



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

CHRISTOPHER T. SUNUNU
Governor

EXHIBIT U to Emergency Order #29

N.H. Office of Professional Licensure and Certification, October 15, 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 Emergency Orders 2020-05, 2020-08, 2020-09, 2020-10, 2020-14, 2020-15, 2020-16, 2020-17 and 2020-18, the following is hereby ordered:

1. **Certain Modifications To Continue In Force.** The following modifications listed below, initially adopted through emergency rulemaking actions, shall continue in force for the duration of the State of Emergency unless earlier terminated by emergency order. The OPLC shall post on its website at <https://www.oplc.nh.gov/covid-19/index.htm> the specific text of the following emergency rulemaking actions which are being continued:
 - a. Office of Professional Licensure and Certification
 - i. Adoption of Chapter Plc 800, including an amendment to Plc 802.01, which created a specific procedure for the application and processing of emergency licenses, in accordance with Emergency Order #15;
 - b. Board of Barbering, Cosmetology, and Esthetics
 - i. Amendments to Bar 301.01(t), (u) and Bar 404.08 (c)(11), (d) which permitted the increase of distance learning (remote instruction) from 25% theory learning to 100% theory and practical learning, in compliance with the national accrediting agency, National Accrediting Commission of Career Arts and Sciences ("NACCAS");
 - c. Board of Medicine
 - i. Amendment of Med 602.02, which increased the number of Physician Assistants a registered supervisory physician ("RSP") and an assistant registered supervisor physician ("ARSP") may supervise in accordance with an institutional policy and/or clinical guidelines established at the practice level;
 - d. Board of Mental Health Practice
 - i. Amendment of Mhp 501.02, which inserted a paragraph to clarify that mental health professionals governed by the Board of Mental Health Practice are permitted to treat patients via appropriate telehealth services as set forth in Emergency Orders #8 and #15;
 - e. Board of Nursing
 - i. Adoption of a new Nur 101.04 and renumbering of existing rules, which defined "clinical experience" and "simulation", and allowed in certain contexts the substitution of simulation for clinical experience provided the Board of Nursing is notified of such substitution;

- ii. Amendment of Nur 303.02(d) which mandated the Board of Nursing extend the timeline for registered and practical nurses to complete the National Council Licensure Examinations when required for licensure; specifically, such examinations can be completed up to 90 days after the expiration of a declared State of Emergency;
- f. Board of Pharmacy
- i. Amendment of Ph 704.03, which permits, during the current State of Emergency, pharmacists to accept facsimile prescription for a schedule II controlled prescription provided it meets all requirements of a written prescription;
 - ii. Amendment of Ph 704.15(c), which permitted a pharmacist to refill a prescription drug order, including controlled substances listed in Schedules III, IV, and V, without the authorization of a prescribing practitioner, provided that unless federal law states otherwise, the quantity of prescription drug dispensed does not exceed a 90 day supply for maintenance medications, excluding filling prescriptions for controlled substances listed in Schedule III, which must comply with NH RSA 318-B: 9, IV;
 - iii. Amendment of Ph 707.03(c) and Ph 707.04(a) which adjusted the procedures for the destruction of controlled substances in nursing homes, group homes, and assisted living facilities. The amendments abolished the requirements for consultant pharmacists to get pre-approved by the Board of Pharmacy provided certain conditions are met and permits an agent of the Board of Pharmacy oversee destruction of controlled substances remotely via videoconferencing.
- g. Family Mediator Certification Board
- i. Amendment of Fam 804.01 which authorized certified family mediators during the current State of Emergency to conduct domestic violence screening through the use of web-based video technology, provided the mediator obtains the sworn assurance from all participants that only the party and/or the party's attorney, advocate, or other necessary persons are the only other persons in the room at the time of the screening and that all parties are advised and acknowledge no one shall record the audio or video portions of the mediation proceedings.
2. The provisions of this exhibit are in addition to and do not supplant any specific emergency provisions issued in Emergency Order #29, Exhibits H and N.

Given under my hand and seal at the Executive Chambers in Concord, this 15th day of October, 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