



Action Minutes

June 16, 2022

Members Present: Senators Reagan, Gray, Prentiss, Ward, and Whitley, and Representatives Bershtein, Lang, McGuire, Schmidt, and Schuett*. (*) 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 as an in-person meeting at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Senators Gray, Prentiss, Ward, and Whitley, and Representatives Bershtein, McGuire, Schmidt, and Schuett.

Sen. Reagan designated Rep. Schuett as an alternate for Rep. Hatch, who was absent.

2. The Committee discussed the minutes of the Committee meeting on May 20, 2022.

Rep. McGuire moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- | | |
|----------------|--|
| (a) FP 2022-10 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Personal Property Resources
(JLCAR Deadline July 5, 2022.) |
| (b) FP 2022-30 | BOARD OF PSYCHOLOGISTS
Continuing Education
(JLCAR Deadline July 8, 2022.) |

3. Committee Conditional Approvals:

- | | |
|-----------------|---|
| (a) FP 2021-135 | N.H. PHARMACY BOARD
Unused Prescription Drug and Medical Devices Program
(JLCAR Deadline July 25, 2022.) |
| (b) FP 2022-8 | BOARD OF MEDICINE
Renewal Application
(JLCAR Deadline July 5, 2022.) |

Action Minutes

June 16, 2022

Page 2

- (c) FP 2022-23 **N.H. PHARMACY BOARD**
Drug Control in Ambulatory Patient Treatment Areas
(*JLCAR Deadline July 25, 2022.*)
- (d) FP 2022-26 **FISH AND GAME DEPARTMENT**
Marine Fishing Rules
(*JLCAR Deadline July 5, 2022.*)
- (e) FP 2022-37 **BOARD OF MEDICAL IMAGING AND RADIATION THERAPY**
Initial Licensure Eligibility Requirements
(*JLCAR Deadline July 25, 2022.*)

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2, and conditionally approve the Final Proposals in Item #3, based on the agencies' conditional approval requests.

Rep. Bershtein seconded.

Adopted.

4. Rep. McGuire moved to postpone the following items from the June 16, 2021 agenda to the Committee's regular meeting on July 21, 2022 and to request waivers from the Director of the Office of Legislative Services for the Committee's deadline to act on Items #9(a) and (b):
- Item #8(a) regarding Final Proposal 2021-129 from the N.H. Pharmacy Board (Licensed Advanced Pharmacy Technicians);
 - Item #9(a) regarding Final Proposal 2022-28 from the Real Estate Commission (License Renewal and Continuing Education Requirements); and
 - Item #9(b) regarding Final Proposal 2022-36 from the Real Estate Commission (License Requirements).

Rep. Bershtein seconded.

Adopted.

5. The Committee discussed the objection response to the Committee's preliminary objection to Final Proposal 2021-120 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, In-Home Supports). Melissa Nemeth from the Department of Health and Human Services testified for the Department.

Public testimony was received from Carolyn Virtue.

Rep. Lang arrived during the public testimony.

Rep. McGuire moved that the Committee accept the response and approve Final Proposal 2021-120.

Sen. Gray seconded.

Adopted by an 8 to 2 vote, with Senator Whitley and Rep. Schuett voting "NO."

6. The Committee discussed Final Proposal 2021-121 from the Department of Health and Human Services (Commissioner, Criminal Records and Central Registry Check for License-Exempt Child Care Providers). Nicole Burke testified for the Department.

Action Minutes

June 16, 2022

Page 3

The Department had submitted a conditional approval request in rules dated June 7, 2022.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-121 based on the request but expressed concern over apparent creeping costs from the federal government.

Rep. Lang seconded.

Adopted.

7. The Committee discussed Final Proposal 2021-126 from the Department of Health and Human Services (Former Division of Human Services, Home Visiting for Prenatal, Child, and Family Support Services). Nicole Burke testified for the Department.

The Department had submitted a conditional approval request in rules dated June 6, 2022.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2021-126 based on the request.

Sen. Gray seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-22 from the Department of Health and Human Services (Commissioner, Opioid Abatement Trust Fund and Advisory Commission). Allyson Zinno and Maria Reinemann from the Department, and James Boffetti, Deputy Attorney General, testified for the Department.

The Department had submitted a conditional approval request in rules dated June 9, 2022, and an amended conditional approval request in rules dated June 13, 2022.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2022-22 based on the amended request.

Rep. Bershtein seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-65 from the Department of Health and Human Services (Former Division of Public Health Services, Sanitary Production and Distribution of Food). Allyson Zinno testified for the Department.

Rep. Schmidt moved that the Committee postpone action on FP 2022-65 to its meeting on July 21, 2022.

Rep. Lang seconded.

Adopted.

10. The Committee discussed Final Proposal 2022-18 from the Insurance Department (Long-Term Care Insurance). Commissioner Chris Nicolopolus and Heather Silverstein testified for the Department.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-18, on the condition that the Department replace Ins 3601.30(i) on p. 44 of the rule text with, "(i) Conflict with Other Laws. RSA 420-J:5-a, RSA 420-J:5-b, RSA 420-J:5-c, and Ins 2703 shall not be applicable for the purposes of external review requirements for long term care insurance."

Rep. Lang seconded.

Adopted.

Action Minutes

June 16, 2022

Page 4

11. The Committee discussed an emergency rule filed in Document #13388, effective May 25, 2022, by the N.H. Pharmacy Board (Compounding Procedures). Tina Kelley of the Office of Professional Licensure and Certification represented the Board.

No action was taken.

12. The Committee discussed Final Proposal 2022-7 from the Department of Safety (Ignition Interlock Program Rules). Marta Modigliani, Robert Keller, and Michael Todd, Deputy Director of the Division of Motor Vehicles, testified for the Department.

Sen. Gray moved that the Committee take up the Department's late-filed conditional approval request pursuant to Committee rule 301.03(b).

Rep. Lang seconded.

Adopted.

Robert Blaisdell testified against the rules on behalf of Consumer Safety Technology, LLC.

Senator Prentiss moved that the Committee postpone action on Final Proposal 2022-7 to the Committee's regular meeting on July 21, 2022.

Senator Whitley seconded.

Adopted.

13. The Committee discussed the objection response to the Committee's preliminary objection to Final Proposal 2021-120 from the Passenger Tramway Safety Board (Passenger Tramway Safety Rules).

Since the response had not yet been received, it was the consensus of the Committee to postpone the objection response to the Committee meeting on July 21, 2022.

14. Acting Administrative Rules Director Michael Morrell discussed briefly the Committee action to conditionally approve Final Proposals 2021-121 and 2021-126 and conditionally approve Final Proposal 2022-27.

15. The Committee discussed the continued meeting scheduled for June 24, 2022. It was the consensus of the Committee to cancel the continued meeting.

16. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 10:10 a.m.