



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

EXHIBIT H to Emergency Order #29

N.H. Office of Professional Licensure and Certification, May 19, 2020

Pursuant to Emergency Order #29, which authorizes temporary modification of executive branch deadlines and other requirements, issued pursuant to Section 18 of Executive Order 2020-04 as modified and extended by Executive Orders 2020-05, 2020-08 and 2020-09, the following is hereby ordered:

I. Modifications Applicable to all OPLC Licensed Professionals

To further slow the spread of COVID-19, promote working from home whenever possible, avoid large gatherings of people, limit discretionary travel, and secure the safety and protection of the people of New Hampshire, the following changes shall be made for all professionals licensed by the Executive Director of the Office of Professional Licensure and Certification ("OPLC") and the boards, councils, and commissions administered by the OPLC:

- 1. Certain Continuing Education Requirements for Licensed Professionals Waived.** In light of the serious economic burden caused by the necessary measures taken to curb the COVID-19 pandemic, as well as the time constraints many licensed professions are working under to combat COVID-19, all continuing education requirements are hereby waived for those licensees who are scheduled to renew between March 13, 2020 and December 31, 2020.
- 2. Continuing Education of Licensed Professionals Through Remote Instruction.** For licensees whose continuing education requirements are not waived under (1) above, licensees shall be allowed to complete continuing education requirements through remote instruction until December 31, 2020, provided the continuing education courses otherwise satisfy the applicable criteria established in the laws and rules governing the profession.
- 3. Waiver of Notarization Requirements.** Any requirement in statute or rules that requires that documents submitted to the board, commission, or council be notarized or signed by a justice of the peace is hereby suspended for the duration of the State of Emergency.
- 4. Electronic Signatures Accepted.** During the State of Emergency, all boards, councils, or commissions administered by the OPLC shall accept electronic signatures or scans of signed documents in addition to original signatures.

II. Additional Modifications

A. Division of Health Professions

Massage Therapists

For the duration of the State of Emergency, the requirement in Plc 302.02(a)(3)e. that new applicants complete a course of study which includes verifiably documented practical hours is hereby modified to allow students currently enrolled in massage therapy classes through an accredited massage therapy program to complete practical education requirements, including palpitations, through video web-based conferencing with instructors. Students shall be required to conduct a final live, in-person, palpation assessment with their instructor in order to meet graduation requirements.

Board of Medicine

The prohibition in RSA 329:1-d, III of prescribing schedule II through IV controlled drugs by means of telemedicine is hereby suspended for the duration of the State of Emergency. During such time, prescriptions for schedule II through IV controlled drugs may be made in accordance with Emergency Order #8.

Board of Nursing

The prohibition in RSA 326-B:2, XII(c) of prescribing schedule II through IV controlled drugs by means of telemedicine is hereby suspended for the duration of the State of Emergency. During such time, prescriptions of schedule II through IV controlled drugs may be made in accordance with Emergency Order #8.

The last sentence of RSA 326-B:24 is hereby modified as follows: "A temporary license shall expire on the date the board approves or denies the permanent license sought by the holder of the temporary license, or in ~~120~~ **180** days, whichever is less."

Administrative rules Nur 704.02 (b) and (d) regarding site visits of educational programs for nursing assistants are hereby modified to allow such site visits to be conducted electronically via a live video chat program for the duration of the State of Emergency.

The comparable education requirements for RN and LPN licensure are hereby modified to allow licensure through comparable education for students in nursing programs located in another U.S. state that are accredited by a specialized professional nursing accrediting agency recognized by the U.S. Department of Education and approved by the nurse licensing board in the state where the program is located. Specifically, administrative rule Nur 303.05 is modified as follows:

Nur 303.05 RN and LPN Licensure through Comparable Education.

- (a) Licensure as an LPN through comparable education shall be limited to:
- (1) Pre-licensure students attending approved state of New Hampshire nursing programs;

(2) *Pre-licensure students attending a nursing program in another U.S. state, where the program is both:*

a. Accredited by a specialized professional nursing accrediting agency recognized as such by the U.S. Department of Education; and

b. Approved by the board of nursing in the state where the program is located;

or

(2)(3) Military personnel who meet New Hampshire's minimum educational practical nursing requirements pursuant to Nur. 602.13 and Nur 602.12; *or*

Pharmacy Board

The requirement in Ph 704.11(a)(2), that those looking to serve as a pharmacist-in-charge ("PIC") shall "[c]omplete and pass with a minimum of 80% an exam designed by the board to assess the knowledge of the candidate in regard to their responsibilities as PIC," is hereby suspended for the duration of the State of Emergency. Those that become PICs without taking the exam under this provision must complete and pass the PIC exam within 60 days of the expiration or termination of the State of Emergency.

