



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

Action Minutes

JUNE 21, 2019

Members Present: Representatives Hatch, Schmidt, Williams, Karrick*, Fontneau*, and Sytek*, and Senators Reagan, Dietsch, Kahn, and Ward. (*) 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 9:00 a.m. by Rep. Hatch as Chair.

Members present at this time, aside from Rep. Hatch, were Reps. Schmidt, Williams, Sytek, and Karrick and Sens. Reagan, Dietsch, Kahn, and Ward.

Rep. Hatch designated Rep. Sytek and Rep. Karrick as alternates, respectively, for Rep. Hoelzel and Rep. McGuire, who were absent.

2. The Committee discussed the minutes of the Committee meeting on May 17, 2019.

Sen. Reagan moved that the minutes be approved.

Sen. Dietsch seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- | | |
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| FP 2019-8 | BOARD OF SEPTIC SYSTEM EVALUATORS
Standards of Practice |
| FP 2019-19 | GOVERNOR'S COMMISSION ON DISABILITY
Definition of "Person With a Disability" |
| FP 2019-20 | GOVERNOR'S COMMISSION ON DISABILITY
Composition of the Commission and Quorum |
| FP 2019-22 | GOVERNOR'S COMMISSION ON DISABILITY
Application for Tag and Certificate for Service Dogs |
| FP 2019-23 | ARCHITECTURAL BARRIER-FREE DESIGN COMMITTEE OF THE
GOVERNOR'S COMMISSION ON DISABILITY
Definition of "Disability" |

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- FP 2019-24 ARCHITECTURAL BARRIER-FREE DESIGN COMMITTEE OF THE GOVERNOR'S COMMISSION ON DISABILITY
Description of the Committee Membership, Term, and Quorum
- FP 2019-53 DEPARTMENT OF REVENUE ADMINISTRATION
Medicaid Enhancement Tax
- FP 2019-54 DEPARTMENT OF SAFETY
Commissioner
Amendment of Standard and Level VI Motor Carrier Rules
- FP 2019-56 DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD
Produce Safety Farm Inspections
- FP 2019-59 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Amendments to Drinking Water Quality Standards and Monitoring Requirements for Radionuclide Contaminants
- FP 2019-60 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Public Water Systems: Best Available Technology and Treatment Techniques
- FP 2019-62 BOARD OF NURSING
Nurse-Educator Qualifications
- FP 2019-63 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Service Limits, Co-payments, and Non-covered Services, Physician Services, and Hospital Services

Sen. Reagan moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2.

Rep. Schmidt seconded.

Adopted.

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

Sen. Reagan moved that the Committee postpone action on the following item to the next Committee meeting:

12. BOARD OF MEDICINE

INT 2019-15 Rules of the Board of Veterinary Medicine
(JLCAR Deadline August 21, 2019. Former rules expired April 23, 2017.)

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2019-21 from the Governor's Commission on Disability (Public Requests for Information). Colleen Durkin-Blackburn and Executive Director Charles Saia testified for the Commission.

Sen. Kahn moved that the Committee approve Final Proposal 2019-21.

Sen. Reagan seconded.

Adopted.

Rep. Fontneau arrived in the meeting at this time.

6. The Committee discussed Final Proposal 2019-25 from the Architectural Barrier-Free Committee of the Governor's Commission on Disability (Public Requests for Information). Colleen Durkin-Blackburn and Charles Saia, Executive Director of the Commission, testified for the Architectural Barrier-Free Design Committee.

Sen. Reagan moved that the Committee approve Final Proposal 2019-25.

Rep. Williams seconded.

Adopted.

Rep. Hatch designated Rep. Fontneau as an alternate for Sen. Feltes, who was absent.

7. The Committee discussed Final Proposal 2019-51 from the Department of Labor (Regulation of Third Party Administrators). Edward Sisson and Sarah Fuller testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated June 12, 2019.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-51 based on the request.

