

EMS License Waiver Requirements

An EMS Provider or Unit who is requesting a license waiver, must be aware that there are Administrative Rules that address the specific requirements:

PART Saf-C 5905 WAIVER OF LICENSURE

Saf-C 5905.01 Definition. For the purposes of this part, the demonstration of good cause shall include the following:

- (a) Evidence of a prior good faith effort to comply with each requirement for which a waiver is requested;
- (b) A statement documenting why the unit or provider cannot comply with each requirement for which a waiver is requested, including any financial or other significant hardship resulting from efforts to comply;
- (c) A statement and supporting documentation that non-compliance with each requirement for which a waiver is requested shall not prevent the unit or provider from providing adequate care to patients;
- (d) Reasons why non-compliance with each requirement for which a waiver is requested is not possible for a given period of time; and
- (e) A plan for compliance with each requirement within the period requested on the waiver application.

Saf-C 5905.02 Request for Waiver of Unit and Provider License Application.

- (a) Pursuant to RSA 153-A:10, VI, an applicant for a unit or provider license may request a waiver of licensure from the commissioner for good cause.
- (b) Requests for waivers shall be submitted in writing to the commissioner.
- (c) The waiver request application from the unit or provider applicant shall include:
 - (1) Full name;
 - (2) Current mailing address;
 - (3) Telephone number(s);
 - (4) The specific rule for which the waiver is requested;
 - (5) The reason for requesting the waiver;
 - (6) The hardship that would occur if the waiver was not approved;
 - (7) A plan of compliance with the rule to be waived and the date of compliance; and
 - (8) Signature of the applicant.
- (d) Notwithstanding any rules to the contrary, a plan of compliance pursuant to (c)(7) above shall not be required if the applicant articulates exigent system resource circumstances in which a denial of a waiver may result in the compromise of the health or safety of the patient(s) or community.

Saf-C 5905.03 Decision on Request for Waiver of Licensure.

- (a) The commissioner shall issue a written approval or denial of a waiver request to the applicant within 60 days of receipt of the request.
 - (b) Upon a finding of good cause, the commissioner shall approve a waiver of licensure for the period set forth in the plan for compliance pursuant to Saf-C 5905.01(e).
 - (c) A waiver of licensure shall be considered as a fulfillment of the licensing requirements only for the period specified in the waiver.
 - (d) The commissioner shall deny the waiver request if, after reviewing the material submitted in Saf-C 5905.02 above, it is determined that:
 - (1) Granting the request shall result in the waiver circumventing the rule for which the waiver was requested;
 - (2) The unit or provider shall be unable to meet the needs of the patient(s) or community; or
 - (3) The health or safety of the patient(s) or community shall be jeopardized.
 - (e) A decision by the commissioner to deny a waiver request shall be final.
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The waiver request must be written on Department/Company letterhead and addressed to the Commissioner of Safety for consideration. It shall be submitted to the Bureau of EMS in care of the Bureau Chief.

NH Department of Safety, Commissioner
c/o FST&EMS, EMS Bureau Chief – WAIVER REQUEST
33 Hazen Drive
Concord, NH 03305

A copy of an approved waiver will be sent to the entity being waived.
A complete provider or Unit application must accompany the waiver request for each applicant.
Please contact the EMS Licensing section for further information: EMSLicensing@dos.nh.gov
Or by calling the general number at 603-223-4200.