



## **Action Minutes**

**November 16, 2023**

**Members Present:** Senator Ward, and Representatives McGuire, Grassie\*, Grote, Hakken-Phillips\*, Layon, and Lynn. (\*) 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 9:05 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senator Ward, and Representatives Grassie\*, Grote, Hakken-Phillips\*, and Lynn.

Rep. McGuire designated Rep. Hakken-Phillips as an alternate for Sen. Chandley, who was absent.

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

2. The Committee discussed the minutes of the Committee meeting on October 19, 2023.

Sen. Ward moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

### **CONSENT AGENDA**

**FP 2023-171**      DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD  
Capital Improvement for State Fairs Program Grant  
Agr 4000

**FP 2023-180**      DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Fuel Burning Devices  
Env-A 2000

**FP 2023-181**      DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Fuel Specifications  
Env-A 1600

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<b>FP 2023-195</b>	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Mental Health and Developmental Services Provider and Provider Agency Operations He-M 504
<b>FP 2023-215</b>	DEPARTMENT OF REVENUE ADMINISTRATION Tobacco Tax Rev 1000
<b>FP 2023-104</b>	BOARD OF LICENSING FOR FORESTERS Licensure Requirements Fors 300 various
<b>FP 2023-120</b>	BOARD OF PSYCHOLOGISTS Internship, Post-Doctoral Supervision, and Application Process Psyc 302.04, Psyc 302.05, and Psyc 303.02
<b>FP 2023-143</b>	BOARD OF PROFESSIONAL GEOLOGISTS Candidate Requirements, Examinations, and Fees Geo 300 various
<b>FP 2023-179</b>	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Mental Health and Developmental Services Operational Requirements for Institutions for Mental Diseases Treating Serious Mental Illnesses He-M 1401
<b>FP 2023-211</b>	DEPARTMENT OF LABOR Approval or Rejection of Sub-Minimum Wage or No Wage Rate Lab 805.05
<b>INT 2023-7</b>	BOARD OF EDUCATION Computer Science Educator Ed 507.54

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-171, 2023-180, 2023-181, 2023-195, and 2023-215, conditionally approve Final Proposals 2023-104, 2023-120, 2023-143, 2023-179, and 2023-211, and conditionally approve Proposed Interim Rule INT 2023-7, based on the agencies' Conditional Approval Requests or amended Conditional Approval Requests.

Rep. Hakken-Phillips seconded.

Adopted.

4. The Committee discussed Final Proposal 2022-233 from the Board of Podiatry (Initial Application, Education Requirements, Examination, and Fees). Tina Kelley from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 10/13/2023 and an amended Conditional Approval Request in amended rules dated 10/26/2023.

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Rep. Grote moved to conditionally approve Final Proposal 2022-233 based on the amended Conditional Approval Request.

Rep. Lynn seconded.

Adopted.

5. The Committee discussed Final Proposal 2023-72 from the Department of Safety, Commissioner (Watercraft Safety Rules).

Rep. Schmidt moved to postpone Final Proposal 2023-72 to the regular Committee meeting on December 21, 2023, and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-72.

Rep. Hakken-Phillips seconded.

Adopted.

6. The Committee discussed Final Proposal 2023-102 from the Board of Nursing (Licensure Requirements). Tina Kelley and Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in a memo and amended rules dated 10/26/23 and an amended Conditional Approval Request in a memo and amended rules dated 11/9/23.

Rep. Layon entered the meeting during the discussion of Final Proposal 2023-102.

Rep. Hakken-Phillips moved to postpone Final Proposal 2023-102 to the regular Committee meeting on December 21, 2023, and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-102.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-133 from the Governing Board of Physical Therapists (Continued Status). Tina Kelley from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 10/12/2023, an amended Conditional Approval Request in a memo and amended rules dated 10/17/23, and a revised amended Conditional Approval Request in amended rules dated 10/31/23.

Rep. Grote moved to conditionally approve Final Proposal 2023-133 based on the revised amended Conditional Approval Request.

Rep. Lynn seconded.

Adopted.

8. The Committee discussed Final Proposal 2023-189 from the Office of Professional Licensure and Certification (Revisions to Practice and Procedure Rules). Douglas Osterhoudt testified for the Office. The Office had submitted a Conditional Approval Request in a letter and amended rules dated 11/14/23.

Rep. Schmidt moved to postpone Final Proposal 2023-189 to the regular Committee meeting on December 21, 2023, and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-189.

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Rep. Grote seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2023-6 from the Board of Education (School Nurse Licensure and Renewal). Susan Blake and Julie Shea from the Department of Education testified on behalf of the Board. The Board had submitted a Conditional Approval Request in a letter and amended rules dated 11/9/23.

Rep. Lynn moved to conditionally approve Proposed Interim Rule INT 2023-6 based on the Conditional Approval Request and the Committee's determination that the Board make the following amendments:

- Amend Ed 504.08(b)(5) to read: "Verification of enrollment in a NH Board of Nursing approved program to confirm compliance with RSA 200:29";
- Amend Ed 504.09(a) to read: "A school nurse II hired before...";
- Amend Ed 504.10(a) by reinserting "New Hampshire"; and
- Amend Ed 504.10(c)(1) to read: "The form(s) pursuant to Ed 505.08(b) and the attestation pursuant to Ed 505.08(j)".

Rep. Grote seconded.

Adopted.

10. The Committee discussed Proposed Interim Rule INT 2023-8 from the Department of Safety, Commissioner (Northern Border Alliance Program). David Hiltz from the Department of Safety testified for the Department. The Department had submitted a Conditional Approval Request in amended rules dated 11/13/23.

Rep. Lynn moved to conditionally approve Proposed Interim Rule INT 2023-8 based on the Conditional Approval Request.

Rep. Layon seconded.

Adopted.

11. Director Morrell reminded the Committee that last month they heard testimony from the Home Builders Association regarding the alteration of terrain rules which were approved a few months ago. The Department of Environmental Services and the Home Builders Association have been talking, and the parties have asked that instead of talking about the issue again this month before the Committee, that they do so at the December meeting. The Chair stated that the Home Builders Association was able to explain to the agency their concerns with certain sections of the rule and they are working to resolve the issues.
12. OLS Staff informed the Committee that it is working on the calendar for next year's meetings and will present that to the Committee for approval and a vote next month.
13. The Committee discussed the continued meeting scheduled for November 30, 2023. By consensus, the Committee cancelled the continued meeting.
14. The Committee discussed adjournment. By consensus, the Committee adjourned at 9:58 a.m.