



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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VOLUME XXXVIII, Number 44, November 1, 2018

TABLE OF CONTENTS

1.	<u>OFFICE OF LEGISLATIVE SERVICES</u>	<u>Page No.</u>
a.	List of Notices of Proposed Rules NN 2018-179 through NN 2018-180 and Proposed Interim Rule INT 2018-24	-i-
b.	Notices of Proposed Rules and Proposed Interim Rules	1

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)

CONTINUED MEETING Previously Scheduled for November 1, 2018 Has Been Cancelled

REGULAR MEETING: **Thursday, November 15, 2018 9:00 a.m.**
Rooms 306/308, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES NOVEMBER-DECEMBER, 2018

The JLCAR has voted to hold its regularly scheduled monthly meetings for November 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
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>
2018-179	He-M 520	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Children's Special Medical Services.	1
2018-180	He-M 523	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Family Support Services to Children and Young Adults with Chronic Health Conditions.	3

Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
(INT 2018-24)	He-P 806	Department of Health and Human Services Former Division of Public Health Services Non-Emergency Walk-In Care Centers.	5

Notice Number 2018-179 Rule Number He-M 520

<p>1. Agency Name & Address: NH Dept. of Health & Human Services Bureau of Special Medical Services 97 Pleasant Street, Thayer Building Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 132:10-b, IV</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 40px;">Adoption _____</p> <p style="padding-left: 40px;">Amendment _____</p> <p style="padding-left: 40px;">Repeal _____</p> <p style="padding-left: 40px;">Readoption _____</p> <p style="padding-left: 40px;">Readoption w/amendment <u>X</u></p>
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5. Short Title: **Children’s Special Medical Services**

6. (a) Summary of what the rule says and of any proposed amendments:
He-M 520 specifies health related services and supports provided to children and youth with special health care needs (CSHCN) in accordance with Title V of the Social Security Act. Individuals served must be between the ages of 0-21 and have a special health care need as defined by RSA 132:13, II.

The rule describes application procedures, program and financial eligibility requirements, services and financial assistance provided, and appeal and waiver provisions. He-M 520 is currently an interim rule which is scheduled to expire December 24, 2018.

- He-M 520 is being readopted with amendments. The amendments to the current rule include:
- Language changes to reflect that Special Medical Services (SMS) has been changed to a bureau under Division of Long Term Support Services (DLTSS) instead of being a section under Bureau of Developmental Services (BDS);
 - Changes to the eligibility criteria that reflect the transition to using the same application for all services, including the child development clinic services; and
 - Changes to descriptions that reflect changes to the current array of services.

6. (b) Brief description of the groups affected:
Groups affected by this rule include children with special health care needs that qualify under the program for services and financial assistance.

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

RULE	SPECIFIC STATE STATUTES WHICH THE RULE IMPLEMENTS
He-M 520.01 - 520.09	RSA 132:2, X; RSA 132:13

NN 2018-179 Continued

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

Name: **Allyson Zinno** Title: **Administrative Rules Coordinator**
Address: **Dept. of Health and Human Services** Phone #: **271-9604**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St., Brown Bldg. E-mail: **allyson.zinno@dhhs.nh.gov**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:
Monday, December 3, 2018

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, November 26, 2018 at 10:00 AM**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

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

FIS # 18:189, dated October 18, 2018

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 rule to the existing rule.

2. **Cite the Federal mandate. Identify the impact of 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 rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number	2018-180	Rule Number	He-M 523
1. Agency Name & Address: NH Dept. of Health & Human Services Bureau of Special Medical Services 97 Pleasant Street, Thayer Building Concord, NH 03301		2. RSA Authority:	RSA 161:4-a, IX
		3. Federal Authority:	
		4. Type of Action:	
		Adoption	
		Amendment	
		Repeal	
		Readoption	
		Readoption w/amendment	X

5. Short Title: **Family Support Services to Children and Young Adults with Chronic Health Conditions**

6. (a) Summary of what the rule says and of any proposed amendments:
He-M 523 specifies services and supports unique to the needs of families with children with a severe chronic health condition ages 0 to 21 and young adults ages 18 to 21 with a severe chronic health condition. He-M 523 is currently an interim rule which is scheduled to expire December 24, 2018.

