



## **Action Minutes**

**November 18, 2021**

**Members Present:** Senators Reagan, Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Hatch, Lang, Schmidt, Schuett\*, and Tucker\*. (\*) 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 as an in-person meeting at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Senators Gray and Ward, and Representatives McGuire, Bershtein, Hatch, Lang, Schmidt, Schuett, and Tucker.

Sen. Reagan designated Rep. Schuett and Rep. Tucker as alternates, respectively, for Senator Whitley and Sen. Prentiss, who were absent.

2. The Committee discussed the minutes of the Committee meeting on October 21, 2021.

Rep. Hatch moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

### **CONSENT AGENDA**

#### ***2. Committee Approval of Final Proposals and Proposed Interim Rule:***

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|----------------|--|
| (a) FP 2021-34 | ARCHITECTURAL BARRIER-FREE DESIGN COMMITTEE OF THE GOVERNOR'S COMMISSION ON DISABILITY<br>Office Address                           |
| (b) FP 2021-68 | WETLANDS COUNCIL<br>Definitions, Organization, and Public Information;<br>Procedural Rules   |
| (c) FP 2021-77 | GOVERNING BOARD OF PHYSICAL THERAPISTS<br>Definitions of Ethical Standards   |
| (d) FP 2021-85 | GOVERNING BOARD OF OCCUPATIONAL THERAPISTS<br>Ethical Standards  |
| (e) FP 2021-89 | DEPARTMENT OF HEALTH AND HUMAN SERVICES<br>Former Division of Human Services<br>Nutritional Supplement for Working Families (NSWF) |

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- (f) FP 2021-91                   INSURANCE DEPARTMENT  
Credit for Reinsurance
- (g) FP 2021-94                   COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION  
College Tuition Savings Plan, Governor's Scholarship Program,  
and UNIQUE Endowment Allocation Program
- (h) INT 2021-10               OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Renewal Fees for Physician Assistants

**3. *Committee Conditional Approvals***

- (a) FP 2021-63               N. H. PHARMACY BOARD  
Institutional Pharmacy Practice
- (b) FP 2021-64               GOVERNING BOARD OF ATHLETIC TRAINERS  
Code of Ethics
- (c) FP 2021-78               OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Organizational Rules
- (d) FP 2021-79               OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Temporary Licensure of Health Care and Other Professionals
- (e) FP 2021-96               DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Mental Health and Developmental Services  
Designation of Receiving Facilities

Rep. McGuire moved that the Committee approve the Consent Agenda except for Final Proposal 2021-96, that is, approve the Final Proposals and Proposed Interim Rule in Item #2, and conditionally approve the Final Proposals in Item #3 except for Final Proposal 2021-96, based on the agencies' conditional approval requests.

Rep. Lang seconded.

Adopted.

Sen. Whitley arrived in the meeting at this time. Rep. Schuett was therefore no longer a voting member.

4. The Committee discussed Final Proposal 2021-84 from the Lottery Commission (Historic Horse Racing).

The Commission had submitted a conditional approval request in amended rules dated October 25, 2021.

Rep. Hatch moved that the Committee make a preliminary objection to Final Proposal 2021-84 based on the annotations to the Final Proposal by Committee staff.

Rep. McGuire seconded.

Adopted.

5. The Committee discussed Final Proposal 2021-96 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Designation of Receiving Facilities). Allyson Zinno testified for the Department.

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The Department had submitted a conditional approval request in rules dated November 9, 2021 and an amended conditional approval request in rules dated November 16, 2021.

Sen. Prentiss arrived during the discussion of this item. Rep. Tucker was therefore no longer a voting member.

Rep. Hatch moved that the Committee accept the request pursuant to RSA 541-A:13, II(b) and Committee rule 301.03(b), because the amended conditional approval request was filed after the 7-day deadline prior to the Committee meeting,

Rep. McGuire seconded.

Adopted.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-96 based on the amended conditional approval request.

Rep. Hatch seconded.

Adopted.

6. The Committee discussed whether to postpone action on any items to another Committee meeting.

Rep. McGuire moved that the Committee postpone action on the following items to the next regular Committee meeting on December 17, 2021:

**13. GOVERNING BOARD OF OCCUPATIONAL THERAPISTS**

FP 2021-75	Physical Agent Modalities (JLCAR Deadline December 27, 2021.)
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**14. N. H. PHARMACY BOARD**

FP 2021-67	Pharmacist Initiation and Dispensing of Hormonal Contraceptives (JLCAR Deadline December 27, 2021.)
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Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2021-72 from the Department of Safety (Commissioner, Blue Alert). Mary Maloney testified for the Department.

Rep. Lang moved that the Committee approve Final Proposal 2021-72.

Rep. Hatch seconded.

Adopted.

For the record Rep. McGuire was recorded as voting “no.”

8. The Committee discussed Final Proposal 2021-90 from the Insurance Department (Ancillary Health Minimum Standards for Benefits for Disability Income Protection Coverage). Jason Dexter testified for the Department.

Rep. Hatch moved that the Committee approve Final Proposal 2021-90.

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Rep. Lang seconded.

Adopted.

9. The Committee discussed Final Proposal 2021-70 from the Department of Environmental Services (Cross Program Rules, N. H. Environmental Laboratory Accreditation Program). Pam Monroe testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2021-70.

Rep. Lang seconded.

Adopted.

10. The Committee discussed Final Proposal 2021-66 from the Board of Chiropractic Examiners (Reinstatement of Licenses). Tina Kelley testified for the Board.

The Board had submitted a conditional approval request in amended rules dated October 21, 2021.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-66 based on the request, with the recommendation that the Board work with the legislature to clarify the authority of the Board on reinstatement fees, as discussed in the comments by Committee staff to the request.

Rep. Lang seconded.

Adopted.

11. The Committee discussed Final Proposal 2021-80 from the Governing Board of Athletic Trainers (Continued Status). Tina Kelley testified for the Department.

Rep. Lang moved that the Committee approve Final Proposal 2021-80.

Rep. Hatch seconded.

Adopted.

12. The Committee discussed Final Proposal 2021-76 from the Board of Mental Health Practice (License Renewal, Continuing Education, Collaboration, and Reinstatement). Tina Kelley testified for the Board.

The Board had submitted a conditional approval request in amended rules dated November 1, 2021.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-76 based on the request, with the request that the Board work to fix the legislative issues addressed in comments in the annotations by Committee staff.

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed an emergency rule filed in Document #13290, effective November 16, 2021, by the Governing Board of Genetic Counselors (Genetic Counselors Renewal—Continued Competency for New Licenses). Jessica Whelehan of the Office of Professional Licensure and Certification and Board Chair Lisa Demers testified for the Board.

No further action was taken.

14. The Committee discussed the continued meeting scheduled for December 2, 2021.

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

15. The Committee discussed a tentative schedule for Committee regular and continued meetings in 2022 as prepared by Committee staff.

It was the consensus of the Committee to postpone this item to the next meeting on December 16.

16. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 9:38 a.m.