



# NEW HAMPSHIRE RULEMAKING REGISTER

## OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

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VOLUME XXXVIII, Number 23, June 7, 2018

### TABLE OF CONTENTS

1.	<u>OFFICE OF LEGISLATIVE SERVICES</u>	<u>Page No.</u>
a.	List of Notices of Proposed Rules NN 2018-104 through NN 2018-106 and Proposed INT 2018-14 through INT 2018-15	-i-
b.	Notices of Proposed Rules and Proposed Interim Rules	1
c.	List of Adopted Rules	16
d.	Notice Regarding Draft Final Proposed Rule Hearing and Public Comment Period for: DEPARTMENT OF HEALTH AND HUMAN SERVICES NN 2017-162 Therapeutic Cannabis Program – Alternative Treatment Centers	13

#### 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, June 15, 2018 9:00 a.m.**  
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Friday, June 29, 2018 9:00 a.m.**  
Rooms 306/308, Legislative Office Building

a.	List of Final Proposals, Proposed Interim Rules, and Proposed Expedited Repeal for Committee Review	14
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### NOTICE

#### **THE PAPER FORMAT FOR THE RULEMAKING REGISTER WILL END WITH THE JULY 12<sup>th</sup> ISSUE**

Pursuant to SB 369-FN, effective July 14, 2018, the Rulemaking Register will become an electronic-only document and remain available for downloading from our website or as a PDF document from our subscriber e-mail list. The last paper Register will be published on July 12<sup>th</sup>. Subscribers for the paper format whose subscriptions expire on June 30<sup>th</sup> should contact us if they wish to receive the July 5<sup>th</sup> and July 12<sup>th</sup> issue.

# NEW HAMPSHIRE RULEMAKING REGISTER

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## Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2018-104	Env-Dw 800	Department of Environmental Services Drinking Water Programs Public Notification by Public Water Systems.	1
2018-105	Ed 507.22 and Ed 612.19	Board of Education Digital Learning Specialist.	3
2018-106	Ed 207.35 & Ed 612.36	Board of Education Educational Interpreter/Transliterater for Children and Youth Ages 3-21.	6

## Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
(INT 2018-14)	He-M 520	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Children's Special Medical Service.	9
(INT 2018-15)	He-M 523	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Family Support Services.	11

**JLCAR MEETING DATES AND RELATED FILING DEADLINES  
JUNE, 2018**

The JLCAR has voted to hold its regularly scheduled meeting for June, 2018 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.

<b>Regular Meeting Filing Deadline*</b>	<b>Regular Meeting Date</b>	<b>Continued Meeting Date</b>
June 1	<b>June 15</b>	June 29

**\*NOTE:** The filing deadlines relate to JLCAR meetings pursuant to RSA 541-A. However, if a proposed interim rule is filed with a rulemaking notice for publication in the *Rulemaking Register*, be aware that Thursdays—not Fridays—remain the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Therefore, filing the notice together with the proposed interim rule no later than the Thursday before the 14-day statutory deadline would assure that both the 14-day deadline for filing the rule and the deadline for publication in the *Rulemaking Register* would be met. See description in §3.3 of Chapter 3 of the *Drafting and Procedure Manual for Administrative Rules*.

**JLCAR MEETING DATES AND RELATED FILING DEADLINES  
JULY-DECEMBER, 2018**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2018 on the third Thursday 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 Thursdays to address any items postponed from the prior regular meetings.

<b>Regular Meeting Filing Deadline</b>	<b>Regular Meeting Date</b>	<b>Continued Meeting Date</b>
July 5	<b>July 19</b>	August 2
August 2	<b>August 16</b>	September 6
September 6	<b>September 20</b>	October 4
October 4	<b>October 18</b>	November 1
November 1	<b>November 15</b>	December 6
December 6	<b>December 20</b>	None

Notice Number <u>2018-104</u>	Rule Number <u>Env-Dw 800</u>
1. Agency Name & Address:  Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 485:41, IV</u> 3. Federal Authority: <u>40 CFR 141</u> 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption <u>X</u> Readoption w/amendment <u>X</u>

5. Short Title: **Public Notification by Public Water Systems**

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

The existing rules in Env-Dw 800 implement the public notice requirements of the State's public drinking water program to be equivalent to the federal program established in 40 CFR 141, promulgated by EPA under the Federal Safe Drinking Water Act (SDWA), as required by RSA 485:1, I.

