



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX
25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6312

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

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VOLUME XXXIX, Number 24, June 13, 2019

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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: **Friday, June 21, 2019 9:00 a.m.**
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Friday, June 28, 2019 9:00 a.m.**
Rooms 306/308, Legislative Office Building

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| a. | List of Final Proposals, Proposed Interim Rules, and Objection Response for Review | 18 |
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JLCAR MEETING DATES AND RELATED FILING DEADLINES

JUNE, 2019

The JLCAR has voted to hold its regularly scheduled meetings for May through June, 2019 on the third Friday of the month as listed below, except as noted. 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 Fridays to address items postponed from the prior regular meetings.

| Regular Meeting Filing Deadline* | Regular Meeting Date | Continued Meeting Date |
|-------------------------------------|-------------------------|---------------------------|
| June 7 | June 21 | June 28 |

***NOTE:** The filing deadlines relate to JLCAR meetings pursuant to RSA 541-A. However, if a proposed interim rule is filed with a rulemaking notice for publication in the *Rulemaking Register*, be aware that Thursdays—not Fridays—remain the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Therefore, filing the notice together with the proposed interim rule no later than the Thursday **before** the 14-day statutory deadline would assure that both the 14-day deadline for filing the rule and the deadline for publication in the *Rulemaking Register* would be met. See description in §3.3 of Chapter 3 of the *Drafting and Procedure Manual for Administrative Rules*.

Notices of Proposed Rules

| <u>Notice Number</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> | <u>Page No.</u> |
|----------------------|------------------------|--|-----------------|
| 2019-91 | He-M 204 | Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Rights Protection Procedures. | 1 |
| 2019-92 | Liq 1100 | Liquor Commission Direct Shipping. | 4 |
| 2019-93 | Occ 303.01 | Governing Board of Occupational Therapists Eligibility Requirements. | 6 |
| 2019-94 | Elec 304.02 | Electricians' Board Apprentice Qualifications. | 8 |
| 2019-95 | Rev 1200 | Department of Revenue Administration Low and Moderate Income Homeowners Property Tax Relief. | 10 |
| 2019-96 | Nur 304.01 & 304.02 | Board of Nursing Endorsement. | 13 |

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 2019-17) | He-A 305 | Department of Health and Human Services Former Office of Alcohol & Drug Abuse Prevention Voluntary Registry for Recovery Houses. | 15 |

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2019**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2019 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 |
|--|-----------------------------|-------------------------------|
| July 3 (Wednesday) | July 18 | August 1 |
| August 1 | August 15 | September 5 |
| September 5 | September 19 | October 3 |
| October 3 | October 17 | November 7 |
| November 7 | November 21 | December 5 |
| December 5 | December 19 | None |

| | | | |
|---------------|----------------|-------------|-----------------|
| Notice Number | <u>2019-91</u> | Rule Number | <u>He-M 204</u> |
|---------------|----------------|-------------|-----------------|

1. Agency Name & Address:

**Dept. of Health & Human Services
Bureau of Developmental Services
105 Pleasant Street, Main Bldg.
Concord NH 03301**

2. RSA Authority: RSA 135-C:5, I(b)

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X 5. Short Title: **Rights Protection Procedures**

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

The existing He-M 204 is an interim rule, effective 2-22-19 (Document #12731), which will expire 8-21-19, and specifies the procedures for the protection of the rights of persons applying for, eligible for, and receiving services which are funded, monitored, or regulated by the Department. This proposal seeks to readopt with amendment He-M 204 via regular rulemaking with some changes.

The following changes were made to the rule He-M 204:

- **Updating the definitions to align with organizational changes at the Department, to remove references to the expired He-M 314 rule including deleting the definition for “emergency shelter,” and inserting references to RSA 126-U for the definitions of “seclusion” and “restraint”;**
- **Deleting all references to the expired He-M 314 and to emergency shelters throughout He-M 204;**
- **Making editorial changes in various sections of the rule He-M 204 as recommended by the Office of Legislative Services Staff to the interim rule;**
- **Inserting language in He-M 204.05 on complaints and He-M 204.11 on special requirements for facilities to stipulate that any complaints involving allegations of seclusion or restraint of a child, as defined by RSA 126-U, shall comply with the notice and reporting requirements of RSA 126-U:7 and 10; and**
- **Removing the language that would permit the Administrative Appeals Unit to conduct an independent review because the unit no longer provides for this type of review.**

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

The groups affected by this rule are individuals receiving mental health services from state funded facilities and community mental health programs or providers.

