



## **Action Minutes**

**January 20, 2023**

**Members Present:** Senators Lang and Ward, and Representatives McGuire, Grote\*, Layon, Lynn, and Schmidt. (\*) 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 at 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Lang and Ward and Representatives Grote, Lynn, and Schmidt.

Rep. McGuire designated Rep. Grote as an alternate for Sen. Whitley, who was absent.

2. The Committee discussed the minutes of the Committee meeting on December 15, 2022.

Sen. Lang moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

### **CONSENT AGENDA**

**FP 2022-97** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Redetermination of Eligibility  
He-W 684 and He-W 884

**FP 2022-98** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Initiation of Medical Assistance  
He-W 880

**FP 2022-110** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Termination of Medical Assistance  
He-W 882

**FP 2022-147** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Cost-of-Living Adjustments for Supplemental Security Income  
He-W 648.04

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- FP 2022-148** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Eligibility of Qualified Aliens  
He-W 616.01 and He-W 816.02
- FP 2022-154** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Adult Category Earned Income Disregard  
He-W 654.15 and He-W 854
- FP 2022-155** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Financial Assistance  
He-W 602.06
- FP 2022-162** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Waived Hearings and Timeframe for Signing Waivers  
He-W 709.02 and He-W 709.03
- FP 2022-173** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Home Care Works  
He-W 638.01 and He-W 638.02
- FP 2022-174** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Treatment of Assigned Support and Allowable Deductions  
He-W 654.09 and He-W 654.20
- FP 2022-180** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Child Support and Work Requirements  
He-W 734.03 and He-W 734.04
- FP 2022-181** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Public Health Services  
Individual Home Care Service Providers  
He-P 820
- FP 2022-203** DEPARTMENT OF REVENUE ADMINISTRATION  
Amendments to the Rules on Gross Business Profits and the  
Business Profits Tax  
Rev 303.01 and Rev 303.03
- FP 2022-158** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Private Duty Nursing Services  
He-W 540

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- FP 2022-166** NH PHARMACY BOARD  
Pharmacist Initiation and Dispensing of Nicotine Cessation  
Ph 2600
- FP 2022-167** INSURANCE DEPARTMENT  
The Writing of Automobile Insurance to the Voluntary Market  
Ins 1403
- FP 2022-168** INSURANCE DEPARTMENT  
Plan of Operation for the NH Automobile Reinsurance Facility  
Ins 1406
- FP 2022-178** DEPARTMENT OF LABOR  
Safety Programs and Joint Loss Management Committees  
Lab 601-603
- FP 2022-182** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Public Health Services  
Newborn Screening  
He-P 3008
- FP 2022-193** FISH AND GAME DEPARTMENT  
Bait Fish Rules  
Fis 501, Fis 502.04, and Fis 503.03
- INT 2022-11** DEPARTMENT OF SAFETY  
Adoption of Various Carnival-Amusement Rides  
Saf-C 1400 various
- EXP 2022-1** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Repeal of Rules of the Former Governing Board of  
Respiratory Care Practitioners  
Resp 100-500
- FP 2022-103** BOARD OF VETERINARY MEDICINE  
Prescription Drug Monitoring Program – Opioid Management  
Vet 1000
- FP 2022-124** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
NH Employee Program (NHEP)  
He-W 637
- FP 2022-143** DEPARTMENT OF TRANSPORTATION  
Driving While Impaired (DWI) Victim Fatality Sign Program  
Tra 311
- FP 2022-149** BOARD OF PSYCHOLOGISTS  
Code of Ethics  
Psyc 501.02

- EXRF 2022-9** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Commissioner  
Expedited Revision to the “Annual Medicaid Uncompensated Care  
Cost Data Request Form  
He-C 5002.01(a) and (b)
- OR 2022-79** MIDWIFERY COUNCIL  
Definitions and Reporting Significant Morbidity and Mortality  
Mid 401.01 and Mid 407.01
- OR 2022-116** NH PHARMACY BOARD  
Administration of Vaccines  
Ph 1300
- OR 2022-132** DEPARTMENT OF REVENUE ADMINISTRATION  
Communication Services Tax  
Rev 1600

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2022-97, 2022-98, 2022-110, 2022-147, 2022-148, 2022-154, 2022-155, 2022-162, 2022-173, 2022-174, 2022-180, 2022-181, 2022-203, 2022-158, 2022-166, 2022-167, 2022-168, 2022-178, 2022-182, and 2022-193, Proposed Interim Rule INT 2022-11, and Proposed Expedited Repeal EXP-1, conditionally approve Final Proposals 2022-103, 2022-124, 2022-143, and 2022-149, and Proposed Expedited Revision to Forms 2022-9 based on the agencies’ conditional approval requests, and approve Objection Responses 2022-79, 2022-116, and 2022-132.