Most of the rules in Env-Dw 800 are scheduled to expire on June 30, 2018, and so the entire chapter is proposed to be readopted in order to retain primacy. **The existing rules will remain in effect pursuant to RSA 541-A:14-a, I, subject to the conditions therein.** As part of the readoption, amendments are being proposed to (1) ensure equivalency with the federal requirements; (2) clarify existing requirements and update cross-references; and (3) replace the term "owner" with "O/O" to reflect the change in terminology required by EPA.

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

The rules directly affect owners and operators of public water systems and indirectly affect those served by public water systems.

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

Rule Section(s)	State Statute(s) Implemented	Federal Requirements Implemented
Env-Dw 801 - 803	RSA 485:2, V; RSA 485:3, I	40 CFR 141.31; 40 CFR 141, Subpart Q
Env-Dw 802	RSA 485:2, V; RSA 485:3, I	40 CFR 141.31; 40 CFR 141 Subpart Q
Env-Dw 804.01, 804.02, 804.04	RSA 485:2, V; RSA 485:3, I	40 CFR 141.205(d); Appendix B to 40 CFR 141 Subpart Q
Env-Dw 804.03	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141 Subpart Q
Env-Dw 804.05	RSA 485:2, V; RSA 485:3, I	
Env-Dw 805 - 810	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141, Subpart Q
Env-Dw 811	RSA 485:2, V; RSA 485:3, I, III(b)	40 CFR 141.141, Subparts O and Q

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

Name: Holly Green Title: DWGB Rules Coordinator  
Address: Dept. of Environmental Services Phone #: (603) 271-3114  
29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-0656  
Concord, NH 03302-0095 E-mail: [Holly.Green@des.nh.gov](mailto:Holly.Green@des.nh.gov)

NN 2018-104 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, July 20, 2018**

**YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING**

Fax  E-mail  Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, July 12, 2018 at 10:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 18;113, dated 05/29/18:

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:**

The federal Safe Drinking Water Act as reflected in 40 CFR 141, requires the state to adopt standards that are at least as stringent as the federal Safe Drinking Water Act. The revisions to these rules are needed in order for the State to demonstrate equivalency so that the Department can retain primacy to implement the Act in New Hampshire. Failure to adopt the rules could result in the loss of up to \$8 million in federal grant funding for the Department's drinking water programs.

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:

The requirements are the same as the federal requirements to which public water systems are subject regardless of whether New Hampshire adopts the rules. The rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number	2018-105	Rule Number	Ed 507.22 and Ed 612.19
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<p>1. Agency Name &amp; Address:  <b>State Board of Education</b>  <b>c/o Department of Education</b>  <b>101 Pleasant Street</b>  <b>Concord, NH 03301</b></p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 20px;">2.</td> <td style="width: 30%;">RSA Authority:</td> <td style="border-bottom: 1px solid black;">RSA 186:11, X(a) &amp; RSA 186:11, X(c)</td> </tr> <tr> <td>3.</td> <td>Federal Authority:</td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td>4.</td> <td>Type of Action:</td> <td> </td> </tr> <tr> <td></td> <td>Adoption</td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td></td> <td>Amendment</td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td></td> <td>Repeal</td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td></td> <td>Readoption</td> <td style="border-bottom: 1px solid black;"> </td> </tr> <tr> <td></td> <td>Readoption w/amendment</td> <td style="border-bottom: 1px solid black; text-align: center;">X</td> </tr> </table>	2.	RSA Authority:	RSA 186:11, X(a) & RSA 186:11, X(c)	3.	Federal Authority:		4.	Type of Action:			Adoption			Amendment			Repeal			Readoption			Readoption w/amendment	X
2.	RSA Authority:	RSA 186:11, X(a) & RSA 186:11, X(c)																							
3.	Federal Authority:																								
4.	Type of Action:																								
	Adoption																								
	Amendment																								
	Repeal																								
	Readoption																								
	Readoption w/amendment	X																							

