



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6312

Tel. (603) 271-3680

Website: www.gencourt.state.nh.us/rules/index.html

TDD Access:

Relay NH 1-800-735-2964

Fax (603) 271-7871

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TABLE OF CONTENTS

1.	<u>OFFICE OF LEGISLATIVE SERVICES</u>	<u>Page No.</u>
a.	List of Notices of Proposed Rules NN 2018-140 through NN 2018-142	-i-
b.	Notices of Proposed Rules	1
c.	List of Adopted Rules	10

NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING: **Thursday, August 16, 2018 9:00 a.m.**
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Thursday, September 6, 2018 9:00 a.m.**
Rooms 306/308, Legislative Office Building

a.	List of Final Proposals for Review	8
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JLCAR MEETING DATES AND RELATED FILING DEADLINES AUGUST-DECEMBER, 2018

The JLCAR has voted to hold its regularly scheduled monthly meetings for August through December, 2018 on the third Thursday of the month as listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
August 2	August 16	September 6
September 6	September 20	October 4
October 4	October 18	November 1
November 1	November 15	December 6
December 6	December 20	None

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2018-140	Pda 400	Pease Development Authority Rules Regarding Duties of Harbor Masters and Assignment of Harbor Masters Areas.	1
2018-141	Pol 302.01	Police Standards & Training Council Training Required.	3
2018-142	Mtec 301.01, 302.06, 304.01, 401.02, 401.04	Board of Registration of Medical Technicians Definitions, Legal Address, Application, Renewal of Registration, and Reinstatement of Registration.	5

Notice Number 2018-140

Rule Number Pda 400

<p>1. Agency Name & Address:</p> <p>Pease Development Authority Division of Ports and Harbors 555 Market St. Portsmouth, NH 03801</p>	<p>2. RSA Authority: <u>RSA 12-G:42, X (b)</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Rules Regarding Duties of Harbor Masters and Assignment of Harbor Masters Areas**

6. (a) Summary of what the rule says and of any proposed amendments:

Through Pda 400, the Pease Development Authority, Division of Ports and Harbors (PDA-DPH), specifies the duties of the Chief Harbor Master, the Deputy Chief Harbor Master, Harbor Masters, and Assistant Harbor Masters and the areas that are assigned to Harbor Masters by the Chief Harbor Master. These rules are proposed to be readopted without change.

6. (b) Brief description of the groups affected:

All levels of Harbor Masters.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

<u>Rule Number</u>	<u>State Statute/Federal Regulation Implemented</u>
Pda 401	RSA 12-G:42, III
Pda 402.01	RSA 12-G:42, III; 12-G:50
Pda 402.02	RSA 12-G:42, III; 12-G:50, II-IV
Pda 402.03	RSA 12-G:42, III; 12-G:50, III, IV
Pda 402.04	RSA 12-G:42, III; 12-G:50, IV
Pda 402.05	RSA 12-G:42, III

NN 2018-140 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Geno Marconi** Title: **Division Director**
Address: **Pease Development Authority** Phone #: **603-436-8500**
555 Market St. Fax#: **603-436-2780**
Portsmouth, NH 03801 E-mail: **g.marconi@peasedev.org**
TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 19, 2018**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 12, 2018, 6:00 PM**
Place: **NH Division of Ports and Harbors**
555 Market St.
Portsmouth, NH 03801

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 18:089, dated 4/27/2018

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no cost associated with the proposed rules or the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed readoption of rules do not mandate any fees, duties or expenditures on a political subdivision of the state which could violate Pt. 1, Article 28-a of the NH Constitution.

Notice Number 2018-141

Rule Number Pol 302.01

<p>1. Agency Name & Address: Police Standards and Training Council 17 Institute Drive Concord NH 03301</p>	<p>2. RSA Authority: <u>RSA 106-L:5, I;</u> <u>RSA 106-L:6, I</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Training Required**

6. (a) Summary of what the rule says and of any proposed amendments:

The rule applies to all newly hired police, corrections, and probation/parole officers. This rule specifies the time limits for completion of the training programs, good cause for extensions of time to complete programs, and the limitations imposed upon uncertified officers that are working.

The proposed amendments are being made to require that uncertified officers may work only in the direct presence of a certified officer until the officer completes the required basic training program.