Sen. Lang seconded.

Adopted.

4. The Committee discussed Final Proposals 2022-99 (Radiation Safety Requirements for Wireline Services Operations and Subsurface Tracer Studies) and 2022-100 (Licensing and Radiation Safety Requirements for Irradiators) from the Department of Health and Human Services, Former Division of Public Health Services. Nicole Valanzola testified for the Department of Health and Human Services.

Sen. Lang moved that the Committee approve Final Proposal 2022-99.

Rep. Schmidt seconded.

Adopted.

Sen. Lang moved that the Committee approve Final Proposal 2022-100.

Rep. Lynn seconded.

Adopted.

5. The Committee discussed Final Proposal 2022-136 from the Board of Veterinary Medicine (Veterinary Nurses, Technicians, and Assistants). There was no testimony by or on behalf of the Board.

Rep. Schmidt moved that the Committee postpone action on Final Proposal 2022-136 to the Committee’s meeting on February 17, 2023.

Sen. Lang seconded.

Adopted.

6. The Committee discussed Final Proposal 2022-112 from the Department of Justice (Procedures for Pharmaceutical Drug Collection and Disposal Programs). Matthew Broadhead, Esq., Senior Assistant A.G., testified for the Department of Justice.

Rep. Layon arrived during the discussion of Final Proposal 2022-112.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-112 based on amending the heading for PART Jus 1608, as discussed between Committee staff and Attorney Broadhead, to read, "Procedures for Waivers from the DEA".

Sen. Lang seconded.

Adopted.

7. The Committee discussed Final Proposal 2022-138 from the Board of Education (Innovation Schools). Julie Shea and Elizabeth Brown, Esq., testified for the Board of Education.

The Board of Education had submitted a conditional approval request for Final Proposal 2022-138 in amended rules dated January 12, 2023.

Sen. Lang moved that the Committee conditionally approve Final Proposal 2022-138 based on the request, with the additional changes discussed during oral testimony of amending Ed 1501.05(c) to read, "(c) If the department finds the innovation plan performance is not achieving the planned results, it shall notify the local board and state board, at which time the local board may respond or provide a revised innovation plan."

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-163 from the Insurance Department (Procedures and Adjusters). Heather Silverstein, Esq., testified for the Insurance Department.

The Insurance Department had submitted a conditional approval request for Final Proposal 2022-163 in amended rules dated January 11, 2023.

Sen. Lang moved that the Committee conditionally approve Final Proposal 2022-88 based on the request, with the additional changes discussed during oral testimony of amending Ins 1302.03(c) from "may be" to "shall be", and amending Ins 1302.05 to say "shall be subject to the provisions of RSA 400-A:15 and Ins 200, as applicable."

Rep. Lynn seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-169 from the Office of Professional Licensure and Certification (Continued Status). Lyndsey Courtney, Executive Director of the Office of Professional Licensure and Certification testified for the Office of Professional Licensure and Certification.

Sen. Lang moved that the Committee approve Final Proposal 2022-169.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Proposed Interim Rule INT 2022-9 from the Office of Professional Licensure and Certification (Court Reporters). Lyndsey Courtney, Executive Director of the Office of Professional Licensure and Certification testified for the Office of Professional Licensure and Certification.

The Office of Professional Licensure and Certification had submitted a conditional approval request for Proposed Interim Rule INT 2022-9 in amended rules dated January 12, 2023.

Sen. Lang moved that the Committee conditionally approve Proposed Interim Rule INT 2022-9 based upon the request.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Proposed Interim Rule INT 2022-10 from the Office of Professional Licensure and Certification (Medication Imaging and Radiation Therapy). Lyndsey Courtney, Executive Director of the Office of Professional Licensure and Certification testified for the Office of Professional Licensure and Certification.

The Office of Professional Licensure and Certification had submitted a conditional approval request for Proposed Interim Rule INT 2022-10 in amended rules dated January 12, 2023.

Sen. Lang moved that the Committee conditionally approve Proposed Interim Rule INT 2022-10 based upon the request.

Rep. Lynn seconded.

Adopted.

12. The Committee discussed the continued meeting scheduled for February 3, 2023. It was the consensus of the Committee to cancel the continued meeting.

13. The Committee discussed adjournment.

Sen. Lang moved that the Committee adjourn, at 9:50 a.m.

Rep. McGuire seconded.

Adopted.