5. Short Title: **Digital Learning Specialist**

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

**Ed 507.22 relates to requirements for certification of a digital learning specialist. It is being readopted with amendment.**

**The amendments are as follows:**

**The existing heading, “Education Technology Integrator,” is being changed to “Digital Learning Specialist.” The term “education technology integrator” is being changed to “digital learning specialist” throughout the rule.**

**Ed 507.22(a) describes the educational requirements for the digital learning specialist certification. Ed 507.22(a)(2) is being amended to clarify language and amend a reference to requirements listed in Ed 507.22(c) (formerly Ed 507.22(b)).**

**Ed 507.22(b) is a new paragraph that relates to candidates seeking a credential through an alternative 3, 4, or 5 pathway. It is being proposed to clarify processes pertaining to these candidates.**

**Ed 507.22(c) (formerly Ed 507.22(b)) specifies the skills, knowledge, competencies, and academic and supervised field-based experience of a digital learning specialist. It is being amended to change the lettering from (b) to (c), due to the proposal in the new Ed 507.22(b) and to specify the areas in which a candidate shall have intellectual, academic, and field-based experience as follows:**

**Ed 507.22(c)(1) and Ed 507.22(c)(1)b. – d. are being amended to clarify the role of a digital learning specialist as a “digital designer” responsible for individual student learning, growth, and understanding.**

**Ed 507.22(c)(2) is being amended to reflect the need for digital learning specialists to “continue to deepen knowledge and expertise with technological concepts and pedagogy.” Ed 507.22(c)(2)a. – b. are being amended to clarify language. Ed 507.22(c)(2)c. is being amended to elaborate on intereducator collaboration. The former Ed 507.22(b)(2)d. is**

NN 2018-105 Continued

being removed, and the former Ed 507.22(b)(3)c. will be relettered as Ed 507.22(c)(2)d. to pertain to state and national standards.

Ed 507.22(c)(3) (formerly Ed 507.22(b)(4)) is being changed to pertain to digital citizenship. The former Ed 507.22(b)(3)a. – b. are being removed due to non-necessity. The introduction to Ed 507.22(c)(3) is being amended to clarify language. Ed 507.22(c)(3)a. – b. are being amended to simplify and clarify language. Ed 507.22(c)(3)c. is being amended to pertain to diversity, cultural understanding, and global awareness. The former Ed 507.22(b)(4)c. is being removed.

Ed 507.22(c) (formerly Ed 507.22(b)(5)) is being amended to elaborate on the position and duties of a digital learning specialist. Ed 507.22(c)(4)a. – c. are being amended to simplify and clarify language. The former Ed 507.22(b)(5)d. – e. are being removed due to non-necessity.

Ed 507.22(c)(5) is a new subparagraph that structures the position of a digital learning specialist as a “visionary leader” who promotes the integration of technology, fosters excellence, and supports transformational change throughout the instructional environment. Ed 507.22(c)(5) a. – c. describe the appropriate abilities expected of the digital learning specialist.

Ed 612.19 relates to the professional preparation program for the certification in Ed 507.22. It is being readopted with an amendment to change the heading of the program from “Education Technology Integrator” to “Digital Learning Specialist.” Ed 612.19(a) – (e) are being deleted due to redundancy, as the content is described in Ed 507.22, and a single paragraph in Ed 612.19 will refer to Ed 507.22.

