

CHAPTER 121

SB 155-FN - FINAL VERSION

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2021 SESSION

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SENATE BILL **155-FN**

AN ACT codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic.

SPONSORS: Sen. Bradley, Dist 3

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

- I. Establishes the position of temporary health partner.
 - II. Authorizes emergency licensing of medical providers.
 - III. Authorizes COVID-19 testing by pharmacists and pharmacy technicians.
 - IV. Permits out-of-state pharmacies providing investigational drugs to clinical trial participants in New Hampshire to be temporarily licensed as mail-order pharmacies.
 - V. Protects the pre-existing, non-conforming use status of summer camps that were unable to operate during the summer of 2020 or 2021 due to COVID-19.
 - VI. Allows expanded outdoor dining.
 - VII. Provides for the continued temporary licensure of healthcare workers through the office of professional licensure and certification.
 - VIII. Authorizes pharmacy technicians to administer COVID-19 vaccines.
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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

121:2 New Section; Office of Professional Licensure and Certification; Emergency Licensing Process. Amend RSA 310-A by inserting after section 1-h the following new section:
310-A:1-i Emergency Licensing Process. Notwithstanding any other law to the contrary, the office of professional licensure and certification may issue emergency licenses to the following applicants:

- I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is no longer active, subject to the following:
 - (a) The medical provider's license was in good standing prior to being placed in inactive or lapsed status.
 - (b) Notwithstanding any law or rule to the contrary, a medical provider shall not be required to complete continuing education as a condition precedent to reactivating their license pursuant to this section.
- II. Any medical provider previously licensed to practice in another jurisdiction within the last 3 years whose license is no longer active, subject to the following:
 - (a) The medical provider's license was in good standing in another United States jurisdiction prior to being placed in inactive or lapsed status; and
 - (b) The medical provider presents evidence to the office of professional licensure and certification that the medical provider was licensed and in good standing immediately prior to the change in licensure status.
 - (c) Notwithstanding any law or rule to the contrary, a medical provider shall not be

required to complete continuing education as a condition precedent to receive an emergency license pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

VII. Licenses issued pursuant to this section shall be on a temporary basis and shall expire on or before January 31, 2022.

VIII. Emergency licenses issued during the COVID-19 pandemic pursuant to the governor's executive order 2020-04 shall not be deemed to have lapsed upon expiration of the state of emergency and shall be converted to a license under this section on the effective date of this section. This provision is intended to apply retroactively to extend the expiration date of all emergency licenses issued under executive order 2020-04 to January 31, 2022.

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

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

121:10 Prospective Repeals. The following are repealed:

- I. **RSA 310-A:1-i, relative to emergency licensing procedures.**

121:11 Effective Date.

- I. **Section 10 of this act shall take effect January 31, 2022.**