



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

Action Minutes

SEPTEMBER 15, 2016

Members Present: Representatives McGuire, Schmidt, Ladd, Sad, Gottling*, and Hatch*, and Senators Reagan, Cataldo, Avard, Feltes, and Daniels*. (*) Indicates alternate members.

(**) 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 Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Reps. Schmidt, Ladd, Sad, Gottling, and Hatch, and Sens. Reagan, Cataldo, Feltes, and Daniels.

2. The Committee discussed the minutes of the Committee meeting on August 18, 2016.

Rep. Schmidt moved that the minutes be approved.

Sen. Reagan seconded.

Adopted.

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

Sen. Reagan moved that the Committee postpone the following items:

11. BOARD OF PODIATRY

FP 2016-44 Opioid Prescribing
(JLCAR Deadline October 17, 2016.)

12. BOARD OF REGISTRATION IN OPTOMETRY

FP 2016-45 Opioid Prescribing
(JLCAR Deadline October 17, 2016.)

13. BOARD OF NURSING

FP 2016-131 Opioid Prescribing
(JLCAR Deadline October 17, 2016.)

14. BOARD OF DENTAL EXAMINERS

FP 2016-140 Opioid Prescribing
(JLCAR Deadline October 14, 2016.)

16. POLICE STANDARDS AND TRAINING COUNCIL

FP 2016-72 Application and Qualification, Continued Status, Ethical Standards and Training Approval
(JLCAR Deadline October 10, 2016.)

20. DEPARTMENT OF HEALTH AND HUMAN SERVICES

(g) FP 2016-127 Former Division of Mental Health and Developmental Services
Conditional Discharge
(JLCAR Deadline October 17, 2016.)

(i) FP 2016-91 Former Division of Public Health Services
Communicable Diseases
(JLCAR Deadline October 14, 2016.)

Rep. Schmidt seconded.

Sen. Avard arrived during the discussion of this item.

Rep. McGuire designated Sen. Daniels and Rep. Gottling as alternates, respectively, for Sen. Watters and Rep. Kidder, who were absent. Rep. Hatch was not a voting member at this time.

The motion was adopted.

4. The Committee discussed the following items on the Consent Agenda (Consent Agenda – Final Proposals):

FP 2016-52 GOVERNING BOARD OF RESPIRATORY CARE PRACTITIONERS
Continued Status

FP 2016-53 GOVERNING BOARD OF RESPIRATORY CARE PRACTITIONERS
Ethical Standards

FP 2016-70 POLICE STANDARDS AND TRAINING COUNCIL
Organizational Rules Revisions

FP 2016-71 POLICE STANDARDS AND TRAINING COUNCIL
Explanation of Adopted Rules

FP 2016-75 PHARMACY BOARD
Presence of Pharmacists and Pharmacists' Breaks

FP 2016-89 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Admission to and Discharge from New Hampshire Hospital

FP 2016-99 DEPARTMENT OF REVENUE ADMINISTRATION
Procedural Rules

FP 2016-100 FISH AND GAME DEPARTMENT
Tri-State Snowmobile Reciprocity Weekend

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- FP 2016-113 FISH AND GAME DEPARTMENT
Fishing Tournament Permit and Various Marine Rules
- FP 2016-117 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Financial and Medical Assistance, Post Secondary Educational Programs, and Income and
Employment Disregards and Resources for FANF
- FP 2016-124 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Elderly and Adult Services
Nursing Facility Reimbursement - Methodology for Determining the Per Diem Rate
- FP 2016-135 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Update to the Food Stamp Program Standard Utility Allowances (SUA)

Sen. Reagan moved that the Committee approve the Final Proposals.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2016-64 from the Board of Education (Specialist in Assessment of Intellectual Functioning (SAIF)).

The Board had submitted a conditional approval request in amended rules dated September 13, 2016.

Rep. Ladd moved that the Committee conditionally approve Final Proposal 2016-64 based on the request.

Sen. Reagan seconded.

Adopted.

6. The Committee discussed Final Proposal 2016-19 from the Department of Environmental Services (Water Quality and Quantity Programs, Subdivisions; Individual Sewage Disposal Systems). Gretchen Hamel and Rene Pelletier testified for the Department.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-19 on the condition that Env-Wq 1010.01(f) be deleted.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2016-2 from the Board of Psychologists (Organizational Rules, Practice and Procedure, License and Registration Requirements, Applications and Fees, Continued Status, Ethical Standards, Responsibilities of Psychologists, and Professional Misconduct). Robert Lamberti, from the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in amended rules dated August 12, 2016.

The Board requested a postponement of Committee action and supported a waiver of the Committee's action deadline of September 15, 2016.

Sen. Feltes moved that the Committee postpone action on Final Proposal 2016-2 to the regular Committee meeting on October 20, 2016 and request a waiver from the Director of the Office of Legislative Services of the Committee's action deadline to that date.