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

**Credentialed education technology integrators (now called digital learning specialists) and other educational staff, students and parents of students, and institutes of higher education are affected by these rules.**

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

RULE	STATUTE
Ed 507.22	RSA 186:11, X(a)
Ed 612.19	RSA 186:11, X(c)

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

Name: **Amanda Phelps**

Title: **Administrative Rules  
Coordinator**

Address: **Department of Education  
101 Pleasant Street  
Concord, NH 03301**

Phone #: **(603) 271-2408**

Fax#: **(603) 271-4134**

E-mail: **[amanda.phelps@doe.nh.gov](mailto:amanda.phelps@doe.nh.gov)**

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

NN 2018-105 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 19, 2018**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 11, 2018 at 11:30 a.m.**

Place: **Department of Education  
State Board Room, 101 Pleasant Street, Concord, NH 03301**

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

FIS # 18:108, dated 5/21/18

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 rule to the existing rule

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:

**Relative to Part I, Article 28-a of the NH Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements for obtaining a credential as a Digital Learning Specialist. These processes are already in place and the standards are being updated to reflect current practices. The credentialing procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues and do not impose a cost on political subdivisions. Therefore, there is no violation of Part I, Article 28-a.**



Notice Number	Rule Number	Ed 507.35 and Ed 612.36
2018-106		

<p>1. Agency Name &amp; Address:</p> <p><b>State Board of Education</b>  <b>c/o Department of Education</b>  <b>101 Pleasant Street</b>  <b>Concord, NH 03301</b></p>	<p>2. RSA Authority: <b>RSA 186:11, X(a)</b>  <b>RSA 186:11, X(c)</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u>  <b>X</b>  </u></p>
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5. Short Title: **Educational Interpreter/Transliterator for Children and Youth Ages 3-21**

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

**This proposal (1) readopts with amendments Ed 507.35 containing the educator certification requirements for an educational interpreter/transliterator for children and youth ages 3-21 and (2) adopts Ed 612.36 containing the standards for the professional preparation program for this certification.**

**The amendments to Ed 507.35 are summarized below:**

**Ed 507.35(a) defines key terms. Ed 507.35(a)(1) is being amended to clarify the existing definition of “educational interpreter.”**

**Ed 507.35(b) describes certification requirements for educational interpreters/translilitators.**

**The introduction in Ed 507.35(b) is being amended to simplify language.**

**Ed 507.35(b)(1) is being amended to change the required degree level from an Associate’s Degree to a Bachelor’s Degree.**

**Ed 507.35(b)(2) is amended to effectuate a state board-designated practical examination for educational interpreting (or a comparable examination).**

**Ed 507.35(b)(3) is being amended to simplify language, refer to the examination described in Ed 507.35(b)(2) as an avenue for certification, and remove a clause allowing interstate educational interpreter/transliterator certifications.**

**Ed 507.35(c) describes the skills, competencies, and knowledge needed for certification as an educational interpreter/transliterator.**

**The introduction to Ed 507.35(c) is being amended to simplify language.**

**Ed 507.35(c)(1) – (2) are also being amended to simplify and clarify language.**

**Ed 507.35(c)(2) is also amended to add a requirement for an educational interpreter/transliterator to be able to identify and appropriately utilize federal, state, and local organization resources for students who are deaf or hard of hearing.**

## NN 2018-106 Continued

Ed 507.35(c)(3) is being amended to require the knowledge of the educational interpreter performance assessment's (EIPA) "Guidelines of Professional Conduct for Educational Interpreters", August 2007 edition.

Ed 507.35(c)(5) is being amended to add "American Sign Language (ASL)" and "conceptually accurate signed English (CASE)" to examples of different communication modes. Ed 507.35(c)(5) is also being amended to change the word "sign" to "signed" so it will now read "Pidgin signed English", and to re-letter the clauses in Ed 507.35(c)(5) to reflect the two added modes of communication.