6. (b) Brief description of the groups affected:

New Hampshire Police Officers, State Corrections Officers, and State Probation/Parole Officers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE NUMBER	NH STATUTE IMPLEMENTED	FEDERAL STATUTE IMPLEMENTED
Pol 302.01	RSA 106-L:5, I, RSA 106-L:6, I	

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Timothy J. Merrill	Title: Chief Executive Officer
Address: Police Standards & Training 17 Institute Drive Concord NH 03301	Phone #: 271-1790
	Fax#: 271-1785
	E-mail: <u>Timothy.J.Merrill@pst.nh.gov</u>
	TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2018-141 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 2, 2018**

X Fax

X E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 25, 2018, 9:00 a.m.**

Place: **Police Standards & Training
17 Institute Drive
Concord NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 18:115, dated June 4, 2018

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules may increase costs to the state or political subdivisions.

2. **Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

The proposed rules require that if a newly appointed uncertified police, corrections, or probation/parole officer works before successfully completing the basic training requirements under Pol 302.01(a), they only do so in the direct presence of a certified police, corrections, or probation/parole officer, respectively. To the extent state, county, or local law enforcement agencies choose to have uncertified officers work, they may incur additional costs relative to supervision.

- A. **To State general or State special funds:**

See #3 above.

- B. **To State citizens and political subdivisions:**

See #3 above.

- C. **To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no additional expenditures required by political subdivisions beyond that already required by statute. Therefore, there is no violation of Part I, Article 28-a.

Notice Number 2018-142

Rule Number Mtec 301.01, 302.06, 304.01,
401.02, 401.04

1. Agency Name & Address:

**Board of Registration of Medical
Technicians
c/o Office of Professional Licensure &
Certification
121 S. Fruit Street
Concord, NH 03301**

2. RSA Authority: RSA 328-I:4, I and II3. Federal Authority: N/A

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X 5. Short Title: **Definitions, Legal Address, Application, Renewal of Registration, and
Reinstatement of Registration**

6. (a) Summary of what the rule says and of any proposed amendments:

This proposal readopts with amendment the following sections, which were originally effective 5-5-16:

- (1) Mtec 301.01, relative to definitions, in order to amend the definition of “medical technician” in paragraph (g), and therefore to codify in rule the declaratory ruling filed by the Board on 4-3-18 that “medical technician” does not include staff who perform non-medical functions or assist in non-medical forms of personal care;
- (2) Mtec 302.06, relative to legal address, to simplify and clarify the requirements for providing addresses. The proposed amendment makes clear that all applicants must provide both a physical address and, if applicable, a mailing address;
- (3) Mtec 304.01, relative to the application form for initial licensure, to make the following changes:
 - a. In Mtec 304.01(b)(1), the proposal clarifies that applicants must provide their legal name, as opposed to any name;
 - b. In Mtec 304.01(b)(8), the proposal makes clear that the form itself is only asking for the answers to the “yes/no” questions; and
 - c. In Mtec 304.01(c), an explanation to any “yes” question in Mtec 304.01(b)(8) must be included with the form (as opposed to on the form, as currently written);
- (4) Mtec 401.02, relative to the form for renewals of registration, to make the following changes:
 - a. In Mtec 401.02(b)(1), the proposal clarifies that applicants must provide their legal name, as opposed to any name;
 - b. In Mtec 401.02(b)(8), the proposal makes clear that the renewal form itself is only asking for the answers to the “yes/no” questions relative to circumstances that either occurred in the last 2 years or have not been previously disclosed to the Board;
 - c. In Mtec 401.02(c)(2), the proposal states that an explanation to any “yes” question in Mtec 401.02(b)(8) must be included with the form (as opposed to on the form, as currently written); and

NN 2018-142 Continued

(Item 6.(a) continued)

(5) Mtec 401.04, relative to the form for reinstatement of registrations, to make the following changes:

- a. In Mtec 401.04(a) and (c), the 1-year limitation on reinstatement is removed. Under the proposed rules, any licensee who allows his or her license to lapse will be required to reinstate regardless of how long the license has been lapsed;
- b. In Mtec 401.04(a)(1), the proposal clarifies that applicants must provide their legal name, as opposed to any name;
- c. In Mtec 401.04(a)(8), the proposal makes clear that the reinstatement form itself is only asking for the answers to the “yes/no” questions that either occurred since the registration lapsed or which have not been previously disclosed to the board; and
- d. In Mtec 401.04(b)(2), the proposal states that an explanation to any “yes” question in Mtec 401.04(a)(8) must be included with the form (as opposed to on the form, as currently written).

