



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

December 15, 2022

Members Present: Senators Chandley, Lang, Ward, and Whitley and Representatives Layon 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 9:01 a.m. by Rep. Schmidt as senior member of the Committee.

Members present at this time, aside from Representative Schmidt, were Senators Lang, Ward, and Whitley and Representatives Layon, and Lynn.

2. The Committee discussed nominations for the next Committee Vice-Chair.

Rep. Schmidt nominated Sen. Lang to be the Committee Vice-Chair.

Rep. Layon seconded.

The motion was adopted.

Sen. Lang now chaired the meeting as Committee Vice-Chair.

3. The Committee discussed nominations for the next Committee Chair.

Sen. Lang nominated Rep. McGuire as Committee Chair.

Rep. Schmidt seconded.

The motion was adopted.

Sen. Chandley joined the meeting.

4. The Committee discussed the minutes of the Committee meeting on November 17, 2022.

Rep. Schmidt moved that the minutes be approved.

Sen. Ward seconded.

Adopted with Rep. Layon and Rep. Lynn abstaining.

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

CONSENT AGENDA

- FP 2022-109** BOARD ACUPUNCTURE LICENSING
Definitions and Scope of Practice for Licensed Acupuncturists
Acp 600 various
- FP 2022-123** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health and Human Services
60-Month Lifetime Limit on Financial Services
He-W 602.05
- FP 2022-130** BOARD OF LICENSED DIETITIANS
Public Information, Custodian and Inspection of Records,
Delivery of Documents, and Prehearing Conference
Diet 104.01, Diet 104.02, Diet 204.03, and Diet 207.05
- FP 2022-135** GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS
AND HEARING CARE PROVIDERS
Organizational Rules
Spe 100
- FP 2022-141** DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Statewide Permit System
Env-A 600
- FP 2022-152** DEPARTMENT OF ENVIRONMENTAL SERVICES
Water Quality and Quantity
Programs State Water Pollution Control Revolving Loan Fund (CWSRF)
Env-Wq 500
- FP 2022-161** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Definition of “Telephone Number”
Plc 101.06
- FP 2022-172** FISH AND GAME DEPARTMENT
Shellfish Reports
Fis 608.03
- FP 2022-177** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Application Fee for Temporary Permits
Plc 101.06
- FP 2022-175** FISH AND GAME DEPARTMENT
Wildlife Importation and Possession, Permit Denial and Appeals, and
Special Permit
Fis 803.03, Fis 803.04, Fis 804.05, Fis 815, and Fis 1102.01

Sen. Ward moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2022-109, 2022-123, 2022-130, 2022-135, 2022-141, 2022-152, 2022-161, 2022-172, and 2022-177, and conditionally approve Final Proposal 2022-175, based on the agency’s conditional approval request.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed Proposed Interim Rule INT 2022-8 from the Office of Professional Licensure and Certification (Recreational Therapists). Executive Director Lindsey Courtney testified for the Office of Professional Licensure and Certification.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2022-8 with the understanding that the Committee staff's written comments would be addressed during the regular rulemaking process.

Sen. Ward seconded.

Adopted.

7. The Committee discussed Final Proposal 2022-77 from the Board of Natural Scientists (Definitions, Organization, Public Information, Practice, and Procedure). Tina Kelley from the Office of Professional Licensure and Certification testified for the Office of Professional Licensure and Certification.

The Board of Natural Scientists had submitted a conditional approval request for Final Proposal 2022-77 in amended rules dated December 6, 2022.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2022-77.

Rep. Lynn seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-84 from the Department of Safety (Vehicle Registration Rules). Marta Modigliani, testified for the Department of Safety.

Rep. Lynn moved that the Committee approve Final Proposal 2022-150.

Sen. Ward seconded.

Adopted.

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

Rep. Layon moved that the Committee postpone Final Proposal 2022-99 and Final Proposal 2022-100 to the JLCAR meeting on January 20, 2023, and request waivers from the Director of Legislative Services.

Rep. Schmidt seconded.

Adopted.

10. The Committee discussed Final Proposal 2022-131 from the Board of Licensed Dietitians (Renewal Procedures and Reinstatement of Licenses). Tina Kelley from the Office of Professional Licensure and Certification testified for the Board of Licensed Dietitians.

The Board of Licensed Dietitians had submitted a conditional approval request for Final Proposal 2022-131 in amended rules dated December 7, 2022.

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Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2022-79 based on the request.

Rep. Lynn seconded.

Adopted.

11. The Committee discussed Final Proposal 2022-149 from the Board of Psychologists (Code of Ethics).

Rep. Schmidt moved that the Committee postpone Final Proposal 2022-149 to the JLCAR meeting on January 20, 2023 and request a waiver from the Director of Legislative Services.

Rep. Lynn seconded.

Adopted.

12. The Committee discussed Final Proposal 2022-171 from the Mechanical Licensing Board (Administrative Obligations).

Sen. Whitley moved that the Committee approve Final Proposal 2022-171 with the understanding that the Mechanical Licensing Board would post a special notice in the Rulemaking Register that contains the correct Fiscal Impact Statement for Final Proposal 2022-171.

Rep. Lynn seconded.

Adopted.

13. The Committee discussed Emergency Rule Document #13493 from the Department of Health and Human Services (Foster Family Care License and Permit Requirements).

Allyson Raadmae, Beth Margeson, and Eve Allen testified for the Department of Health and Human Services.

No action was taken.

14. The Committee discussed scheduling Committee meetings in 2023.

Rep. Schmidt moved that the Committee approve the schedule prepared by Committee staff.

Sen. Ward seconded.

15. The Committee discussed when to schedule orientation for new members. It was the consensus of the Committee to hold orientation at the end of its meeting on January 20, 2023.

16. The Committee briefly discussed its website.

15. The Committee discussed adjournment, as no continued meeting had been scheduled.

The Committee adjourned at the call of the Chair at 9:48 a.m.