Ed 507.35(c)(6) is amended in Ed 507.35(c)(6)a.-e. on the details of the process of interpreting/transliterating since the details are unnecessary.

Ed 507.35(c)(7) on professional roles, responsibilities, and practices is being amended to clarify language, remove redundant phrasing, and re-letter the clauses in Ed 507.35(c)(7)b.-f. as Ed 507.35 (c)(2)a.-d. to reflect the removed phrasing.

Ed 507.35(c)(9) on principles and philosophies of public education is being removed due to its unnecessary nature.

Ed 507.35(c)(10) on the IEP and 504 process is being amended to simplify and clarify language and to add an additional two points of information.

Ed 507.35(c)(11) on general studies is being removed.

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

**Credentialed educational interpreters/transliterators and other educational staff, students both hard of hearing and hearing, parents of students, and institutes of higher education are affected by these rules.**

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

RULE	STATUTE
Ed 507.35	RSA 186:11, X(a)
Ed 612.36	RSA 186:11, X(c)

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

Name:	<b>Amanda Phelps</b>	Title:	<b>Administrative Rules Coordinator</b>
Address:	<b>Department of Education 101 Pleasant Street Concord, NH 03301</b>	Phone #:	<b>(603) 271-2408</b>
		Fax#:	<b>(603) 271-4134</b>
		E-mail:	<b>Amanda.phelps@doe.nh.gov</b>
		TTY/TDD Access:	<b>Relay NH 1-800-735-2964 or dial 711 (in NH)</b>

NN 2018-106 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 19, 2018**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 11, 2018 at 11:00 a.m.**

Place: **Department of Education  
State Board Room, 101 Pleasant St., Concord, NH 03301**

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

FIS # 18:109, dated 05/21/18

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

When compared to the existing rules, the proposed rules may increase costs to state citizens.

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:

The proposed rules increase the minimum education requirement from an associate degree to a bachelor's degree for educational interpreter/transliterators for children and youth ages 3-21. To the extent an individual wishes to obtain such a certification, they may incur increased costs to obtain the higher education level required under these proposed rules.

No impact on political subdivisions.

- C. To independently owned businesses:

None.

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

**Relative to Part I, Article 28-a of the NH Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements and process for revocation and suspension of educator credentials. These processes are already in place and being updated to reflect current practices. The credentialing procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues and do not impose a cost on political subdivisions. Therefore, there is no violation of Part I, Article 28-a.**

Proposed Interim Rule Number 2018-14 Rule Number He-M 520

<p>1. Agency Name &amp; Address:</p> <p><b>NH Dept. of Health &amp; Human Services Bureau of Special Medical Services 97 Pleasant Street, Thayer Building Concord, NH 03301</b></p> <p>5. Filing Date: <b>5/25/2018</b></p>	<p>2. RSA Authority: <u><b>RSA 132:10-b, 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 <u><b>X</b></u></p> <p>Readoption w/amendment _____</p>
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6. Short Title: **Children’s Special Medical Services**

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

Name:	<b>David Newton</b>	Title:	<b>Legal Counsel – Rules Unit</b>
Address:	<b>NH Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301</b>	Phone #:	<b>271-9640</b>
		Fax#:	<b>271-5590</b>
		E-mail:	<b>david.newton@dhhs.nh.gov</b>

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

**The proposed rules may be viewed and downloaded at:**  
**<http://www.dhhs.nh.gov/oos/aru/comment.htm>**

8. Summary explaining the effect of the rule:

**He-M 520 sets forth the requirements for services and financial assistance for children with special health care needs. As required by RSA 132:13, the proposed rule contains specific provisions and criteria for administration, application, and eligibility for services and financial assistance.**

**Most of He-M 520 is scheduled to expire on July 1, 2018. Pursuant to RSA 541-A:19, I(d), the readoption as an interim rule of He-M 520 is necessary to prevent the expiration of this rule before its subsequent readoption through regular rulemaking. The proposed interim rule remains unchanged from the existing rule.**

