

DEC 23 2021

ADOPTED RULE
DOCUMENT # <u>13319</u>
FILED <u>12/23/21 @ 9:33 AM</u>
EFFECTIVE <u>12/23/21 @ 9:33 AM</u>
EXPIRES <u>6/21/22</u>

COVER SHEET FOR EMERGENCY RULE

Document Number 13319

Rule Number Plc 802

<p>1. Agency Name & Address:</p> <p style="text-align: center;">Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301</p> <p>5. Date of Filing: December 23, 2021</p>	<p>2. RSA Authority: <u>RSA 310-A:1-d, (h)(2)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption <u> X </u></p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p>
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6. Short Title: **Expedited Issuance of Temporary Licenses; Conversion of Emergency Licenses to Temporary Licenses**

7. Contact person for copies and questions:

Name: Gretchen Hamel	Title: Program Specialist IV
Address: OPLC 7 Eagle Square Concord, NH 03301	Phone #: Please contact via email: <u>Gretchen.R.Hamel1@opl.nh.gov</u>

****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: December 23, 2021

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.)

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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.

Laws of 2021, chapter 121, effective July 9, 2021, was enacted to codify provisions included in select emergency orders issued by the Governor in response to the COVID-19 pandemic. RSA 310-A:1-i as inserted by 2021, 121:2 requires the Office of Professional Licensure and Certification (OPLC) to issue emergency licenses to certain individuals with health care training to alleviate a shortage of medical providers available during the continuing pandemic. The OPLC adopted emergency rules, Plc 803, to implement this new law to enable qualifying student nurses, medical fellows, and medical providers to apply for an emergency license. As provided in the law, emergency licenses issued pursuant to the law "shall expire on or before January 31, 2022."

These rules are being adopted because the critical shortage of licensed healthcare professionals continues to persist, as noted in the Governor's Executive Order 2021-12, dated November 23, 2021, which has created an imminent peril to public health and safety that requires the licensing, on a temporary basis to start, of more health care professionals. According to information available on www.nh.gov, "New Hampshire announced 561 cases for December 21. There were an average of 1,054 cases per day over the most recent 7 day period (December 15 to December 21)." (Emphasis in original.) This is more than double the average of 447 cases per day over the 7 day period September 10 to September 16, 2021. Also, the website reports that there have been 1,868 deaths in New Hampshire attributed to COVID-19 cases, and there currently are over 7,970 active cases of COVID-19 in the state.

9. A summary of the effect if the rule were not adopted.

If these emergency rules were not adopted, the OPLC would not be able to expedite New Hampshire licensing of health care professionals who are licensed in other U.S. jurisdictions and would not be able to convert the approximately 22,000 emergency licenses issued under RSA 310-A:1-i to temporary licenses, which would exacerbate the shortage of those who can provide medical care during the pandemic. If the shortage continues, some citizens will not have access to adequate treatment and care.

10. A description of those affected.

The emergency rules directly affect those individuals who are licensed in good standing in another U.S. jurisdiction and those who received an emergency license under RSA 310-A:1-i, and indirectly affect every New Hampshire citizen who needs or who may need health care in the coming months.

#13319, (eff 12-23-21)

Emergency Rule Expires: 6-21-22

Adopt Plc 802 to read as follows:

PART Plc 802 EXPEDITED ISSUANCE OF TEMPORARY LICENSES; CONVERSION OF
EMERGENCY LICENSES TO TEMPORARY LICENSES

Plc 802.01 Purpose and Applicability.

(a) The purpose of this part is to facilitate the licensing of health care professionals in order to address the conditions described in Executive Order 2021-12, dated November 23, 2021, regarding the critical shortage of health care providers in New Hampshire.

(b) This part shall apply to:

- (1) Any individual who holds an active license in good standing in another U.S. jurisdiction in a healthcare profession regulated under the statutes listed in RSA 310-A:1-a or RSA 328-D; and
- (2) Any individual presently holding an emergency license issued pursuant to RSA 310-A:1-i.

Plc 802.02 Applying for Expedited Issuance of Temporary License. A healthcare professional applying for a temporary license under this part shall provide the executive director with the following via the electronic licensing portal available at <https://forms.nh.gov/license/Login.aspx>:

- (1) First name, middle name, and last name, as well as any maiden name or other name(s) used;
- (2) Home mailing address;
- (3) Telephone number including area code;
- (4) Social security number as required by RSA 161-B:11, VI-a;
- (5) Email address;
- (6) Date of birth;
- (7) Primary source verification such as a print-out or screen capture of the licensing board's portal from the jurisdiction of licensure showing that the individual is licensed to practice and that the license is in good standing; and
- (8) Affirmation of 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 that 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 under RSA 641 relative to falsification in official matters.

Plc 802.03 Expedited Issuance of Temporary Licenses. The executive director of the office of professional licensure and certification (OPLC) shall issue a temporary license to any applicant who is a health care professional who provides proof that he or she holds a license in good standing in another U.S. jurisdiction.

Plc 802.04 Conversion of Emergency Licenses. Any individual presently holding an emergency license issued pursuant to RSA 310-A:1-i, as implemented in Plc 803, shall be deemed to have applied for a temporary license under this part and shall be issued a temporary license on January 31, 2022.

Appendix A: State Statutes Implemented

Rule	State Statute Implemented
Plc 802	RSA 310-A:1-d(h)(2); RSA 310-A:1-i