NN 2019-91 Continued

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

| Rule | Statute Implemented |
|-------------|-------------------------------|
| He-M 204.01 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.02 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.03 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.04 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.05 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.06 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.07 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.08 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.09 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.10 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.11 | RSA 135-C:56-57, RSA 171-C:19 |
| He-M 204.12 | RSA 135-C:56-57, RSA 171-C:19 |

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

Name: **Kim Reeve, Esq.** Title: **Legal Counsel – Admin Rules**
 Address: **NH Dept. of Health & Human Services** Phone #: **271-9640**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: Kimberly.reeve@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: **Wednesday July 17, 2019**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday July 10, 2019, 3:30 PM**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH 03301**

NN 2019-91 Continued

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

FIS # 19:083 , dated 05/28/19

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 interim 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 proposal 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 2019-92

Rule Number Liq 1100

| | |
|--|--|
| <p>1. Agency Name & Address: New Hampshire Liquor Commission 50 Storrs Street Concord, NH 03302-0503</p> | <p>2. RSA Authority: RSA 176:14, VII (a), (b), and (e), VIII (e), and X; RSA 178:27, VI; and RSA 178:27-a, VI</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 <u> X </u></p> |
|--|--|

5. Short Title: **Direct Shipping**

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

The Liq 1100 rules implement RSA 176, The Liquor Commission, RSA 178, Liquor Licenses and Fees, and RSA 179, Enforcement, Requirements and Penalties. These rules set forth the process for individuals, corporations, partnerships, or limited liability companies who hold a valid license in another state, to ship beverages, wine, or liquor directly to New Hampshire consumers or licensees. The amendments to these rules expand, clarify, and further detail the process and documents necessary to obtain a direct shipper license. The updates to these procedures better reflect and define the existing direct shipping licensing process.

Most of the existing rules in Liq 1100 are scheduled to expire on 6/9/19 but are subject to extension pursuant to RSA 541-A:14-a.

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

All current direct shipper license holders and all persons seeking to obtain a Direct Shippers license.

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

| RULE | STATUTE |
|-------------------|-----------------------------|
| Liq 1100 | RSA 178:27 |
| Liq 1102 | RSA 178:27, RSA 178:29 |
| Liq 1102.07 | RSA 176:14, 178:27-a |
| Liq 1103 | RSA 178:27, RSA 179:33, III |
| Liq 1104 and 1105 | RSA 178:27, RSA 179:5, I |
| Liq 1106 | RSA 178:27, RSA 179:33, III |

NN 2019-92 Continued

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

Name: **Janet Donnelly/James Vara** Title: **Paralegal/Attorney**
Address: **50 Storrs Street** Phone #: **603-230-7048/603-230-7073**
Concord, NH 03301 Fax#: **603-271-3758**
E-mail: **janet.donnelly@liquor.nh.gov**
james.vara@liquor.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: **July 15, 2019 by 4:00 pm**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 8, 2019 @ 1:00pm – 4:00pm**
Place: **NH Liquor Commission**
50 Storrs Street
Concord, NH 03301

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

FIS # 19:090, dated 5/31/2019

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:

The proposed rule does not violate Part I, Article 28-a of the N.H. Constitution. The proposed rule does not create a new program or responsibility but seeks to expand or modify an existing program or responsibility. The rule does not mandate or assign responsibility to any political subdivision that would increase the costs the political subdivision may pay. There is no change from the existing rule.

Notice Number 2019-93Rule Number Occ 303.01

1. Agency Name & Address:

**Occupational Therapy Governing Board
c/o Office of Professional
Licensure & Certification
121 S. Fruit Street
Concord, NH 03301**

2. RSA Authority: RSA 328-F:11, I(a)3. Federal Authority: n/a

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption X

Readoption w/amendment _____

5. Short Title: **Eligibility Requirements**

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

The intended action is to readopt Occ 303.01, regarding eligibility requirements to become occupational therapists or occupational therapy assistants. No amendments have been made in this proposal. The Board is seeking to readopt this rule in its entirety because a portion of the rule is set to expire on June 29, 2019, but is subject to extension pursuant to RSA 541-A:14-a.

