



Action Minutes

January 21, 2022

Members Present: Senators Reagan, Gray, Ward, Prentiss, and Whitley, and Representatives McGuire, Bershtein, Hatch, Lang, 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, Ward, Prentiss, and Whitley, and Representatives McGuire, Bershtein, Hatch, Lang, and Schmidt.

2. The Committee discussed the minutes of the Committee meeting on December 16, 2021.

Rep. Hatch 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 2021-82 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Regulated Toxic Air Pollutants |
| (b) FP 2021-116 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentration; Concentrations for Release to Sanitary Sewerage |

3. Committee Conditional Approvals:

- | | |
|-----------------|--|
| (a) FP 2021-113 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Assisted Living Residence-Residential Care Licensing |
| (b) FP 2021-114 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Development Services
Conditional Discharge |
| (c) FP 2021-115 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Supported Residential Health Care Facility Licensing Rules |

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Rep. McGuire moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2, conditionally approve the Final Approvals in Item #3 based on the agencies conditional approval requests, and accept the objection response and approve the rules in Item #12(a).

Rep. Lang seconded.

Adopted.

4. The Committee discussed Final Proposal 2021-55 from the Department of Health and Human Services (Division of Elderly and Adult Services, Choices for Independence Program). Allyson Zinno, Wendy Altman, and Melissa St. Cyr testified for the Department.

Testimony was also received by Carolyn Virtue, representing the Medical Care Advisory Committee.

The Department had submitted a conditional approval request in rules dated December 8, 2021, and an amended conditional approval request in rules dated January 14, 2022.

Rep. McGuire moved that the Committee conditionally approve FP 2021-55 based on the amended request, and editorially insert references to federal citations in the Appendix.

Rep. Lang seconded.

Adopted.

5. The Committee discussed Final Proposal 2021-104 from the Department of Agriculture, Markets, and Food, (Transfer of Animals and Birds). No one from the Department was present to testify.

Rep. McGuire left the meeting during discussion of this item.

Rep. Schuett arrived in the meeting during the discussion of this item but was not designated by the Chair as an alternate member to sit for Rep. McGuire and so was not a voting member at this time.

Rep. Hatch moved that the Committee make a preliminary objection to Final Proposal 2021-104 based on the annotations to the Final Proposal by Committee staff.

Rep. Lang seconded.

Adopted.

6. The Committee discussed Proposed Interim Rule INT 2021-12 from the Department of Safety (Commissioner, Body-Worn and Dashboard Camera Grant Fund). Marta Modigliani and Steven Lavoie testified for the Department.

Rep. Lang moved that the Committee approve Proposed Interim Rule INT 2021-12.

Rep. Bershtein seconded.

Adopted.

7. The Committee discussed an emergency rule filed in Document #13322, effective December 30, 2021, by the Department of Safety (Commissioner, Enhanced Technology Ignition Interlock Device Implementation).

“Marta Modigliani and Michael Todd, Deputy Director of the Division of Motor Vehicles, represented the Department.

No further action was taken.

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8. The Committee discussed Final Proposal 2021-105 from the Office of Professional Licensure and Certification (Purpose; Applicability; Definitions; Generally Applicable Fees). Executive Director Lindsey Courtney and Douglas Osterhoudt testified for the Office.

Rep. McGuire returned to the meeting during discussion of this item.

Rep. Lang moved that the Committee approve Final Proposal 2021-105.

Rep. Bershtein seconded.

Adopted.

9. The Committee discussed Final Proposal 2021-109 from the Office of Professional Licensure and Certification (Microblading Certification). Executive Director Lindsey Courtney and Douglas Osterhoudt testified for the Office.

After a presentation by Committee staff, the Chair suspended further action on Final Proposal 2021-109 until after action on Proposed Interim Rule 2021-11.

10. The Committee discussed Proposed Interim Rule 2021-11 from the Office of Professional Licensure and Certification (Application Fees and Microblading Certificates). Executive Director Lindsey Courtney and Douglas Osterhoudt testified for the Office.

Rep. McGuire moved that the Committee approve Proposed Interim Rule 2021-11.

Rep. Lang seconded.

Adopted.

11. The Committee returned to its discussion of Final Proposal 2021-109 from the Office of Professional Licensure and Certification (Microblading Certification). Executive Director Lindsey Courtney and Douglas Osterhoudt testified for the Office.

Rep. Lang moved that the Committee approve Proposed Final Proposal 2021-109.

Rep. Bershtein seconded.

Adopted.

12. The Committee discussed an emergency rule filed in Document #13319, effective December 23, 2021, by the Office of Professional Licensure and Certification (Expedited Issuance Temporary Licenses; Conversion of Emergency Licenses to Temporary Licenses). Executive Director Lindsey Courtney testified for the Office.

No further action was taken.

13. The Committee discussed Final Proposal 2021-107 from the Board of Architects (Licensure Requirements and Continued Status). Tina Kelley, from the Office of Professional Licensure and Certification, was present on behalf of the Board, but did not testify.

Rep. McGuire moved, at the request of the Board, that the Committee enter a preliminary objection to Final Proposal 2020-107 based on the annotations to the Final Proposal by Committee staff.

Rep. Lang seconded.

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Adopted.

14. The Committee discussed an emergency rule filed in Document #13324, effective January 5, 2022, by the N.H. Pharmacy Board (Pharmacist Initiation and Dispensing of Hormonal Contraceptives). Executive Director Lindsey Courtney from the Office of Professional Licensure and Certification represented the Board.

No further action was taken.

15. The Committee discussed Proposed Final Proposal 2021-102 from the Board of Education (Education Freedom Accounts). Amanda Phelps and Christopher Bond from the Department of Education testified for the Board.

Rep. McGuire moved that the Committee postpone action on Final Proposal 2021-102 to the Committee's continued meeting on February 4, 2022.

Rep. Lang seconded.

Adopted.

16. Committee staff informed the Committee that David Alukonis, Director of the Office of Legislative Services, has issued a letter regarding the filing of rulemaking documents by state agencies. Under RSA 541-A:1, VI, the Director is authorized to establish the terms and format for documents filed as part of a rulemaking proceeding. Pursuant to this authority, the Director has stated that agencies shall no longer be required to send, by inter-office mail, hard copies of any documents, including signed original documents.

Committee staff also informed the Committee that all rule documents filed prior to January 1, 2020, shall be kept as hard copies at the State Archives and that all subsequent rulemaking documents shall be stored electronically with the Office of Legislative Services.

17. The Committee discussed a recess.

The Committee recessed at the call of the Chair.

The Committee recessed at 9:58 a.m.