9. Listing of people, enterprises, and government agencies affected by the rule:

**This proposed interim rule affects children with special health care needs that qualify under the program for services and financial assistance..**

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule	Specific State or Federal Statutes the Rule Implements
He-M 520.01 - 520.09	RSA 132:2, X; RSA 132:13

INT 2018-14 Continued

11. Summary of the effect upon the state if the rule were not adopted:

**If this proposed interim rule is not adopted, the Department would lack the necessary authority to maintain this program.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**June 15, 2018**

13. The fiscal impact statement prepared by the Legislative Budget Assistant

**Not applicable.**

Proposed Interim Rule Number 2018-15

Rule Number He-M 523

<p>1. Agency Name &amp; Address:</p> <p><b>NH Dept. of Health &amp; Human Services Bureau of Special Medical Services 97 Pleasant Street, Thayer Building Concord, NH 03301</b></p> <p>5. Filing Date: <b>5/25/2018</b></p>	<p>2. RSA Authority: <b>RSA 161:4-a, IX; RSA 126-G:5</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <b>X</b> _____</p> <p>Readoption w/amendment _____</p>
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6. Short Title: **Family Support Services**

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

Name:	<b>David Newton</b>	Title:	<b>Legal Counsel – Rules Unit</b>
Address:	<b>NH Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301</b>	Phone #:	<b>271-9640</b>
		Fax#:	<b>271-5590</b>
		E-mail:	<b>david.newton@dhhs.nh.gov</b>

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

The proposed rules may be viewed and downloaded at:  
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Summary explaining the effect of the rule:

**He-M 523 sets forth a framework for family support services for children, young adults, and their families who have chronic health conditions. It also specifies the eligibility requirements for family support services and for agencies providing services. As required by RSA 126-G:5, the proposed rule specifies eligibility requirements, defines the services to be provided, and the manner of providing services.**

**He-M 523 is scheduled to expire on June 18, 2018. Pursuant to RSA 541-A:19, I(d), the readoption as an interim rule of He-M 523 is necessary to prevent the expiration of this rule before their subsequent readoption through regular rulemaking. The proposed interim rule remains unchanged from the existing rule.**

9. Listing of people, enterprises, and government agencies affected by the rule:

**Children, young adults, and families who have a child with a chronic health condition, as well as local family support councils and the agencies providing family support services.**

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule	Specific State or Federal Statutes the Rule Implements
He-M 523.01 – He-M 523.05	RSA 126-G:3; 161:2,I
He-M 523.06 – He-M 523.08	RSA 126-G:4; 161:2,I
He-M 523.09 – He-M 523.13	RSA 126-G:3; 161:2,I

INT 2018-15 Continued

11. Summary of the effect upon the state if the rule were not adopted:

**If this proposed interim rule is not adopted, the Department would lack the necessary mechanism to properly administer this program.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**June 15, 2018**

13. The fiscal impact statement prepared by the Legislative Budget Assistant

**Not applicable.**

**DRAFT FINAL PROPOSED RULE:  
HEARING AND PUBLIC COMMENT PERIOD**

Notice Number 2017-162Rule Number He-C 402

1. Agency Name &amp; Address:

**Department of Health & Human Services  
Therapeutic Cannabis Program  
129 Pleasant St.  
Concord, NH 03301**

2. RSA Authority: RSA 126-X:6, III

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption \_\_\_\_\_

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption XReadoption w/amendment X5. Short Title: Therapeutic Cannabis Program – Alternative Treatment Centers

In accordance with RSA 541-A:11, I(c), public comment is being solicited on a draft final proposed rule in a rulemaking proceeding for which notice first appeared in the Rulemaking Register on November 30, 2017 under Notice Number 2017-162.

