



Action Minutes

May 20, 2022

Members Present: Senators Reagan, Gray, Ward, and Whitley, and Representatives Bershtein, Groen*, Lang, McGuire, Schmidt, and Tucker*. (*) 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, and Ward, and Representatives Bershtein, Groen, Lang, McGuire, Schmidt, and Tucker.

Sen. Reagan designated Rep. Tucker for Senator Prentiss and Rep. Groen for Rep. Hatch.

2. The Committee discussed the minutes of the Committee meeting on April 15, 2022.

Rep. Schmidt moved that the minutes be approved.

Rep. Lang seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- | | |
|-----------------|---|
| (a) FP 2021-124 | BOARD OF EDUCATION
Holocaust and Genocide Education
<i>(JLCAR Deadline June 13, 2022.)</i> |
| (b) FP 2022-5 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Ambient Air Quality Standards
<i>(JLCAR Deadline June 13, 2022.)</i> |
| (c) FP 2022-19 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Water Quality and Quantity Programs
Amendments Related to Cross-Program Consistency and
Accessory Structures under RSA 483-B
<i>(JLCAR Deadline June 28, 2022.)</i> |
| (d) FP 2022-24 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Medicaid for Employed Adults with Disabilities (MEAD)
<i>(JLCAR Deadline June 14, 2022.)</i> |

- (e) FP 2022-32 **DEPARTMENT OF ENVIRONMENTAL SERVICES**
Solid Waste Programs
Amendments to Align Rules with Revised Personal and Business
Disclosure Forms for Solid Waste Facilities
(JLCAR Deadline June 27, 2022.)

- (f) FP 2022-34 **OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION**
Professionals' Health Program Fees; Fees for Letter of Good Standing,
Warranty Seal
(JLCAR Deadline June 27, 2022.)

- (g) FP 2022-42 **OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION**
Reimbursable Expenses for Board of Registration of
Funeral Directors and Embalmers
(JLCAR Deadline June 27, 2022.)

- (h) FP 2022-45 **DEPARTMENT OF HEALTH AND HUMAN SERVICES**
Former Division of Public Health Services
Temporary Acute Care Centers Located within a Hospital
(JLCAR Deadline June 27, 2022.)

- (i) EXRF 2022-6 **DEPARTMENT OF HEALTH AND HUMAN SERVICES**
Commissioner
Expedited Revisions to the New Hampshire Health Professions Survey
Opt-Out Form
(No JLCAR Deadline.)

- (j) FP 2022-46 **OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION**
Massage Therapy License by Reciprocity
(JLCAR Deadline June 27, 2022.)

3. Committee Conditional Approvals:

- FP 2022-25 **BOARD OF DENTAL EXAMINERS**
Dental Assistant Qualification in Specific Area
(JLCAR Deadline June 27, 2022.)

Sen. Gray moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and Expedited Revision to Forms in Item #2, and conditionally approve the Final Proposal in Item #3, based on the agency's conditional approval request.

Rep. McGuire seconded.

Adopted.

Sen. Whitley arrived in the meeting after the vote on the Consent Agenda.

- 4. The Committee was informed by its staff that a response to the Committee's preliminary objection had not yet been received for Final Proposal 2021-120 (In-Home Supports) from the Department of Health and Human Services.

No action was taken.

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5. The Committee discussed Final Proposal 2022-2 from the Office of Professional Licensure and Certification (Reflexologists, Structural Integrators, and Asian Bodywork Therapists). Lindsey Courtney and Tina Kelley of the Office of Professional Licensure and Certification testified for the Office.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-2 based on amending Plc 1106.03(d) to read: "Fines for violations of RSA 328-H and Plc 1100 shall be imposed in accordance with the following schedule, not to exceed \$2,000:".

Sen. Gray seconded.

Adopted.

6. The Committee discussed Final Proposal 2021-92 from the Board of Pharmacy (Standards of Practice). Tina Kelley testified for the Board.

The Board had submitted a conditional approval request in rules dated May 11, 2022.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-92 with the understanding that the Office of Professional Licensure and Certification staff work with Committee staff to compare these rules with current Board rules, specifically Ph 303, for any potential conflicts.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2021-137 from the Board of Occupational Therapists (Continued Status). Tina Kelley testified for the Board.

The Board had submitted a conditional approval request in rules dated April 7, 2022.

Rep. McGuire moved that the Committee conditionally approve FP 2021-137 based on the request.

Rep. Bershtein seconded.

Adopted.

8. The Committee discussed Final Proposal 2021-110 from the Passenger Tramway Safety Board (Passenger Tramway Safety). Marta Modigliani and Briggs Lockwood from the Department of Safety represented the Board.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2021-110 based on an apparent lack of authority for licensure and the annotations to the Final Proposal by Committee staff.

Rep. Lang seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2022-4 from the Department of Safety (EMS Letter of Concern). Marta Modigliani from the Department of Safety represented the Department.

Rep. Lang moved that the Committee approve Proposed Interim Rule INT 2022-4.

Rep. McGuire seconded.

Adopted.

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10. The Committee discussed Final Proposal 2022-6 from the Department of Environmental Services (Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants). Pam Monroe testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2022-6.

Sen. Whitley seconded.

Adopted.

11. The Committee discussed Final Proposal 2021-133 from the Board of Education (Learn Everywhere Program). Commissioner Frank Edelblut of the Department of Education and Senior Assistant Attorney General Christopher Bond of the Department of Justice testified for the Board.

Sen. Whitley moved that the Committee make a preliminary objection to Final Proposal 2021-133 based on the annotations to the Final Proposal by Committee staff.

Rep. Schmidt seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Gray		X
Sen. Ward		X
Sen. Whitley	X	
Sen. Reagan		X
Rep. Bershtein		X
Rep. McGuire		X
Rep. Schmidt	X	
Rep. Lang		X
Rep. Tucker	X	
Rep. Groen		X

The vote was 3 “yes” and 7 “no”.

The motion failed.

Rep. Lang moved that the Committee approve Final Proposal 2021-133.

Rep. Bershtein seconded.

A roll call vote was called. The vote was as follows:

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	<u>Yes</u>	<u>No</u>
Sen. Gray	X	
Sen. Ward	X	
Sen. Whitley		X
Sen. Reagan	X	
Rep. Bershtein	X	
Rep. McGuire	X	
Rep. Schmidt		X
Rep. Lang	X	
Rep. Tucker		X
Rep. Groen	X	

The vote was 7 “yes” and 3 “no”.

Adopted.

12. The Committee discussed moving its next meeting from Friday, June 17, 2022, to Thursday, June 16, 2022.

Rep. McGuire moved to move the next Committee meeting to Thursday, June 16, 2022.

Rep. Lang seconded.

Adopted.

13. The Committee discussed the continued meeting scheduled for June 3, 2022. It was the consensus of the Committee to cancel the continued meeting.

14. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 9:56 a.m.