

STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF HEALTH PROFESSIONS

Board of Medicine
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STANDING ORDER

**SUBSTANTIVE WAIVERS ISSUED UNDER MED 211.01(f) DURING THE
COVID-19 PANDEMIC**

Pursuant to Med 211.01(f), the Board of Medicine (“Board”) may waive substantive provisions of its rules upon its own motion. If the Board does act to waive a rule on its own motion, the board has to make an affirmative finding that: (1) adherence to the rule would cause individuals undue personal hardship; (2) there was no neglect or misfeasance on the part of the individuals affected by the waiver; (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.

On May 5, 2020, the Board made the decision to temporarily waive, under certain circumstances, the requirement in Med 305.04(c)(8) that applicants for a resident training license must provide certification from the NBME that the applicant has taken and passed USMLE Step 2 (Clinical Skills). Applicants will still need to provide certification from the NBME that they have taken and passed USMLE Step 1 and Step 2 (Clinical Knowledge). The waiver, under the below circumstances, is being put in place as the USMLE Step 2 (Clinical Skills) exam is currently not being offered due to the COVID-19 pandemic.

Individuals that have been accepted into an ACGME accredited post graduate training program in New Hampshire may apply for a resident training license without providing certification that they have taken and passed USMLE Step 2 (Clinical Skills). If the applicant has met all the other requirements for a resident training license, the Board will grant them a resident training license which shall expire five business days after the individual receives their

score on the Step 2 (Clinical Skills) exam. The individual must schedule the USMLE Step 2 (Clinical Skills) exam within 30 days of when the USMLE again begins offering that exam, and sit for the exam within 90 days. The individual must notify the Board of their score on the exam immediately upon receiving the score, no later than 5 business days of when the score is available. If the individual passes the exam, they shall retain their resident training license. If the individual has failed the exam, their license will expire as noted above.

Adherence to these rules would cause individuals personal hardship because the state, the nation, and in fact the world, are in the midst of the COVID-19 pandemic, which has killed thousands and sickened tens of thousands worldwide. USMLE has temporary closed all testing for their Step 2 (Clinical Skills) exam due to the pandemic. The Board finds that adherence to the requirement in Med 305.04(c)(8) that applicants for a resident training license must provide certification from the NBME that the applicant has taken and passed USMLE Step 2 (Clinical Skills) would create a personal hardship because individuals would be unable to meet the requirements for a resident training license and thus would be unable to begin their residency.


Likewise, the Board finds the remaining requirements for waiving a rule have been met. There has been no neglect or misfeasance on the part of individuals affected by the waiver; the waiver is necessary because of an ongoing global pandemic. This waiver does not in substance change the Board's exam requirements and are consistent with the statutes administered by the Board. Lastly, waiver of this rule, under the above conditions, would not injure any third persons, and in fact will allow more residents to assist with healthcare.

This Standing Order and the waivers contained herein was voted on by the Board at its May 6, 2020 meeting. This standing order shall expire on December 31, 2020.

By Order of the Board,

Date:

5/8/2020



Daniel P. Potenza, M.D.

Board President