He-M 523 is being readopted with amendments. The amendments to the current rule include:

- **Revised definitions to reflect current and best family support practice;**
- **New sections to describe requirements for determination of eligibility;**
- **Additional language to clarify the intent that an applicant for family support services with a developmental disability, who is/would be eligible for services under He-M 503, will not be eligible to receive family support services under He-M 523; and**
- **Amended designations of towns by region to mirror the regional designations utilized by the Bureau of Developmental Services.**

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

Groups affected by this rule include children, young adults, and families who have a child with a chronic health condition, as well as local family support councils and the agencies providing family support services.

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

Rule	Specific State or Federal Statutes or Regulations which the Rule Implements
He-M 523.01 - 523.06	RSA 126-G:3; 161:2, I
He-M 523.07 - 523.09	RSA 126-G:4; 161:2, I
He-M 523.10 - 523.14	RSA 126-G:3; 161:2, I

NN 2018-180 Continued

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

Name: **Allyson Zinno** Title: **Administrative Rules Coordinator**
Address: **Dept. of Health and Human Services** Phone #: **271-9604**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St., Brown Bldg. E-mail: **allyson.zinno@dhhs.nh.gov**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:
Monday, December 3, 2018

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, November 26, 2018 at 3:30 PM**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

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

FIS # 18:191, dated October 22, 2018

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 rule to the existing rule.

2. **Cite the Federal mandate. Identify the impact of 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 rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Proposed Interim Rule Number 2018-24

Rule Number He-P 806

<p>1. Agency Name & Address:</p> <p>Dept. of Health and Human Services Health Facility Licensing Unit 129 Pleasant Street Concord, NH 03301</p> <p>5. Filing Date: October 23, 2018</p>	<p>2. RSA Authority: <u>RSA 151:9, I</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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6. Short Title: **Non-Emergency Walk-In Care Centers**

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

Name: Allyson Zinno	Title: Administrative Rules Coordinator
Address: NH Dept. of Health & Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301	Phone #: 271-9604 Fax#: 271-5590 E-mail: <u>allyson.zinno@dhhs.nh.gov</u>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>**

8. Summary explaining the effect of the rule:

He-P 806 expired on February 13, 2018. The Department of Health and Human Services (Department) is proposing to file an interim rule pursuant to RSA 541-A:19, I(e) to minimize the time between the expiration of the rules and their subsequent readoption by the agency. He-P 806 established the licensing requirements for all non-emergency walk-in care centers. Without these rules the Department is unable to license these facilities.

9. Listing of people, enterprises, and government agencies affected by the rule:

These rules affect any organization, business entity, partnership, corporation, government entity, association, or other legal entity operating a non-emergency walk-in care center except all facilities listed in RSA 151:2, II (a)-(i), entities who provide health screening services for the purpose of risk assessment only and not for diagnosis and/or treatment, and immunization clinics that are registered with the Department's Division of Public Health Services.

INT 2018-24 Continued

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule	Specific State or Federal Statutes the Rule Implements
He-P 806.01 – He-P 806.03	RSA 151:9,I(a) and (b)
He-P 806.04 – He-P 806.06	RSA 151:2,I and II and RSA 151:9,I
He-P 806.07	RSA 151:9,I(a)
He-P 806.08	RSA 151:9,I(e)
He-P 806.09	RSA 151:9,I(a)
He-P 806.10	RSA 151:9,I(e)
He-P 806.11	RSA 151:9,I(f), (g), (l), and (m)
He-P 806.12	RSA 151:9,I(f), (h), and (l)
He-P 806.13 – He-P 806.23	RSA 151:9,I(a)

11. Summary of the effect upon the state if the rule were not adopted:

Without He-P 806 the Department is unable to license non-emergency walk-in care centers.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

November 15, 2018.

13. The fiscal impact statement prepared by the Legislative Budget Assistant

No fiscal impact statement is required with this interim rule.