



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

NOVEMBER 15, 2018

Members Present: Senators Reagan, Avar, French, Kahn, and Ward*, and Representatives McGuire, Hatch, Wolf, Ebel*, and Ohm*. (*) Indicates alternate member.

(**) 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 9:01 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Avar, French, and Ward, and Reps. McGuire, Wolf, and Ebel.

Sen. Reagan designated Rep. Ebel and Sen. Ward as alternates, respectively, for Rep. Hatch and Sen. Feltes, who were absent.

2. The Committee discussed the minutes of the Committee meeting on October 18, 2018.

Rep. McGuire moved that the minutes be approved.

Sen. Avar seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

2. Committee Approval of Final Proposals:

FP 2018-140	PEASE DEVELOPMENT AUTHORITY Rules Regarding Duties of Harbor Masters and Assignment of Harbor Masters Areas
FP 2018-146	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Eligibility for Extensions to the 60-Month Lifetime Limit on Receipt of Financial Assistance to Needy Families (FANF)
FP 2018-147	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Public Health Services Indoor Smoking Rules
FP 2018-149	INSURANCE DEPARTMENT Parity in Mental Health and Substance Use Disorder Benefits
FP 2018-157	INSURANCE DEPARTMENT Travel Insurance, Disclosures

FP 2018-160 BOARD OF NURSING
Written Verification of Program Completion; Clinical Component of Program Curriculum

3. *Committee Conditional Approvals:*

FP 2018-148 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Substance Use Disorder (SUD) Treatment and Recovery Support Services

Rep. McGuire moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2 and conditionally approve Final Proposal 2018-148 in Item #3 based on the agency's conditional approval request.

Sen. Avard seconded.

Adopted.

4. The Committee discussed Final Proposal 2018-104 from the Department of Environmental Services (Drinking Water Programs, Public Notification by Public Water Systems). Gretchen Hamel testified for the Department.

Rep. Ohm arrived during the discussion of this item.

Rep. McGuire moved that the Committee approve Final Proposal 2018-104.

Sen. Avard seconded.

Adopted.

5. The Committee discussed the response by the Department of Environmental Services to the Committee's preliminary objection to Final Proposal 2018-85 (Drinking Water Programs, Public Water Systems: Recordkeeping and Reporting). Gretchen Hamel testified for the Department.

Sen. Reagan designated Rep. Ohm as an alternate for Rep. Lang, who was absent.

Sen. Kahn arrived during the discussion of this item.

Rep. McGuire moved that the Committee accept the response and approve the rules.

Sen. Avard seconded.

Adopted.

6. The Committee discussed Final Proposal 2018-158 from the Department of Agriculture, Markets and Food (Testing of Domestic Animals).

The Department had submitted a conditional approval request in a letter and amended rules dated November 7, 2018.

Sen. Avard moved that the Committee conditionally approve Final Proposal 2018-158 based on the request.

Rep. Ebel seconded.

Adopted.

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

Rep. McGuire moved that the Committee postpone action on the following item pursuant to a request by the Board of Nursing:

9. BOARD OF NURSING

FP 2018-159 Application Procedure
(*JLCAR Deadline December 10, 2018.*)

Sen. Avard seconded.

Adopted.

8. The Committee discussed the response by the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2018-47 (Fees for Limited Retail Drug Distributors, Mail-Order Pharmacies, Manufacturers, Wholesalers and Distributors, and Outsourcing Facilities).

In response to the objection, the Board had withdrawn the rules in a letter dated October 2, 2018. No further Committee action was required.

The Committee took no further action.

9. The Committee discussed requesting a waiver from the Director of the Office of Legislative Services of its December 10, 2018 action deadline on Final Proposal 2018-159 from the Board of Nursing (Application Procedure), since the Committee had postponed this item and the Board had requested a postponement to the January, 2019 Committee meeting.

Sen. Kahn moved that the Committee request a waiver.

Rep. McGuire seconded.

Adopted.

10. The Committee discussed Final Proposal 2018-121 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Eligibility and the Process of Providing Services for Acquired Brain Disorder). Allyson Zinno and Melissa Nemeth testified for the Department.

The Department had submitted a conditional approval request in a letter dated November 14, 2018 and amended rules dated November 13, 2018.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-121 based on the request and the further condition that the Department submit screen shots of the data entry screens for the website cited in He-M 522.14(f).

Sen. Avard seconded.

Adopted.

11. The Committee discussed Final Proposal 2018-144 from the Department of Health and Human Services (Former Division of Public Health Services, Beverages and Bottled Water). Allyson Zinno and Colleen Smith testified for the Department.

Rep. Hatch arrived during the discussion of this item. Rep. Ebel was no longer a voting member.

Sen. Avard moved that the Committee approve Final Proposal 2018-144.

Sen. Kahn seconded.

Adopted.

12. The Committee discussed Final Proposal 2018-155 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Communication Access Services). Allyson Zinno and James Panzer testified for the Department.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2018-155 on the condition that the Final Proposal be amended as follows.

- Deletion of the phrase “along with sensitivity to the culture of individuals needing communication assistance,” in He-C 6341.06(a)(1) and He-C 6341.07(a)(1);
- Insertion of “, someone who is able to read effectively, accurately, and impartially, using any necessary specialized vocabulary” after “reader” in He-C 6341.06(a)(3)a.;
- Replacement of the phrase “issues by the licensing authorities as applicable” with “contained in Int 500” in He-C 6341.06(a)(7) and He-C 6341.07(a)(7); and
- Insertion at the end of He-C 6341.12(e)(1) of the words “that includes the following certification statement:”, and below this language the inclusion, in quotations, of the list of 8 statements from the attached page 2 of Form 2679.

Rep. McGuire seconded.

Adopted.

Sen. Reagan designated Rep. Ebel as an alternate for Rep. Schmidt, who was absent.

13. The Committee discussed Proposed Interim Rule INT 2018-24 from the Department of Health and Human Services (Former Division of Human Services, Non-Emergency Walk-In Care Centers). Allyson Zinno and Doreen Shockley testified for the Department.

Rep. Hatch moved that the Committee approve Proposed Interim Rule INT 2018-24.

Sen. Kahn seconded.

Adopted.

14. The Committee discussed the response by the University System of New Hampshire to the Committee’s preliminary objection to Final Proposal 2018-51 (Financial Policies on Classification of Students for Tuition Purposes). Ronald Rodgers, General Counsel, testified for the University System.

Rep. McGuire moved that the Committee take no action on the response to the objection with the understanding that (1) the University System may adopt the rules after December 26, 2018 but that it will continue to seek legislation as outlined in its response letter to clarify the scope of its rulemaking authority under RSA 541-A and RSA 187-A, and (2) Committee staff would revisit the rules in July 2019 to determine if any new legislation has fixed the issue.

Sen. Avard seconded.

Adopted.

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15. The Committee discussed the continued meeting scheduled for December 6, 2018.

It was the consensus of the Committee to cancel the continued meeting.

16. The Chair thanked the members of the Committee for their service, and Rep. Ohm also thanked the Committee staff for its work.

17. The Committee adjourned by consensus at 9:42 a.m.