6. A public hearing has therefore been scheduled for:

**No public hearing is scheduled. Written comment period only.**

7. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, June 19, 2018** Fax E-mail Other format (specify):

8. Contact person for copies of the draft final proposed rule and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt**Title: **Rules Coordinator**

Address: **Dept. of Health and Human Services  
Administrative Rules Unit  
129 Pleasant St.  
Concord, NH 03301**

Phone #: **271-9234**Fax#: **271-5590**E-mail: **michael.holt@dhhs.nh.gov**

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

**The proposed rules may be viewed and downloaded at:  
<http://www.dhhs.nh.gov/oos/aru/comment.htm>**



FINAL PROPOSALS FOR COMMITTEE REVIEW ON JUNE 15, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2017-163	Puc 1300	Public Utilities Commission Utility Pole Attachment Rules.
2017-171	Env-Wq 402.05, 402.24, 402.25 402.255	Department of Environmental Services Water Quality and Quantity Programs Amendments Relative to Groundwater Discharges of Wastewater Containing I,4-Dioxane and the Required Response to Exceedances of Ambient Groundwater Quality Standards.
2017-172	Env-Or 603.03(c) intro. & Table 600-1	Department of Environmental Services Oil and Remediation Programs Amendments to Ambient Groundwater Quality Standards (AGQS).
2017-181	Fis 1800	Fish and Game Department Agency Action Against Holders of License, Registrations, and Permits.
2018-33	Fis 1500	Fish and Game Department Off Highway Recreation Vehicles and Snowmobiles.
2018-39	Fis 300 various, 806.05, 1102.04, 1102.08, 1102.09, 1102.11, 1106.05, 1204.02, 1204.03, 1205.01	Fish and Game Department Wildlife Seasons Biennial Rulemaking.
2018-50	Ins 2701	Insurance Department Health and Dental Benefit Plan Network Adequacy.
2018-54	Stra 1100	Office of Strategic Initiatives Governor's Scholarship Program.
2018-55	Agr 1900	Department of Agriculture, Markets, and Food Livestock Dealer Licensing.
2018-56	He-W 654.04 (a) intro., (a)(7), (b) intro., (b)(11)	Department of Health and Human Services Former Division of Human Services Treatment of Combat-Related Pay for FANF Cash Assistance Programs.
2018-63	Ins 6102	Insurance Department Replacement of Individual Ancillary Health Coverage.
2018-65	He-E 806.01, 806.02, 806.23, 806.31(a)-(e), (h)-(p), and 806.40	Department of Health and Human Services Division of Elderly and Adult Services Nursing Facility Reimbursement - Methodology for Determining the Per Diem Rate.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON JUNE 15, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-69	He-W 602.03, 702.03, & 802.03	Department of Health and Human Services Former Division of Human Services Expiring Rules Related to Telephone Applications.
2018-77	Saf-C 9000	Department of Safety, Commissioner Rules for Breath Alcohol Procedures Using the Intoxilyzer 9000 Instrument.

PROPOSED INTERIM RULES FOR COMMITTEE REVIEW ON JUNE 15, 2018

<u>Proposed Interim #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2018-11	Ve-H 203, 204, 206, 220	Board of Managers of N.H. Veterans Home Procedural Rules.
INT 2018-12	Ve-H 300 & 400	Board of Managers of N.H. Veterans Home Residency, Admission, Transfers, and Discharge Rules.
INT 2018-13	He-P 812	Department of Health and Human Services Former Division of Public Health Services Ambulatory Surgical Centers.
INT 2018-14	He-M 520	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Children's Special Medical Service.
INT 2018-15	He-M 523	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Family Support Services.

