



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

Action Minutes

NOVEMBER 16, 2017

Members Present: Senators Reagan, Feltes, Avard, French, and Kahn, and Representatives McGuire, Schmidt, Ladd, Hatch, Graham, Gottling*, and Matthews*. (*) Indicates alternate member.

(**) Part 1, Article 28-a of the N.H. Constitution was an issue in the Committee's discussions or decisions in this meeting. (See Item #7. However, that item was approved.)

1. The meeting was convened at 9:02 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sen. French and Reps. McGuire, Schmidt, Ladd, Hatch, Graham, Gottling, and Matthews.

Sen. Reagan designated Rep. Gottling and Rep. Matthews as alternates, respectively, for Sen. Feltes and Sen. Avard, who were absent.

2. The Committee discussed the minutes of the Committee meeting on November 3, 2017.

Rep. Ladd moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

Sen. Avard and Sen. Feltes arrived at this time. Rep. Matthews and Rep. Gottling were no longer voting members.

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

CONSENT AGENDA

2. *Committee Approval of Final Proposals:*

FP 2017-52 BOARD OF EDUCATION
Social Studies Teacher

FP 2017-93 BOARD OF DENTAL EXAMINERS
Definitions

FP 2017-118 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
New Hampshire Employment Program (NHEP) Work Program Sanctions

FP 2017-127 DEPARTMENT OF REVENUE ADMINISTRATION
Taxpayer Services Division

FP 2017-128 INSURANCE DEPARTMENT
 Life Insurance Solicitation

3. Committee Conditional Approvals:

FP 2017-82 DEPARTMENT OF SAFETY
 Commissioner
 Assisted Lake Protection and Refusal of Consent Rules

4. Committee Acceptance of Agency Responses to Objections:

OR 2017-116 BOARD OF AUCTIONEERS
 Hearing Procedures: Decisions

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2, conditionally approve the Final Proposal in Item #3 based on the agency's conditional approval request, and accept the response and approve the rules for the Objection Response in Item #4.

Rep. Hatch seconded.

Adopted.

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

David Hilts and Keith Lohmann , representing the Department of Safety, testified briefly.

Rep. Hatch moved that the Committee postpone action on the following items to the next Committee meeting:

9. DEPARTMENT OF SAFETY

- (d) OR 2017-48 Commissioner
 Safe Boater Education Rules
 (JLCAR Deadline January 23, 2018.)
 (Response due by December 4, 2017 but not yet filed.)

14. OFFICE OF STRATEGIC INITIATIVES

- INT 2017-27 Governor's Scholarship Program
 (JLCAR Deadline February 7, 2018. Proposal implements 2017, 156:108 & 109 (HB 517), effective July 1, 2017.)

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed requesting a waiver from the Director of the Office of Legislative Services of the Committee's deadline of December 18, 2017 to act on Final Proposal 2017-133 from the Insurance Department (Credit Insurance) so that the Final Proposal could be heard at the regular meeting on December 21, 2017.

Rep. Hatch moved that the waiver be requested.

Rep. McGuire seconded.

Adopted.

6. The Committee discussed Proposed Interim Rule INT 2017-26 from the Department of Health and Human Services (Former Division of Human Services, Medicaid Pharmaceutical Services). Michael Holt testified for the Department.

Rep. Ladd moved that the Committee approve Proposed Interim Rule INT 2017-26.

Rep. Schmidt seconded.

Adopted.

- **7. The Committee discussed Final Proposal 2017-132 from the Department of Environmental Services (Drinking Water Programs, Revised Total Coliform Rule Amendments; Consumer Confidence Report Amendments Regarding Notices for Lead). Peter Demas and Jackie Howard testified for the Department

Senator Kahn arrived during the discussion of this item.

Sen. Feltes moved that the Committee approve Final Proposal 2017-132.

Sen. Avard seconded.

Adopted. Sen. Reagan noted there were two "no" votes.