Sen. Cataldo seconded.

Adopted.

8. The Committee discussed Final Proposal 2016-39 from the Board of Licensing for Alcohol and Other Drug Use Professionals (Initial Certifications and Licenses). Robert Lamberti, from the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in a cover memo and amended rule dated September 13, 2016.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-39 based on the request.

Rep. Ladd seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-94 from the Insurance Department (Health Maintenance Organizations). Marty Mobley and Heather Silverstein testified for the Department.

The Department had submitted a conditional approval request in a cover letter and amended rule dated September 13, 2016.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2016-94 based on the request.

Sen. Daniels seconded.

Adopted.

Sen. Avard and Sen. Feltes had left the meeting by this time.

10. The Committee discussed Final Proposal 2016-122 from the Department of Safety (Certification for Additional Truck Weight Rules). David Hilts and Captain William Haynes, State Police, testified for the Department.

Sen. Reagan moved that the Committee approve Final Proposal 2016-122.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Proposed Interim Rule INT 2016-27 from the Department of Safety (Interim Rules for Default Beach Warrant Fund Disbursement). Marta Modigliani testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-27.

Sen. Cataldo seconded.

Adopted.

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12. The Committee discussed Proposed Interim Rule INT 2016-28 from the N.H. Motor Vehicle Industry Board (Interim Rules for MVIB Scope of Hearings). Marta Modigliani from the Department of Safety testified for the Board.

The Committee also discussed Proposed Interim Rule INT 2016-27 from the Department of Safety again.

Sen. Daniels moved that the Committee approve Proposed Interim Rule INT 2016-28.

Sen. Reagan seconded.

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

The motion was adopted.

13. The Committee discussed Final Proposal 2016-27 from the Pharmacy Board (Standards of Practice for Manufacturers, Wholesalers, and Distributors).

The Board had submitted a conditional approval request in a cover memo dated September 14, 2016 and amended rule dated June 15, 2016 [sic].

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2016-27 based on the request.

Sen. Reagan seconded.

Adopted.

14. The Committee discussed Proposed Interim Rule INT 2016-22 from the Department of Health and Human Services (Commissioner, Certification Payments Standards for Community Based In-Home Service Providers). Catherine Bernhard testified for the Department.

Sen. Reagan moved that the Committee approve proposed Interim Rule INT 2016-22.

Rep. Schmidt seconded.

Adopted.

15. The Committee discussed Proposed Interim Rule INT 2016-23 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Foster Care Services). Catherine Bernhard testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-23.

Sen. Cataldo seconded.

Adopted.

16. The Committee discussed Proposed Interim Rule INT 2016-24 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Community Mental Health Services). Catherine Bernhard and Raymond Perry testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-24.

Rep. Schmidt seconded.

Adopted.

17. The Committee discussed Proposed Interim Rule INT 2016-25 from the Department of Health and Human Services (Former Division of Public Health Services, Educational Health Centers). Michael Holt testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-25.
Sen. Daniels seconded.

Adopted.

18. The Committee discussed Proposed Interim Rule INT 2016-26 from the Department of Health and Human Services (Former Division of Public Health Services, Adult Day Programs). Michael Holt testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2016-26.

Sen. Reagan seconded.

Adopted.

19. The Committee discussed Final Proposal 2016-125 from the Department of Health and Human Services (Former Division of Human Services, Expiring Rules Related to Asset Transfers and Real Property Resources for All Categories of Cash Assistance). Catherine Bernhard testified for the Department.

Cheryl Steinberg, representing N.H. Legal Assistance, also testified.

Sen. Reagan moved that the Committee approve Final Proposal 2016-125.

Rep. Schmidt seconded.

Adopted.

20. The Committee discussed Final Proposal 2016-129 from the Department of Health and Human Services (Housing Bridge Subsidy Program). Catherine Bernhard and Raymond Perry testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated September 14, 2016 but received September 13, 2016.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-129 based on the request.

Rep. Schmidt seconded.

Adopted.

21. The Committee discussed Final Proposal 2016-134 from the Department of Health and Human Services (Former Division of Public Health Services, General Licenses, Source Material, Byproduct Material Other Than Source Material, and General Licenses for Certain Items and Self-Luminous Products Containing Radium-226). Catherine Bernhard testified for the Department.

Sen. Reagan moved that the Committee approve Final Proposal 2016-134.

Rep. Schmidt seconded.

Adopted.

22. The Committee discussed the following emergency rule filed by 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)
(Document #11174, effective September 1, 2016.)

Catherine Bernhard testified for the Department.

No further action was taken.

23. The Committee discussed the agenda for the continued meeting on October 6, 2016, which would contain the items postponed at today's meeting with the exception of Final Proposal 2016-2, which was postponed to the regular meeting on October 20.

Rep. Schmidt moved that the Committee recess.

Sen. Cataldo seconded.

Adopted.

The Committee recessed at 10:37 a.m.