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

This proposal will affect applicants for initial licensure as occupational therapists or occupational therapy assistants.

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

| Rule | Statute |
|------------|-------------------------------------|
| Occ 303.01 | RSA 326-C:5, I; RSA 328-F:11, I (a) |

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

Name: **Tom Broderick**Title: **Attorney III**Address: **121 S. Fruit Street
Concord, NH 03301**Phone #: **(603) 271-3103**Fax#: **(603) 271-0597**E-mail: **Thomas.Broderick@oplcr.nh.gov**TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-93 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 22, 2019 at the conclusion of the public hearing**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 22, 2019 at 10:15 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
Concord, NH 03301**

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

FIS # 19:085, dated May 28, 2019

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 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:

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

Notice Number 2019-94Rule Number Elec 304.02

| | |
|--|---|
| <p>1. Agency Name & Address:</p> <p>NH Electricians' Board c/o Office of Professional Licensure & Certification 121 S. Fruit Street Concord, NH 03301</p> | <p>2. RSA Authority: <u>RSA 319-C:6-a, II</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 _____</p> <p>Readoption w/amendment <u>X</u></p> |
|--|---|

5. Short Title: **Apprentice Qualifications**

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

The intended action is to readopt with amendments Elec 304.02, regarding apprentice qualifications of the Electricians' Board. The major change in this proposal is as follows: Under the current Elec 304.02, an individual is only qualified to become registered as an apprentice electrician if he or she is 18 or older, unless the person is enrolled in a NH Career and Technical Education (CTE) program approved by the Board. This proposal would change that requirement to allow those 16 or older to be licensed, so long as those individuals meet certain requirements.

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

This proposal affects those seeking to become registered as an apprentice electrician.

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

| Rule | Statute |
|-------------|---|
| Elec 304.02 | RSA 319-C:6-a, III, V, V-a; RSA 319-C:6-b; RSA 319-C:8; RSA 319-C:2-a |

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

Name: **Tom Broderick**Title: **Attorney III**Address: **121 S. Fruit Street
Concord, NH 03301**Phone #: **(603) 271-3103**Fax#: **(603) 271-0597**E-mail: **Thomas.Broderick@oplcnh.gov**TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-94 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **August 6, 2019 by the conclusion of the public hearing.**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **August 6, 2019 at 9:00 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
Concord, NH 03301**

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

FIS # 19:087, dated May 28, 2019

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:

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

Notice Number 2019-95Rule Number Rev 1200

1. Agency Name & Address:

Department of Revenue Administration
P.O. Box 457
Concord, NH 03302-0457

2. RSA Authority: RSA 198:58, I

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption XReadoption w/amendment X5. Short Title: **Low and Moderate Income Homeowners Property Tax Relief**

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

Rev 1200 contains the rules governing the low and moderate income homeowners property tax relief program, including definitions, eligibility requirements, filing for tax relief, rejections and appeals, relief, and penalties. Rev 1200 is being readopted without amendments except Rev 1203.02 on additional documents required as part of a completed tax relief application. Rev 1203.02 is being readopted with amendment to remove an outdated reference to certain page numbers relating to the federal tax return of a trust.

Rev 1200 is scheduled to expire on 6-23-19 but is subject to extension pursuant to RSA 541-A:14-a

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

The group affected is low and moderate income homeowners property tax relief claimants.

NN 2019-95 Continued

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

| Rule | Statute |
|-------------|-----------------|
| Rev 1201.01 | RSA 198:56, I |
| Rev 1201.02 | RSA 21:44 |
| Rev 1201.03 | RSA 198:57 |
| Rev 1201.04 | RSA 198:57 |
| Rev 1201.05 | RSA 198:57 |
| Rev 1201.06 | RSA 198:56, V |
| Rev 1201.07 | RSA 198:56, II |
| Rev 1201.08 | RSA 198:56, III |
| Rev 1201.09 | RSA 198:56, I |
| Rev 1202.01 | RSA 198:57, III |
| Rev 1203.01 | RSA 198:57, VI |
| Rev 1203.02 | RSA 198:57, VII |
| Rev 1204.01 | RSA 198:61 |
| Rev 1204.02 | RSA 198:60 |
| Rev 1205.01 | RSA 198:61 |
| Rev 1206.01 | RSA 198:59 |
| Rev 1206.02 | RSA 198:59, II |
| Rev 1206.03 | RSA 198:59, II |

