EMS License Waiver Requirements

If you are an EMS Unit leader who is applying for a waiver for one of your members, or EMS Unit license, please be aware that there are Administrative Rules that address this specifically:

**Saf-C 5903.08 Waivers of Unit and Provider License Applications.**

(a) Pursuant to RSA 153-A:10, VI and RSA 153-A:11, V applicants for a unit or provider license may request a waiver of licensure from the commissioner for good cause.

(b) For this section, "good cause" shall include:

1. Evidence of a prior good faith effort to comply with each requirement for which a waiver is requested;
2. 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;
3. A statement and supporting documentation that non-compliance with each requirement for which a waiver has been requested shall not prevent the unit or provider from providing adequate care to patients;
4. Reasons why non-compliance with each requirement for which the waiver has been requested is not possible for a given period of time; and
5. A plan for compliance with each requirement within the period requested on the waiver application.

(c) Requests for waivers shall be submitted in writing to the commissioner.

(d) The waiver request application from the unit or provider applicant shall include:

1. The full name of the applicant;
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. The signature of the applicant.

(e) The commissioner shall issue a written approval or denial of a waiver request to the applicant within 60 days of receipt of the request.

(f) Upon a finding of good cause, the commissioner shall approve a waiver of licensure.

(g) A waiver of licensure shall be considered as a fulfillment of the licensing requirements only for the period specified in the waiver.

(h) The commissioner shall deny the waiver request if, after reviewing the material submitted in (d) 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.

(i) A decision by the commissioner to deny a waiver request shall be final.

The waiver request must be written on Department/Company letterhead (by the PRIMARY service for the Provider) addressed to the Commissioner of Safety and submitted to the EMS Bureau Chief for consideration.

John J. Barthelmes, Commissioner  
c/o NH DOS, FST&EMS, Bureau of EMS – WAIVER REQUEST  
33 Hazen Drive  
Concord, NH 03305

A copy of the approved waiver will be sent directly to the EMS license holder and a copy will be sent to the authorized official that authored the request.

Completed Provider/Unit applications must accompany the waiver request for each applicant.