PROPOSED EXPEDITED REPEAL FOR COMMITTEE REVIEW ON JUNE 15, 2018

<u>Expedited Repeal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-1	He-W 405.02	Department of Health and Human Services Former Division of Human Services Child Support Disbursement Fee

NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
12524 (FP 2018-1)	Pes 701.03 & 901.03	Pesticide Control Board Restricted Use Pesticides.	5/9/2018 5/9/2028
12525 (FP 2017-159)	Env-Dw 717	Department of Environmental Services Drinking Water Programs Groundwater Monitoring and Treatment.	6/1/2018 6/1/2028
12526 (FP 2018-17)	Saf-C 6400	Department of Safety, Commissioner Alcohol and Controlled Drug Rules.	5/11/2018 5/11/2028
12527 (FP 2018-24)	Saf-C 2900	Department of Safety, Commissioner Law Enforcement Opioid Abuse Reduction Initiative (Opioid Grant Rules).	5/11/2018 5/11/2028
12528 (FP 2018-38)	He-W 627.01	Department of Health and Human Services Former Division of Human Services Interim Disabled Parent (IDP) Category of Financial Assistance.	5/22/2018 5/22/2028
12529 (FP 2018-46)	He-W 570	Department of Health and Human Services Former Division of Human Services Pharmaceutical Services.	5/22/2018 5/22/2028
12530 (FP 2017-168)	Env-Wq 2200 various sections & paragraphs	Department of Environmental Services Water Quality and Quantity Programs Voluntary Certified Salt Applicator Amendments, including Application Fee.	6/1/2018 6/1/2028
12531 (EXRF 2018-1)	Form 1715 He-C 6446.04 (c)(1)a.	Department of Health and Human Services, Commissioner Expedited Revision to Form 1715 "Foster Care/Adoption Application."	05/22/18 05/22/28
12532 (FP 2017-178)	Env-Dw 715	Department of Environmental Services Drinking Water Programs Byproducts, Public Water Systems: Disinfection Residuals, and Byproduct Precursors.	6/1/2018 6/1/2028
12533 (FP 2017-179)	Env-Dw 716	Department of Environmental Services Drinking Water Programs Public Water Systems: Filtration, Disinfection and Waste Recycling.	6/1/2018 6/1/2028
12534 (INT 2018-9)	He-P 1900	Department of Health and Human Services Former Division of Public Health Services Indoor Smoking Rules.	5/24/2018 11/20/2018
12535 (INT 2018-10)	He-C 6341	Department of Health and Human Services, Commissioner Certification Payment Standards for Interpreter Service Providers.	5/24/2018 11/20/2018

NOTICE OF ADOPTED RULES

<u>Document #</u> (Final Proposal)	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
12536 (FP 2018-29)	He-C 6914 various; 6916, 6917	Department of Health and Human Services, Commissioner Monitoring of License-Exempt Facilities, and Family and Friends Child Care Providers Accepting Child Care Scholarship.	5/24/2018 5/24/2028
12537 (FP 2018-42)	He-W 506.03, 506.08, & 506.09	Department of Health and Human Services Former Division of Human Services Medicaid Managed Care Organization (MCO) Appeal and State Fair Hearings.	5/24/2018 5/24/2028
12538 (FP 2017-164)	He-W 567	Department of Health and Human Services Former Division of Human Services Hearing Aid Services.	5/25/2018 5/25/2028
12539 (FP 2018-2)	Ed 507.19 & 614.08	Board of Education Specialist in Assessment of Intellectual Functioning.	5/31/2018 5/31/2028
12540 (EXEMPT)	Fis 603.21	Fish and Game Department Atlantic Menhaden.	5/31/2018 Exempt
12541 (FP 2018-27)	Pari 1106.03	NH Lottery Commission Racing & Charitable Gaming Division Lucky 7 - Open Deals.	6/1/2018 6/1/2028
12542 (FP 2018-28)	Lot 2000 (formerly Sw 5000)	Lottery Commission Multi-State Lottery Association (MUSL).	6/1/2018 6/1/2028
12543 (FP 2017-145)	Pari 300 & 500-700 various	NH Lottery Commission Racing & Charitable Gaming Division Repeal of Racing Rules.	6/1/2018 6/1/2028
12544 (FP 2017-146)	Lot 8000	Lottery Commission Live and Simulcast Racing.	6/1/2018 6/1/2028