # 13213 (app. 6-11-21)  
Emergency Rule Expires: 12-8-21  
Adopt Plc 800 to read as follows:

CHAPTER Plc 800 TEMPORARY LICENSURE

PART Plc 801 SCOPE AND DURATION

Plc 801.01 Scope. This chapter shall apply to any out-of-state healthcare professional whose profession is licensed within this state and who has an active license in good standing in another jurisdiction. For the purposes of this chapter, health care professionals shall be defined consistent with RSA 310-A:1-f.

Plc 801.02 Duration. A temporary license issued under this section shall remain valid for 120 days, or until the board, council, or commission takes action on application for full licensure, whichever occurs first.

PART Plc 802 PROCEDURES FOR APPLYING FOR AN TEMPORARY LICENSE

Plc 802.01 Method of Applying for a Temporary License.

(a) Applicants for an emergency license shall provide the executive director of the Office of Professional Licensure and Certification with the following:

- (1) First, middle, and last name, as well as a maiden name or any other names used;
- (2) Home address;
- (3) Phone number;
- (4) Social security number;
- (5) Email address;
- (6) Date of birth;
- (7) An answer to the question “Have you ever received disciplinary action against any professional license or certification in any state or jurisdiction including reprimand, probation, suspension, revocation, educational or practice stipulations, fines or voluntary surrender?”
- (8) If the answer to (7) is in the affirmative, a detailed letter of explanation explaining the circumstances for the disciplinary action;
- (9) A list of the states where the provider holds an active license where they are in good standing;
- (10) Verification of licensure from one of the states listed in (9). Verification ~~may~~ **shall** be in the form of an official verification from the applicant’s original state of licensure or a printout from an online license verification system; and
- (11) An electronic signature under the following certification:

Under penalty of law, I state that the information provided is accurate to the best of my knowledge and belief. I understand knowingly providing false information may be grounds

for denial, probation, reprimand, suspension or revocation of a license and may be grounds for conviction of a misdemeanor.

(b) Applications shall be made electronically via the State's licensing portal at the following address: <https://www.app-support.nh.gov/licensing/>.

Plc 802.02 Processing of Applications. The executive director of the Office of Professional Licensure and Certification shall grant a temporary license to applicants who are health care professionals and who provide sufficient proof that they hold a license in good standing in another jurisdiction. Individuals presently holding an emergency license issued pursuant to Emergency Order #15 pursuant to Executive Order 2020-04, shall be deemed to have applied for a temporary license under this chapter and shall be issued a temporary license upon adoption of this rule.