

APPENDIX II-K

COVER SHEET FOR EMERGENCY RULE

Document Number _____ Rule Number **303.02 (d)**

| | |
|---|---|
| <p>1. Agency Name & Address: NH Board of Nursing c/o Office of Professional Licensure & Certification 121 S. Fruit Street Concord, NH 03301</p> <p>5. Date of Filing: March 23, 2020</p> | <p>2. RSA Authority: <u>RSA 326-B: 9, VII</u></p> <p>3. Federal Authority: <u>n/a</u></p> <p>4. Type of Action: Adoption _____ Amendment <u>X</u> Repeal _____</p> |
|---|---|

6. Short Title: **Registered and Practical Nurse Examination Period**

7. Contact person for copies and questions:

| | |
|--|--------------------------------|
| Name: Michael Porter | Title: Attorney III |
| Address: 121 South Fruit Street Concord, NH 03301 | Phone #: (603) 271-0140 |

****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: _____

Signature: _____

Name: **Tracey Collins**

Title: **Chairperson, Board of Nursing**

*("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.)

8. On Friday, March 13, 2020, Governor Chris Sununu signed Executive Order 2020-04 declaring a State of Emergency due to the COVID-19 pandemic. Subsequently, the Governor has issued ten additional emergency orders relevant to the current state of emergency related to the COVID-19 pandemic. In support of the Executive Order and consecutive emergency orders issued by the Governor, the Board of Nursing is seeking to extend the timeline for registered and practical nurses to complete the National Council Licensure Examinations (“NCLEX”) required for licensure in the State of New Hampshire. With the ongoing pandemic and State of Emergency, in conjunction with a National State of Emergency, the government has recommended the practice of social distancing whereby people will not be in close proximity to each other (within 6 feet) and to not congregate in groups of 50 or more in New Hampshire, 10 or more in other states across the country.

Students graduating from registered and/or practical nursing programs are currently required, by rule, to sit for the NCLEX exam within 6 months of graduation from an approved school of nursing. Nursing schools graduate candidates on a rolling basis. As a result of the National and State declarations of States of Emergency, NCLEX exams have been either postponed or severely curtailed. The NCLEX test provider Pearson VUE will only open a limited number of testing sites, causing some graduates to potentially fall outside the current rule of 6 months to sit for the exam in New Hampshire, thereby possibly making some graduates ineligible to sit for the required examination now or in the future.

By extending the testing requirements to 90 days beyond the expiration of the declared State of Emergency, this will allow nursing candidates to meet the testing requirements, thereby possibly increasing the number skilled nurses to continue to work in the health care industry.

Failing to adopt this emergency rule could cause an imminent peril to the public health or safety. A nursing shortage exists without a National or State declared State of Emergency. Adding a pandemic to the mix only makes it more important to allow an extension of the exam deadline for nursing candidates in New Hampshire by rule. Qualifications for nurses are not being diminished. Simply an extension, by rule, of the time frame to sit for the exam.

Not allowing this extension to go forward could also lead to substantial fiscal harm to the State of New Hampshire or its citizens. Nurses are in high demand here in New Hampshire and if we place a barrier to licensure at a time we are deeply entrenched in a medical pandemic at the forefront of the declared State of Emergency, this could drive nursing candidates to leave New Hampshire all together.

9. If the proposed changes are not adopted, qualified nursing candidates could leave New Hampshire only to work elsewhere which adds to the current nursing shortage the State of New Hampshire is already facing, leaving the public in imminent peril. Additionally, if nursing candidates were to leave the State of New Hampshire, the loss of revenue through licensure fees and other costs could cause substantial financial harm to not only the State of New Hampshire, but to the citizens as a whole.

10. The proposed rule changes, if adopted, would positively affect all nursing candidates who wish to take the NCLEX exam within the 6 months allotted by the current rule. Allowing nursing candidates additional time to sit for the NCLEX exam, due to the medical pandemic and declared State of Emergency could encourage candidates to continue to seek licensure in the State of New Hampshire,

leading to increased staffing in local medical facilities while at the same time continuing to maintain fiscal stability through licensure fees.

The NCLEX exam schedule between March 2020 and April 2020 has been decreased, leading to a reduced number of candidates Pearson VUE will allow to take the exam due to the social distancing requirements among other issues. The graduate candidates are not the cause of the delay for testing therefore should not be punished.

Approving this rule change will encourage nursing candidates to stay in NH thereby assisting the citizenry as a whole, especially in light of the current ongoing National and State declared States of Emergency.