Administrative rules Ph 1001.01 and Ph 1002.12 are hereby amended to reflect the statutory change in licensure periods and the resulting change in renewal fee for manufacturers and wholesale distributors. Manufacturer and wholesaler licenses shall expire biennially on June 30th of each even-numbered years and shall be subject to renewal for a \$500 fee. Specifically, Ph 1001.01 (c), (d), and Ph 1002.12 (c) are modified as follows:

Ph 1001.01 License Required.

...

(c) *All licenses for manufacturers and wholesale distributors of prescription drugs and medical devices containing a prescription drug shall expire biennially on June 30th of every even-numbered year. The renewal application may be obtained from the board office. Alternatively, applicants may file the renewal application online at*

<https://nhlicenses.nh.gov/eGov/Login.aspx>

(d) The prescribed fee for original and *biennial* renewal licenses for manufacturers and wholesale distributors of prescription drugs and devices shall be \$500.

Ph 1002.12 Reporting Changes.

...

(c) The deadline for renewal applications shall be midnight June 30th *of every even-numbered year*. Any application received after that date shall be subject to a \$25.00 reinstatement fee. Licenses shall not be issued until the late fee is satisfied.

Prescription Drug Monitoring Program

Notwithstanding RSA 318-B:33, II., out-of-state medical providers licensed in Maine, Massachusetts, or Vermont who hold an emergency license in New Hampshire pursuant to Emergency Order #15, may prescribe schedule II, III, or IV controlled substances without

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registering with the New Hampshire Controlled Drug Prescription Health and Safety Program (PDMP) subject to the following conditions:

1. The out-of-state medical provider is properly registered with the respective controlled prescription drug health and safety program for Maine, Massachusetts, or Vermont.
2. Prior to issuing a prescription for a schedule II, III, or IV controlled substance, the medical provider queries the New Hampshire PDMP through an authorized secure interstate prescription drug data exchange system for the purpose of providing medical or pharmaceutical care specific to the New Hampshire patient.

Respiratory Care Governing Board

The requirement in RSA 326-E:3, II, Resp 303.01(a)(3), and Resp 304.01, that applicants for licensure must pass a standardized exam administered by the National Board for Respiratory Care ("NBRC"), is hereby amended as follows: applicants who have met all other requirements for licensure but have not yet passed the NBRC exam shall be granted a temporary license provided they register for the NBRC exam and have been recommended for licensure by their school or program. The temporary license shall remain effective for 90 days following the expiration or termination of the State of Emergency. A temporary license issued under this provision shall be converted to a full license once the Board receives evidence that the applicant has passed one of the exams listed in Resp 304.01.

B. Division of Technical Provisions

Board of Land Surveyors

Notwithstanding administrative rule Lan 305.03(a), land surveyors may affix a digital seal and digital signature to plans or reports for the duration of the State of Emergency.

Real Estate Commission

Administrative rule Rea 301.03 (e) is hereby amended to allow all candidates for the real estate licensing examination up to 90 days past the expiration or termination of the State of Emergency to take the examination.

Administrative rule Rea 301.03 (k) is hereby amended to allow applicants for licenses up to 90 days past the expiration or termination of the State of Emergency to complete the salesperson pre-licensing requirements through remote instruction. The remote instruction must have live video and audio feeds for all participants to allow real-time audio and visual communication between student(s) and Commission approved instructor(s). Commission approved course instructors must also issue a completed course affidavit indicating the student attended the entire course or portion thereof through qualifying remote instruction.

The timeline in Rea 303.05(b) mandating candidates for the broker and salesperson examination achieving a passing grade of 70 for both the uniform and state portions of the examination within a within a 6 month period from the date of the original examination shall be extended to allow

applicants up to 90 days past the expiration or termination of the State of Emergency to achieve the required passing grade.

Given under my hand and seal at the Executive Chambers in Concord, this 19th day of May, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.



GOVERNOR OF NEW HAMPSHIRE