



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

Action Minutes

FEBRUARY 17, 2017

Members Present: Senators Reagan, Avard, French, Feltes, and Kahn, and Representatives McGuire, Schmidt, and Hatch. (*) 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 9:03 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Avard, French, Feltes, and Kahn, and Reps. McGuire, Schmidt, and Hatch.

2. The Committee discussed the minutes of the Committee meeting on January 20, 2017.

Rep. Schmidt moved that the minutes be approved.

Rep. Hatch seconded.

Adopted.

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

CONSENT AGENDA

2. *Committee Approval of Final Proposals:*

- | | |
|-------------|---|
| FP 2016-111 | BOARD OF EDUCATION
School Social Worker |
| FP 2016-182 | BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS
Fee Schedule |
| FP 2016-183 | BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS
Continuing Education Requirements
(JLCAR Deadline March 13, 2017.) |
| FP 2016-225 | DEPARTMENT OF SAFETY
Commissioner
Default Bench Warrant Fund Disbursement Rules |
| FP 2016-236 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Elderly and Adult Services
Targeted Case Management Services |
| FP 2016-244 | DEPARTMENT OF SAFETY
Commissioner
Motor Carrier Safety Medical Waiver Rules. |

3. Committee Conditional Approvals:

- FP 2016-112 BOARD OF EDUCATION
Dance Teacher and Dance Education
- FP 2016-226 DEPARTMENT OF SAFETY
Commissioner
Display Fireworks Rules

4. Committee Acceptance of Agency Responses to Objections:

- OR 2016-161 FISH AND GAME DEPARTMENT
Rules for Lands and Waters Under Department Control

It was the consensus of the Committee to add the following item to the Consent Agenda, for conditional approval under Item #3:

12. DEPARTMENT OF SAFETY

- FP 2016-245 Commissioner
On-Demand Official Motor Vehicle Inspection Sticker Rules

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2, conditionally approve the Final Proposals in Item #3 and Item #12 based on the agencies' conditional approval requests, and accept the Objection Response and approve the rules in Item #4.

Rep. Hatch seconded.

Adopted.

4. The Committee discussed whether to postpone action on certain items to another Committee meeting.

Rep. Schmidt moved that the Committee postpone action on the following items to the next Committee meeting:

13. BOARD OF AUCTIONEERS

- (a) OR 2016-138 Definitions, Organization, and Public Information
(Response not yet received. Agency Response Deadline March 6, 2017. JLCAR Deadline April 25, 2017.)
- (b) OR 2016-139 Complaints and Hearing Procedures, Licensing Requirements, Continued Status, and Ethical Standards
(Response not yet received. Agency Response Deadline March 6, 2017. JLCAR Deadline April 25, 2017.)

Sen. French seconded.

Adopted.

5. The Committee discussed Final Proposal 2016-110 from the Department of Transportation (Reasonable Access for Twin Trailers). Kathleen Mulcahy-Hampson and Mark Kirouac testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2016-110.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed Final Proposal 2016-86 from the Board of Education (NH Rules for the Education of Children with Disabilities). Diana Fenton and Santina Thibodeau of the Department of Education testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated February 14, 2017 and an amended conditional approval request in a letter and amended rules dated February 16, 2017.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2016-86 based on the conditional approval request as amended by the amended conditional approval request.

Rep. Schmidt seconded.

Adopted.

For the record, Sen. Feltes abstained from voting.

7. The Committee discussed Final Proposal 2016-103 from the Board of Education (Reading and Writing Specialist). Diana Fenton and Virginia Clifford of the Department of Education testified for the Board.

Sen. Kahn moved that the Committee approve Final Proposal 2016-103.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2016-108 from the Board of Education (Paraeducator I and II). Diana Fenton and Virginia Clifford of the Department of Education testified for the Board.

Rep. Schmidt moved that the Committee approve Final Proposal 2016-108.

Rep. Hatch seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-167 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Health Care and Laboratory Service Providers). Catherine Bernhard testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated January 13, 2017.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2016-167 based on the request.

Rep. Hatch seconded.

Adopted.

10. The Committee discussed Final Proposal 2016-242 from the Department of Health and Human Services (Former Division of Human Services, Excluding Dependent Children's Supplemental Security Income (SSI) When Determining Eligibility and Benefit Amount for Financial Assistance to Needy Families (FANF)). Catherine Bernhard testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2016-242.

Sen. Avard seconded.

Adopted.

11. The Committee discussed Final Proposal 2016-194 from the Lottery Commission (Racing and Charitable Gaming Division, Shared Bingo). Valerie King testified for the Commission.

Rep. McGuire moved that the Committee approve Final Proposal 2016-194.

Sen. Avard seconded.

Adopted.

12. After a break, with Sens. Reagan, Avard, French, Feltes and Kahn, and Reps. McGuire, Schmidt, and Hatch present, the Committee discussed Final Proposal 2016-230 from the Insurance Department (Form and Rate Filings). Heather Silverstein testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated February 16, 2017.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2016-230 based on the request and by replacing the language of Ins 401.14 with the following: "If an insurer, producer, or any person, firm, association or corporation violates the provisions of this part, the department shall assess that violation pursuant to the provisions of RSA 400-A:15, III."

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed Final Proposal 2016-209 from the Insurance Department (Uniform Prior Authorization Forms and Electronic Standard for Prescription Drug Benefit). Jennifer Patterson and Tyler Brannen testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated January 18, 2017 and an amended conditional approval request in a letter and amended rules dated February 15, 2017.

James Polter, representing the N.H. Medical Society, registered his opposition to the rules but did not speak.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2016-209 based on the amended conditional approval request but with an amendment to Ins 2705.06(a) to delete the second sentence beginning with "Nothing in this section....".

Rep. McGuire seconded.

Adopted.

14. The Committee discussed the response by the Insurance Department to the Committee's preliminary objection to Final Proposal 2016-172 (Prescription Prices for Pharmacists and Pharmacies). Jennifer Patterson and Tyler Brannen testified for the Department.

The Department had submitted an Objection Response in a letter and amended rules dated January 3, 2017 and an Amended Objection Response in a letter and amended rules dated February 9, 2017.

Sen. Feltes moved that the Committee accept the Amended Objection Response and approve the rules in the response.

Sen. Kahn seconded.

Adopted.

15. The Committee discussed the continued Committee meeting scheduled for March 3, 2017.

It was the consensus of the Committee to cancel the continued meeting.

16. The Committee adjourned by consensus at 10:10 a.m.