Rep. Williams seconded.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2019-16 from the Department of Natural and Cultural Resources (Natural Heritage Program Rules). Brad Simpkins, Director of the Department's Division of Forest and Lands, and Sabrina Stanwood testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2019-16.

Sen. Kahn seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2019-17 from the Department of Health and Human Services (Office of Alcohol and Drug Abuse Prevention, Voluntary Registry for Recovery Houses). Kim Reeve and Lindy Keller testified for the Department.

The Department had submitted a conditional approval request in a letter dated June 19, 2019 and amended rules dated June 18, 2019.

Sen. Reagan moved that the Committee conditionally approve Proposed Interim Rule INT 2019-17 based on the request.

Rep. Schmidt seconded.

Adopted.

10. The Committee discussed fee authority of the Executive Director of the Office of Professional Licensure and Certification (OPLC) pursuant to RSA 310-A:1-d, II(h) and RSA 310-A:1-e, effective July 1, 2018. Thomas Broderick and Hallie Pentheny testified for the OPLC.

Thomas Broderick had submitted a letter and table outlining the 21 rulemaking proceedings initiated or concluded since July 1, 2018 under the supervision of the OPLC and which contained fees. Thirteen had resulted in adopted rules and eight were still underway.

Sen. Reagan recommended that (1) the Director of the Office of Legislative Services not void the document numbers of the 13 adopted rules and that the OPLC Executive Director undertake rulemaking as soon as possible to readopt the fees as OPLC rules and (2) the 8 ongoing rulemaking proceedings be treated as if there were joint rulemaking agencies, where the boards would approve the rule text that does not contain fees, and the OPLC Executive Director would approve the rule text which contained fees, and both the OPLC Executive Director and a board member would sign rulemaking documents requiring signatures, such as adoption cover letters. The Committee understood that the boards in new rulemaking proceedings from now on would approve only those rules without fees.

Rep. Williams seconded.

Adopted.

Rep. Hatch left the meeting at this time. Sen. Reagan as Vice-Chair became the Acting Chair.

11. The Committee discussed Final Proposal 2019-47 from the Governing Board of Physical Therapists (Requirements for Internal Licensure). Thomas Broderick from the Office of Professional Licensure and Certification (OPLC) testified for the Board. Hallie Pentheny from the OPLC also represented the Board.

Sen. Schmidt moved that the Committee approve Final Proposal 2019-47 with the recommendation that both the Board and the Executive Director of the Office of Professional Licensure and Certification adopt Final Proposal 2019-47 pursuant to RSA 310-A:1-d and RSA 310-A:1-e. Specifically, the Board must adopt the rule text that does not contain fees and the Executive Director must adopt Phy 309.03(a)(2) which contains the licensing fee, and both a member of the Board and the Executive Director must sign the adoption cover letter when the adopted rules are filed.

Rep. Williams seconded.

Adopted.

12. The Committee discussed Final Proposal 2019-52 from the Board of Nursing (Program Coordinator Qualifications). Thomas Broderick from the Office of Professional Licensure and Certification (OPLC) testified for the Board. Hallie Pentheny from the OPLC also represented the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated June 20, 2019.

Rep. Williams moved that the Committee conditionally approve Final Proposal 2019-52 based on the request.

Sen. Dietsch seconded.

Adopted.

13. The Committee discussed the response by the Real Estate Appraiser Board to the Committee's preliminary objection to Final Proposal 2019-39 (Appraisal Management Company Fees). Thomas Broderick and Hallie Pentheny from the Office of Professional Licensure and Certification (OPLC) testified for the board.

Rep. Schmidt moved that the Committee accept the response and approve the rules.

Sen. Kahn seconded.

Adopted.

14. The Committee discussed the continued meeting scheduled for June 28, 2019.

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

15. The Committee adjourned by consensus at 10:10 a.m., with the understanding that the next Committee meeting would be Thursday, July 18, 2019.