



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

OCTOBER 6, 2016

Members Present: Representatives McGuire, Schmidt, Ladd, Kidder, Sad, Gottling*, and Hatch*, and Senators Reagan, Cataldo, Feltes, and Daniels*. (*) Indicates alternate members.

(**) Part 1, Article 28-a of the N.H. Constitution was not an issue in the Committee's discussions or decisions in this meeting.

1. The meeting was convened at 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Reps. Schmidt, Ladd, Kidder, Sad, and Gottling, and Sens. Reagan, Cataldo, Feltes, and Daniels.

2. The Committee discussed the minutes of the Committee meeting on September 15, 2016.

Rep. McGuire designated Sen. Daniels and Rep. Gottling as alternates, respectively, for Sen. Watters and Sen. Avard, who were absent.

Sen. Reagan moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

3. The Committee discussed whether to postpone action on certain items to another Committee meeting.

Sen. Reagan moved that the Committee postpone the following items and request a waiver from the Director of the Office of Legislative Services of the Committee's action deadlines:

11. BOARD OF PODIATRY

FP 2016-44 Opioid Prescribing

12. BOARD OF REGISTRATION IN OPTOMETRY

FP 2016-45 Opioid Prescribing

13. BOARD OF NURSING

FP 2016-131 Opioid Prescribing

14. BOARD OF DENTAL EXAMINERS

FP 2016-140 Opioid Prescribing

Sen. Feltes seconded.

Adopted.

4. The Committee discussed Final Proposal 2016-72 from the Police Standards and Training Council (Application and Qualification, Continued Status, Ethical Standards and Training Approval). Timothy Merrill testified for the Council.

The Council had submitted a conditional approval request in a letter and amended rule dated September 27, 2016.

Rep. Hatch arrived during the discussion of this item but was not a voting member at this time.

Sen. Reagan moved that the Committee postpone action on Final Proposal 2016-72 and request a waiver from the Director of the Office of Legislative Services of the Committee's action deadline in order that an amended conditional approval request could be submitted by the Council for review at the regular Committee meeting on October 20, 2016.

Rep. Schmidt seconded.

Adopted. Sen. Daniels and Rep. Ladd were noted as voting "no".

5. The Committee discussed Final Proposal 2016-127 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Conditional Discharge). Catherine Bernhard and John Martin testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated October 4, 2016.

Aaron Ginsberg, representing the Disabilities Rights Center, also testified.

The Committee recessed by consensus.

6. After a break, with Reps. McGuire, Schmidt, Ladd, Kidder, Sad, Gottling and Hatch, and Sens. Reagan, Cataldo, and Daniels present, the Committee discussed Final Proposal 2016-91 from the Department of Health and Human Services, (Former Division of Public Health Services, Communicable Diseases).

Sen. Feltes returned during the discussion of this item.

The Department had submitted a conditional approval request in a letter and amended rule dated September 29, 2016 and an amended conditional approval request in a letter dated October 5, 2016 and amended rule dated October 4, 2016.

Rep. Schmidt moved that the Committee conditionally approve Final proposal 2016-91 based on the amended request.

Sen. Reagan seconded.

Adopted.

7. The Committee resumed discussion of Final Proposal 2016-127 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Conditional Discharge). John Martin and Catherine Bernhard testified for the Department.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2016-127 on the condition that the Department amend He-M 609.06(t) by replacing the second sentence in the paragraph with the following:

NHHS shall provide oral notice to the guardian of the patient's absolute revocation and his or her decision to request a hearing. Within 24 hours of the patient's notice of the right to appeal, or of the time the patient requests an appeal, NHHS shall send written notice by first-class mail, fax, or other written method, to the guardian. NHHS shall also make a good-faith effort to reach the guardian to provide oral notice.

Rep. Ladd seconded.

Adopted.

8. The Committee adjourned by consensus at 10:20 a.m.