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

Name: **Tracey Russo** Title: **Paralegal**
Address: **Legal Bureau** Phone #: **603-230-5027**
P.O. Box 457 Fax#: **603-230-5932**
Concord, NH 03302-0457 E-mail: **Tracey.Russo@dra.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: **Thursday, July 18, 2019**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 8, 2019 @ 1:00 pm**

Place: **New Hampshire Department of Revenue Administration
Medical and Surgical Building
109 Pleasant Street, 2nd Floor Training Room
Concord, NH 03301**

*****The security procedures at the Department of Revenue Administration require all visitors to sign-in and present photo identification. If you plan on attending the public hearing, please bring photo identification with you.*****

NN 2019-95 Continued

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

FIS # 19:088 , dated 6/4/2019

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no 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:

The rules do not mandate fees or additional local expenditures on a political subdivision of the state, and, therefore, do not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2019-96Rule Number Nur 304.01, 304.02

1. Agency Name & Address:

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

2. RSA Authority: RSA 326-B:9, I; RSA 326-B:203. Federal Authority: n/a

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X5. Short Title: **Endorsement**

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

The intended action is to readopt with amendments Nur 304.01, relative to licensure by endorsement for registered nurses and licensed practical nurses who took the NCLEX exam, and Nur 304.02, relative to licensure by endorsement for Canadian registered nurses who have not taken the NCLEX exam. The proposed changes to Nur 304.01 and Nur 304.02 are made to mirror the format of other rules adopted by the Board on March 28, 2019 and to clarify some of the steps necessary for licensure by endorsement.

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

With regards to the proposed changes to Nur 304.01, this proposal affects nurses seeking licensure who either: (1) graduated from a nursing school in the US or Canada, except Quebec, and took the NCLEX in the United States; or (2) took the NCLEX-RN examination in Canada, except Quebec. With regards to the proposed changes to Nur 304.02, the proposal affects registered nurses seeking licensure who graduated from a nursing school in Canada and have not taken the NCLEX in the United States or Canada.

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

| Rule | Statute |
|------------|------------------------------|
| Nur 304.01 | RSA 326-B:9, I; RSA 326-B:20 |
| Nur 304.02 | RSA 326-B:9, I; RSA 326-B:20 |

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

Name: **Tom Broderick**Title: **Attorney III**Address: **121 S. Fruit Street
Concord, NH 03301**Phone #: **(603) 271-3103**Fax#: **(603) 271-0597**E-mail: **Thomas.Broderick@oplcr.nh.gov**TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-96 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 25, 2019 by the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 25, 2019 at 8:15 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
Concord, NH 03301**

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

FIS # 19:086, dated May 28, 2019

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

There is no 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.

Proposed Interim Rule Number 2019-17 Rule Number He-A 305

| | |
|---|---|
| <p>1. Agency Name & Address:</p> <p>Dept. of Health & Human Services Bureau of Drug and Alcohol Services 129 Pleasant St., Main Bldg. Concord, NH 03301</p> <p>5. Filing Date: 6/4/2019</p> | <p>2. RSA Authority: <u>RSA 172-B:2, V</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> |
|---|---|

6. Short Title: **Voluntary Registry for Recovery Houses**

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

| | | | |
|----------|--|----------|---|
| Name: | Kim Reeve, Esq. | Title: | Legal Counsel- Admin Rules |
| Address: | NH Dept. of Health & Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301 | Phone #: | 271-9640 |
| | | Fax#: | 271-5590 |
| | | E-mail: | kimberly.reeve@dhhs.nh.gov |

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:

In 2018, the NH legislature passed HB 1775 (Chapter 307 of the Laws of 2018) which requires the Department to establish a voluntary registration program for operators of alcohol and drug free housing, and requires the Department to prepare, publish and disseminate the list of registered recovery houses. Section 2 of HB 1775 amended RSA 172-B to add paragraphs V and VI and those paragraphs will be effective June 30, 2019. The Department is filing this proposed interim rule pursuant to RSA 541-A:19, I(a), and will subsequently proceed with regular rulemaking.

