

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

DIVISION OF TECHNICAL PROFESSIONS

Board of Professional Geologists

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STANDING ORDER

SIX MONTH WAIVER OF Geo 403.01- CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

The New Hampshire Board of Professional Geologists (“the Board”) has statutory authority pursuant to NH RSA 310-A: 121, I to adopt rules pursuant to RSA 541-A. RSA 541-A: 16, I (b) authorizes the Board to adopt rules of practice setting forth the nature and requirement of all formal and informal procedures available. Administrative rule Geo 218.01 (g) grants the Board authority to, if good cause to do so exists, initiate waiver or suspension of a substantive rule upon its own motion by providing affected parties with notice and an opportunity to be heard, and issuing an order which finds that four (4) criteria are met.

On May 14, 2020, during a regularly scheduled meeting and pursuant to Geo 218.01 (g), the Board, acting as petitioner on behalf of licensees, on its own motion, authorizes a limited six (6) month waiver of Geo 403.01 regarding the number of Continued Education Requirements (“CE’s”) required for licensure renewal for licensees scheduled for renewal during the pendency of the declared NH State of Emergency. Licensees unable to meet the CE requirements pursuant to Geo 403.01 shall file a petition with the Board requesting a waiver of CE deadlines demonstrating that the failure to meet the CE requirement was beyond the control of the licensee which actually prevents the licensee from satisfying the CE requirements, pursuant to Geo 403.09.

Upon submission of the renewal form and required fees pursuant to Geo 401.02, and petition pursuant to Geo 403.09, the Board authorizes renewal of the petitioner's license conditioned on the licensee providing verification of completion of the CE deficiencies, recorded on the Board provided "Continuing Education Activity Log", revised 10/2016, within six (6) months of renewal.

In accordance with the criteria set forth in Geo 218.01 (g), the Board, acting as petitioner on behalf of licensees waiving the requirements set forth in Geo 403.01, finds: (1) Adherence to the rule would cause the petitioner undue personal hardship; (2) There is no neglect or misfeasance on the part of the petition; (3) Waiver of the rule would be consistent with the statutes administered by the board; and (4) Waiver of the rule would not injure third persons.

Effective March 13, 2020, the Governor of the State of New Hampshire declared a State of Emergency and issued Executive Order 2020-4, extended by Executive Orders 2020-5 and 2020-8 due to the worldwide COVID-19 pandemic. Subsequent to the declaration of a State of Emergency, the Governor issued a Stay at Home order to all non-essential employees and residents of the State of New Hampshire. The public health pandemic affecting New Hampshire and the world has caused licensees in many professions to seek extensions or waivers of CE requirements as a direct result of circumstances (pandemic) beyond the licensee's control.

By Motion and Approval of the Board:

- The Board recognizes COVID-19 and the corresponding declared National State of Emergency and declared New Hampshire State of Emergency constitute circumstances beyond an individual's control which actually prevents a licensee from satisfying the CE requirements.
- For the duration of the declared NH State of Emergency, the Board authorizes licensure renewal and approves a waiver of CE's required for renewal (Geo 403.01) upon submission of a renewal form and required fees (Geo 401.02), and a petition requesting a waiver of CE deficiencies (Geo 403.09). The petitioner's license shall be renewed conditioned on the licensee providing verification of completion of the

CE deficiencies, recorded on the board provided “Continuing Education Activity Log”, revised 10/2016, within six (6) months of renewal.

- The Board authorizes the Business Administrator for the Board of Professional Geologists, or the Division Director of the Technical Professions for the Office of Professional Licensure and Certification to act in accordance with this Standing Order until such time the order terminates or expires.

This Standing Order shall terminate upon expiration or termination of the declared NH State of Emergency pursuant to Executive Order 2020-4, extended by Executive Order 2020-5, and Executive Order 2020-8.

Date: 5/20/2020

By Order of the Board;



Muriel S. Robinette, P.G.
Board Chair