

**Adopt Vet 207 to read as follows:**

PART Vet 207 WAIVER OF SUBSTANTIVE RULES (adopted 01/18/23)

Vet 207.01 Petitions for Waiver.

(a) Any interested person may request the board to waive any rule not covered by Vet 202.08 by filing an original and 2 copies of a petition pursuant to Vet 203.01(b) which clearly identifies the rule in question and sets forth specific facts and arguments which support the requested waiver. No statutory requirements shall be waived.

(b) Petitions for waivers of substantive rules shall address whether:

- (1) Adherence to the rule would cause the petitioner hardship;
- (2) The requested waiver is necessary because of any neglect or misfeasance on the part of the petitioner;
- (3) Waiver of the rule would be consistent with the statutes and regulatory programs administered by the board;
- (4) Waiver of the rule would injure third persons; and

(c) If examination of the petition reveals that the proposed relief might substantially affect other persons, the board shall require service of the petition on such persons and advise them that they may file a reply to the petition which includes the following:

- (1) The name and address of the respondent;
- (2) The name and address of the representative of the respondent, if any;
- (3) A concise statement of any additional or different facts which warrant the board acting in the manner requested by the respondent;
- (4) A citation to any statutes, rules, orders, or other authority, not identified in the petition, having a bearing upon the subject matter of the petition;
- (5) The action which the respondent wishes the board to take; and
- (6) The respondent's signature and date.

(d) The petitioner shall provide such further information or participate in such evidentiary or other proceedings, as ordered by the board after reviewing the petition and any replies received.

(e) A petition for waiver of a rule which does not allege material facts, which, if true, would be sufficient to support the requested waiver, shall be denied without prior notice or further hearing.

(f) The board shall initiate a 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 waiver would be consistent with the criteria of (b), above.

(g) For the purposes of this section, good cause shall be deemed to exist if, at a minimum, the petitioner has demonstrated that:

- (1) Adherence to the rule would cause the petitioner hardship;

(2) Waiver or suspension of the rule would be consistent with the statutes and regulatory programs administered by the department;

(3) Waiver or suspension of the rule would not injure third persons; and

(4) Waiver or suspension is necessary due to factors outside the control of the petitioner.

(h) The board shall approve a waiver of an administrative rule request, for the time period requested, only if:

(1) Granting a waiver does not have the effect of waiving or modifying a provision of RSA 332-B; and

(2) The petitioner shows or has shown good cause exists, as described in (g) above, to waive the rule.

