



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312
Tel. (603) 271-3680

Website: www.gencourt.state.nh.us/rules/index.html

TDD Access:
Relay NH 1-800-735-2964

Fax (603) 271-7871

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING **Friday, March 15, 2013** 9:00 a.m.
Rooms 305/307, Legislative Office Building

CONTINUED MEETING: **Friday, April 5, 2013** 9:00 a.m.
Room 100, State House

JLCAR MEETING DATES AND RELATED FILING DEADLINES MARCH-JUNE, 2013

The JLCAR has voted to hold its regularly scheduled meetings for March through June, 2013 on the third Friday of the month as listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
March 1	March 15	April 5
April 5	April 19	May 3
May 3	May 17	June 7
June 7	June 21	June 28

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2013-23	Env-Wq 306 (currently Env-Ws 905)	Department of Environmental Services Water Quality and Quantity Programs Management of Mercury-Containing Amalgam.	1
2013-24	Ins 1904	Insurance Department Group Coordination of Benefits.	3

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2013**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2013 on the third Thursdays listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 3 (Wednesday)	July 18	August 1
August 1	August 15	September 5
September 5	September 19	October 3
October 3	October 17	November 7
November 7	November 21	December 5
December 5	December 19	None

Notice Number 2013-23 Rule Number Env-Wq 306 (currently Env-Ws 905)

<p>1. Agency Name & Address:</p> <p>NH Dept. of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095</p>	<p>2. RSA Authority: <u>RSA 485-A:4, XVIII</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: Management of Mercury-Containing Amalgam

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules implement RSA 485-A:4, XVIII, which requires the use of environmentally appropriate equipment and methods to trap and dispose of mercury found in dental amalgam waste. The rules require the installation of an approved amalgam separator to trap and retain amalgam particles discharged into the waste line. The rules are scheduled to expire on May 28, 2013* and so are proposed to be readopted with amendment to continue the protection provided by the existing rules against discharge of mercury amalgam. The amendments are intended to (1) update the International Standard Organization (ISO) design and performance standard for the required separator systems to the most recent version, (2) clarify that dental practices currently using amalgam separators compliant with the prior ISO standard may continue to do so until a replacement separator is required, and (3) redesignate the rule as Env-Wq 306 as part of the Department's larger redesignation effort.

* If this rulemaking is not completed prior to May 28, 2013, the existing rules will continue in effect as specified in RSA 541-A:14-a, subject to the conditions specified therein.

6. (b) Brief description of the groups affected:

The rules affect dental practices at which mercury-containing amalgam is applied, altered, maintained, or removed or which otherwise generate mercury-containing amalgam waste.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented
Env-Wq 306 (see also specific section listed below)	RSA 485-A:4, XVIII
Env-Wq 306.06	RSA 541-A:22, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: George Carlson	Title: Sanitary Engineer III
Address: NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #: (603) 271-2052 Fax#: (603) 271-4128 E-mail: george.carlson@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2013-23 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, April 29, 2013 by 4:00 pm.**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, April 22, 2013, at 1:00 p.m.**

Place: **Room 112, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 13:018, dated 03/04/2013 :

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None

B. To State citizens and political subdivisions:

None

C. To independently owned businesses:

None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

None of the facilities affected by these rules is owned by a political subdivision. Accordingly, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures.

Notice Number 2013-24

Rule Number Ins 1904

<p>1. Agency Name & Address:</p> <p>N.H. INSURANCE DEPARTMENT 21 South Fruit Street Suite 14 Concord, NH 03301</p>	<p>2. RSA Authority: <u>400-A:15, I.; 415-A:2;</u> <u>420-A:20; 420-B:21</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u> X </u></p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Ins 1904 Group Coordination of Benefits**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

This rule applies to all group or blanket insurance plans and establishes a uniform order of benefit determination under which plans pay claims. This rule is an NAIC model.

6. (b) Brief description of the groups affected:

Groups affected by this rule are all licensees of the NHID writing group or blanket insurance plans and the purchasers of that coverage.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
1904.01	400-A:15, I; 415-A:1; 415-A:2
1904.02	400-A:15, I; 415-A:1; 415-A:2, I (c)
1904.03	400-A:15, I; 415-A:2, I (n)
1904.05	400-A:15, I; 415-A:2, I (c)
1904.06	400-A:15, I; 415-A:2
1904.07	400-A:15, I; 415-A:2
1904.08	400-A:15, I; 415-A:2
1904.09	400-A:15, I; 415-A:2
1904.10	400-A:15, I

NN 2013-24 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Jennifer Patterson** Title: **LAH - Legal Counsel**
Address: **N.H. Insurance Department** Phone #: **271-2261**
21 South Fruit St., Ste. 14 Fax#: **271-1406**
Concord, NH 03301 E-mail: **jennifer.patterson@ins.nh.gov**
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: May 9, 2013

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **April 26, 2013 -- 9:30 a.m.**

Place: **N.H. Insurance Dept., 21 South Fruit St., Ste. 14, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:019, dated 03/06/13

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **This rule does not mandate any new, expanded or modified program or responsibility to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision.**

EXTENSION OF PUBLIC COMMENT DEADLINE

Notice Number 2013-3 Rule Number He-W 654.04

<p>1. Agency Name & Address:</p> <p>Dept. of Health and Human Services Division of Family Assistance 129 Pleasant St., Brown Building Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 167:3c, I; RSA 167:80, IV(b)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Treatment of Specific Types of Income for Financial Assistance to Needy Families (FANF) and the Adult Categories of Financial and medical Assistance**

6. In accordance with RSA 541-A:11, III, the public comment deadline for this proposed rule has been extended past its scheduled date for which notice appeared in the Rulemaking Register on 1/17/2013 under Notice Number 2013-3.

7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **The former deadline was 2/14/13 and the new deadline is 4/11/13, which reopens this rule for public comment.**

Fax

E-mail

Other format (specify):

8. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michele Beasley** Title: **Rules Coordinator**
 Address: **Dept. of Health and Human Services** Phone #: **271-9233**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St., Brown Building E-mail: **mbeasley@dhhs.state.nh.us**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH) or

<http://www.dhhs.nh.gov/oos/aru/comment.htm>