



Action Minutes

August 19, 2021

Members Present: Senators Reagan, Gray, Whitley, Ward, and Prentiss, and Representatives McGuire, Bershtein, Hatch, Lang, Schmidt, Roy*, and Schuett*. (*) 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.

However, the meeting was being Livestreamed.

Members present in-person at this time, aside from Sen. Reagan, were Senators Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Hatch, Lang, and Schmidt.

Since all regular members were present, Sen. Reagan designated no alternates at this time.

2. The Committee discussed the minutes of the Committee meeting on July 15, 2021.

Rep. McGuire 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:

- | | |
|----------------|---|
| (a) FP 2021-9 | BOARD OF ACUPUNCTURE LICENSING
Degree Requirements and Waivers Thereof |
| (b) FP 2021-40 | DEPARTMENT OF SAFETY
Commissioner
Statewide Incident Command System |
| (c) FP 2021-52 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Mitigation of Regional Haze |

Rep. Hatch moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Final Proposal 2021-43 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Transfers to and From the Secure Psychiatric Unit). Allyson Zinno testified for the Department.

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Rep. Schuett arrived in the meeting during the discussion of this item. As an alternate member she was not a voting member at this time.

Rep. McGuire moved that the Committee approve Final Proposal 2021-43.

Rep. Lang seconded.

Adopted.

5. The Committee discussed an emergency rule filed in Document #13250, effective August 6, 2021, by the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Conditional Discharge). Allyson Zinno testified for the Department.

No further action was taken.

6. The Committee discussed an emergency rule filed in Document #13247, effective August 3, 2021, by the Department of Safety (Commissioner, Tuition Fees for Certification of Firefighter I and II Training Programs). Marta Modigliani and Jeffrey R. Phillips testified for the Department.

No further action was taken.

7. The Committee discussed Final Proposal 2021-50 from the Department of Business and Economic Affairs (Joint Promotional Program).

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2021-50 based on the comments as outlined in the annotations by Committee staff to the Final Proposal.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2021-48 from the Pesticide Control Board (Board). David Rousseau, Director of the Division of Pesticide Control of the Department of Agriculture, Markets, and Food, testified for the Board.

Rep. Roy had arrived in the meeting during the discussion of this item. As an alternate member he was not a voting member at this time.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-48 on the ground that the Board amend Pes 302.01(i) to insert a website link for the "Registered Pest List" maintained by the Animal and Plant Health Inspection Service of the U. S. Department of Agriculture.

Rep. Lang seconded.

Adopted.

9. The Committee discussed Final Proposal 2021-24 from the Board of Acupuncture Licensing (Board Office and Initial Application Form). Tina Kelley and Executive Director Lindsay Courtney from the Office of Professional Licensure and Certification testified for the Board.

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

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-24 based on the request.

Rep. Hatch seconded.

Adopted.

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10. The Committee discussed Proposed Interim Rule INT 2021-3 from the Office of Professional Licensure and Certification (Microblading Certification). Tina Kelley and Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Office.

Sen. Prentiss moved that the Committee approve Proposed Interim Rule INT 2021-3.

After further discussion, Sen. Prentiss amended her motion to move that the Committee conditionally approve Proposed Interim Rule INT 2021-3 based on removing and replacing all instances of “license” with “certificate”.

Rep. McGuire seconded.

Adopted.

Sen. Reagan noted for the record that Rep. Schmidt voted “no”.

11. The Committee discussed the response by the Board of Veterinary Medicine to the Committee’s preliminary objection to Final Proposal 2021-6 (Organizational and Procedural Rules). The Committee had conditionally approved Final Proposal 2021-6 on June 18, 2021, but the conditional approval had converted to a preliminary objection pursuant to RSA 541-A:13, V(a). Tina Kelley and Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Board.

Terry Pfaff, Chief Operating Officer for the General Court, interrupted briefly to speak about issues of poor sound recording of voices in the Committee meeting on Livestream.

Rep. Hatch moved that the Committee accept the objection response and approve the rules.

Rep. McGuire seconded.

Adopted.

12. The Committee discussed an emergency rule filed in Document #13235, effective July 15, 2021, by the Board of Veterinary Medicine (Veterinary Continuing Education). Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification represented the Board.

No further action was taken.

13. The Committee discussed the following emergency rules filed by the Board of Dental Examiners:

- Emergency rule filed in Document #13232, effective July 15, 2021 (Dental Hygiene Application Procedure—Manikin Examination). Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification, testified for the Board.
- Emergency rule filed in Document #13233, effective July 15, 2021 (Dental Application Procedure—Manikin Examination). Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Board.

No further action was taken on either emergency rule.

14. The Committee discussed an emergency rule filed in Document #13251, effective August 11, 2021, by the Board of Dental Examiners (Manner of Payment of Anesthesia/Sedation Inspection Fee). Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification, testified for the Board.

No further action was taken.

15. The Committee discussed an emergency rule filed in Document #13234, effective July 15, 2021, by the Board of Nursing Home Administrators (Nursing Home Administrators Continuing Education Hours).

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Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Board.

No further action was taken.

16. After a break, the Committee discussed Proposed Interim Rule INT 2021-2 from the Board of Education (Education Freedom Accounts Program). Amanda Phelps and Christopher Bond from the Department of Education testified for the Board.

Attorney Gerald Zelin from the law firm of Drummond Woodsum, representing the New Hampshire Association of Special Education Administrators, also testified. Attorney Zelin had also submitted written testimony dated August 17, 2021 and August 18, 2021.

The Board had submitted a conditional approval request in amended rules dated August 16, 2021.

Rep. McGuire moved that the Committee conditionally approve Proposed Interim Rule INT 2021-2 based on the request and also recommend that: (1) The Department work with the Legislature to correct ambiguities in the language of RSA 194-F, as outlined in Committee staff's comments to the conditional approval request; (2) The Board commence regular rulemaking for Ed 324 as soon as possible; and (3) The Department review and approve the notice given to parents by the scholarship organization specifying the rights that will be retained and lost by students participating in the EFA program.

Rep. Lang seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch		X
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt		X
Sen. Gray	X	
Sen. Prentiss		X
Sen. Ward	X	
Sen. Whitley		X
Sen. Reagan	X	

The vote was 6 “yes” and 4 “no”. The motion was adopted.

17. The Committee discussed the continued meeting scheduled for September 2, 2021.

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

18. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 11:05 a.m.