6. (b) Brief description of the groups affected:

This proposal affects licensees of the board and prospective licensees of the board.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Mtec 301.01	RSA 541-A:7
Mtec 302.06	RSA 328-I:4, I-II
Mtec 304.01	RSA 328-I:4, I; RSA 328-I:6-7
Mtec 401.02	RSA 328-I:4, II; RSA 328-I:7; RSA 328-I:8
Mtec 401.04	RSA 328-I:4, II; RSA 328-I:7

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Robert J. Lamberti, Jr.** Title: **Attorney III**
 Address: **121 S. Fruit Street** Phone #: **(603) 271-3103**
Concord, NH 03301 Fax#: **(603) 271-6990**
 E-mail: **Robert.lambertijr@oplcr.nh.gov**
 TTY/TDD Access: Relay NH 1-800-735-2964
 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 14, 2018 by 4:00 p.m.**

- Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **September 4, 2018 at 8:15 a.m.**
 Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
 Concord, NH 03301**

NN 2018-142 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 18:120 , dated 06/15/18

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON AUGUST 16, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-20	Nuh 217	Board of Examiners of Nursing Home Administrators Explanation After Adoption.
2018-21	Nuh 301-306, 401.03-500	Board of Examiners of Nursing Home Administrators Application Procedures; Continued Status; Ethical Standards.
2018-26	Env-Sw 2100	Department of Environmental Services Solid Waste Programs Inactive Asbestos Disposal Sites.
2018-35	Ed 501.01, 501.02, 502.01, 510, 511, 512	Board of Education Certification Standards for Educators on Code of Professional Conduct, Investigations and Disciplinary Proceedings, and Denial of Certification.
2018-41	Saf-C 1400 various	Department of Safety, Commissioner Various Carnival Amusement Rules.
2018-64	Eth 100, 200	Executive Branch Ethics Committee Organizational Rules; Practice and Procedure.
2018-66	Emp 500 various sections	Department of Employment Security Claimant Requirements.
2018-70	Saf-C 1002.06(e), 1006.07, 1011.03, & 1011.05	Department of Safety, Commissioner Various Driver Licensing Rules.
2018-71	Saf-C 1808.03(e), 1808.04, 1808.05, 1808.06	Department of Safety, Commissioner Various Commercial Vehicle Licensing Rules.
2018-72	Saf-C 5200	Department of Safety, Commissioner Guidelines for Establishing Maximum Rates for Hazardous Materials Incident Response.
2018-93	Plc 300	Office of Professional Licensure and Certification Massage Therapy.
2018-94	Plc 400	Office of Professional Licensure and Certification Body Art Rules.
2018-96	He-C 6350 various	Department of Health and Human Services, Commissioner Certification for Payment Standards for Residential Treatment Programs.
2018-98	He-E 801.34	Department of Health and Human Services Division of Elderly and Adult Services Choices for Independence Waiver Program.
2018-100	He-W 404.02 (g) & (h) and 410	Department of Health and Human Services Former Division of Human Services Appeals of Division of Child Support Services, Actions, and Decisions.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON AUGUST 16, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-103	He-W 405.01(a) & (b)	Department of Health and Human Services Former Division of Human Services Child Support Annual Fee for Services.
2018-110	He-W 652.06 and 852.06	Department of Health and Human Services Former Division of Human Services Fluctuating Income.
2018-125	Saf-C 5704	Department of Safety, Commissioner Contracted School Transportation Providers - Record Check.