8. The Committee discussed Final Proposal 2017-87 from the Department of Safety (Commissioner, New Hampshire Fire Standards and Training and EMS Administrative Fee Rules). David Hilts and Chief Jeffrey Phillips testified for the Department.

The Department had submitted a conditional approval request in amended rules dated October 18, 2017.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2017-87 on the grounds as outlined in the annotations to Final Proposal 2017-87 by Committee staff but with the understanding that the Department, in preparing its objection response, would consider and avoid the issues outlined in the Committee staff's annotations to the Department's conditional approval request.

Sen. Kahn seconded.

Adopted.

9. The Committee discussed Final Proposal 2017-74 from the Department of Safety (Commissioner, Licensure of Private Investigators, Security Guards, and Bail Recovery Agents). Keith Lohmann testified for the Department.

Sen. Feltes moved that the Committee make a preliminary objection to Final Proposal 2017-74 on the grounds as outlined in the annotations to the Final Proposal by Committee staff.

Sen. Avard seconded.

Adopted.

10. The Committee discussed Final Proposal 2017-129 from the Department of Safety (Commissioner, Transportation Network Company Rules). David Hilts testified for the Department.

Temilola Sobowale, representing Lyft Inc., also testified.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2017-129 on the grounds as outlined in the annotations to the Final Proposal by Committee staff.

Rep. Graham seconded.

Adopted.

11. The Committee discussed Final Proposal 2017-62 from the Board of Nursing (Licensees with the Authority to Delegate Nursing Related Activities; Eligibility to be a Delegation). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated November 15, 2017.

Michelle Winchester, who had submitted written testimony in an e-mail on October 18, 2017, also testified.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2017-62 as specified in the Board's conditional approval request, with the further amendment as follows:

- In Nur 404.07(h)(1), insert "and pursuant to Nur 404.06(a)(1)" after "as defined in Nur 101.21"; and
- In Nur 404.07(h)(4), insert "safely" before "self-administer" at the end of the sentence.

Sen. Avard seconded.

Adopted.

12. The Committee discussed Final Proposal 2017-94 from the Board of Dental Examiners (Licensing Requirements; Dental Assistants and Hygienist Duties; Ethical and Professional Standards). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

Sen. Feltes moved that the Committee approve Final Proposal 2017-94.

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed Final Proposal 2017-99 from the Pharmacy Board (Collaborative Pharmacy Practice). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated November 15, 2017.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2017-99 based on the Board's conditional approval request.

Rep. Ladd seconded.

Adopted.

14. The Committee discussed Final Proposal 2017-100 from the Pharmacy Board (New Hampshire Controlled Drug Prescription Health and Safety Program). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

Sen. Feltes moved that the Committee approve Final Proposal 2017-100 with the understanding that the Board would submit an updated form cited in Ph 1505.01(b) which would be examined by Committee staff for compliance with RSA 541-A:19-c on forms, RSA 541-A:1, VII-a defining a form, and the Drafting and Procedure Manual pursuant to RSA 541-A:8.

Rep. Schmidt seconded.

Adopted.

15. The Committee discussed Final Proposal 2017-120 from the Department of Agriculture, Markets, and Food (Weights and Measures). Scott Vaillancourt and Jeffrey Wentworth testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-120.

Sen. Avarad seconded.

Adopted.

16. The Committee discussed the confirmed meeting scheduled for December 7, 2017.

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

17. The Committee discussed the proposed Committee meeting schedule of regular and continued meetings for 2018, as prepared by Committee staff.

Sen. Feltes moved that the Committee approve the schedule.

Rep. Schmidt seconded.

Adopted.

18. The Committee briefly discussed Proposed Interim Rule INT 2017-27 from the Office of Strategic Initiatives (Governor's Scholarship Program) which had been postponed to the Committee meeting on December 21, 2017.

No further action was taken.

19. The Committee adjourned by consensus at 10:21 a.m.