NOTICE OF ADOPTED RULES

<u>Document # (Final Proposal)</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective Expires</u>
12572 (FP 2018-12)	Ret 309.01	N.H. Retirement System Annual Report of Gainful Occupation.	7/12/2018 7/12/2028
12573 (FP 2017-147)	Ed 1300 (formerly Ed 1300 & Ed 1400)	Board of Education Alternative Education and Career and Technical Education.	7/14/2018 7/14/2028
12574 (FP 2017-163)	Puc 1300	Public Utilities Commission Utility Pole Attachment Rules.	9/1/2018 9/1/2028
12575 (FP 2018-61)	Acp 700	Board of Acupuncture Licensing Acupuncture Detoxification Specialists.	7/20/2018 7/20/2028
12576 (FP 2018-75)	Agr 2200	Department of Agriculture, Markets, and Food Seeds.	7/21/2018 7/21/2028
12577 (FP 2018-97)	Nur 401.04(e)-(h)	Board of Nursing Specific Renewal Requirements for an APRN.	7/21/2018 7/21/2028
12578 (FP 2018-89)	Env-Wt 901.03, 902-904	Department of Environmental Services Wetlands Programs Stream Crossing Rules Scheduled to Expire May 12, 2018.	7/21/2018 7/21/2028
12579 (FP 2018-40)	Saf-C 2400	Department of Safety, Commissioner Unified Carrier Registration Agreement Rules.	7/20/2018 7/20/2028
12580 (FP 2018-99)	Env-Dw 101.04	Department of Environmental Services Drinking Water Programs Date of Incorporated Federal Regulations. <i>(As organizational rules they do not expire except pursuant to RSA 541-A:17, II).</i>	7/21/2018 7/21/2028
12581 (FP 2018-102)	Saf-C 509, 514.61(d)	Department of Safety, Commissioner Various Initial or Vanity Registration Plate Rules.	7/20/2018 7/20/2028
12582 (FP 2018-25)	Env-Dw 1200	Department of Environmental Services Drinking Water Programs Privately Owned Redistribution Systems.	7/24/2018 7/24/2028
12583 (FP 2018-67)	Env-A 101.671	Department of Environmental Services Air Related Programs Definition of "emergency generator". <i>(As organizational rules they do not expire except pursuant to RSA 541-A:17, II).</i>	8/15/2018
12584 (FP 2018-68)	Env-A 1300	Department of Environmental Services Air Related Programs NOx RACT Rules.	8/15/2018 8/15/2028
12585 (FP 2018-78)	He-W 403.02	Department of Health and Human Services Former Division of Human Services Child Support Disbursement Rules.	7/24/2018 7/24/2028

NOTICE OF ADOPTED RULES

<u>Document # (Final Proposal)</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective Expires</u>
12586 (FP 2018-101)	He-P 301.11 (various) and 301.17 (various)	Department of Health and Human Services Former Division of Public Health Services HIV/AIDS NH CARE Program and Tuberculosis Patient Care Financial Assistance Program.	7/24/2018 7/24/2028
12587 (FP 2018-30)	Emp 303.03, 303.04, 303.09, 303.12	Department of Employment Security Records and Reports.	7/23/2018 7/23/2028
12588 (FP 2018-31)	Emp 402.01, 405 various sections	Department of Employment Security Payments and Electronic Communications.	7/23/2018 7/23/2028
12589 (FP 2018-32)	Emp 500 various sections	Department of Employment Security Claimant Requirements.	7/23/2018 7/23/2028
12590 (FP 2018-33)	Fis 1500	Fish and Game Department Off Highway Recreation Vehicles and Snowmobiles.	7/25/2018 7/25/2028
12591 (FP 2018-39)	Fis 300 various, 806.05, 1102.04, 1102.08, 1102.09, 1102.11, 1106.05, 1204.02, 1204.03, 1205.01	Fish and Game Department Wildlife Seasons Biennial Rulemaking.	7/25/2018 7/25/2028
12592 (INT 2018-16)	He-C 6343	Department of Health and Human Services, Commissioner Certification Payment Standards for Transportation Service Providers.	7/26/2018 1/22/2019
12593 (INT 2018-17)	He-C 701	Department of Health and Human Services, Commissioner Assessment and Evaluation of Persons Eligible for Involuntary Civil Commitment as Sexually Violent Predators.	7/26/2018 1/22/2019
12594 (FP 2018-57)	Mhp 401.02 (e)-(h)	Board of Mental Health Practice Licensee Renewal Requirements.	7/27/2018 7/27/2028
12595 (FP 2018-76)	Ins 3601.21(a)	Insurance Department Long-Term Care Insurance, Filing Requirements for Advertising.	7/30/2018 7/30/2028
12596 (FP 2018-86)	Ins 4502	Insurance Department Corporate Governance Annual Disclosure.	7/30/2018 7/30/2028
12597 (FP 2018-9)	Mirt 300	Board of Medical Imaging and Radiation Therapy Requirements for Licensure.	7/31/2018 7/31/2028
12598 (FP 2018-10)	Mirt 500	Board of Medical Imaging and Radiation Therapy Ethical Standards and Scope of Practice.	7/31/2018 7/31/2028
12599 (FP 2018-73)	Ins 3300	Insurance Department Insurance Scores.	8/3/2018 8/3/2028
12600 (FP 2018-79)	Ins 6200	Insurance Department Ancillary Health Minimum Standards for Benefits.	8/3/2018 8/3/2028