The proposed new interim rule He-A 305 describes the process for voluntary registration, the process for receiving complaints about registered recovery houses, and the duties of registered recovery houses.

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

The groups affected by this rule are recovery house operators.

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

| Rule | State Statute Implemented |
|---------------------|---------------------------|
| He-A 305.01- 305.10 | RSA 172-B:2, V-VI |

INT 2019-17 Continued

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

If the interim rule were not adopted, the Department would not be able to adhere to the statute to have a voluntary registration program for recovery houses operating in New Hampshire.

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

June 21, 2019

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

FIS # **19:082** , dated **05/28/19**

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

Not applicable as these are new 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.

POSTPONEMENT AND RESCHEDULING OF A RULEMAKING HEARING

Notice Number 2019-64Rule Number Ahp 601.04 – 601.05

| | |
|---|---|
| <p>1. Agency Name & Address:</p> <p>Board of Directors of the Office of Allied Health Professions c/o Office of Professional Licensure & Certification 121 S. Fruit Street Concord, NH 03301</p> | <p>2. RSA Authority: RSA 328-F:18, VI; RSA 328-F:13, V, VI</p> <p>3. Federal Authority: N/A</p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Amendment <u> </u></p> <p>Repeal <u> </u></p> <p>Readoption <u> </u></p> <p>Readoption w/amendment <u> </u></p> |
|---|---|

5. Short Title: **Allied Health Organizational Forms**

6. In accordance with RSA 541-A:11, IV, a rulemaking hearing has been postponed for this proposed rule for which notice appeared in the Rulemaking Register on April 18, 2019 under Notice Number 2019-64. The public hearing has therefore been rescheduled for:

Date and Time: **June 24, 2019 at 8:45 a.m.**Place: **121 S. Fruit Street, Concord, NH 03301**

7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **June 24, 2019 at the conclusion of the public hearing.**

 Fax E-mail Other format (specify):

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

Name: **Tom Broderick**Title: **Attorney III**Address: **121 S. Fruit Street
Concord, NH 03301**Phone #: **(603) 271-3103**Fax#: **(603) 271-6990**E-mail: **Thomas.Broderick@oplcnh.gov**

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

FINAL PROPOSALS FOR COMMITTEE REVIEW ON JUNE 21, 2019

| <u>Final Proposal #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|-------------------------|-------------------------------------|---|
| 2019-8 | Sep 600 | Board of Septic System Evaluators Standards of Practice. |
| 2019-19 | Gcd 102.03 | Governor's Commission on Disability Definition of "Person With a Disability". |
| 2019-20 | Gcd 103.01 & 103.05 | Governor's Commission on Disability Composition of the Commission and Quorum. |
| 2019-21 | Gcd 104.01 & 104.02 | Governor's Commission on Disability Public Requests for Information. |
| 2019-22 | Gcd 403.01 & 403.02 | Governor's Commission on Disability Application for Tag and Certificate for Service Dogs. |
| 2019-23 | Abfd 102.04 | Architectural Barrier-Free Design Committee Governor's Commission on Disability Definition of "Disability". |
| 2019-24 | Abfd 103.01 & 103.03 | Architectural Barrier-Free Design Committee Governor's Commission on Disability Description of the Committee Membership, Term, and Quorum. |
| 2019-25 | Abfd 104.01 & 104.02 | Architectural Barrier-Free Design Committee Governor's Commission on Disability Public Requests for Information. |
| 2019-47 | Phy 300 various | Governing Board of Physical Therapists Requirements for Initial Licensure. |
| 2019-51 | Lab 408 | Department of Labor Regulation of Third Party Administrators. |
| 2019-52 | Nur 704.04 | Board of Nursing Program Coordinator Qualifications. |
| 2019-53 | Rev 2300 | Department of Revenue Administration Medicaid Enhancement Tax. |
| 2019-54 | Saf-C 603.01 & 604.02(h) | Department of Safety, Commissioner Amendment of Standard and Level VI Motor Carrier Rules. |
| 2019-56 | Agr 3900 | Department of Agriculture, Markets, and Food Produce Safety Farm Inspections. |
| 2019-59 | Env-Dw 703, 710 various sections | Department of Environmental Services Drinking Water Programs Amendments to Drinking Water Quality Standards and Monitoring Requirements for Radionuclide Contaminants. |

FINAL PROPOSALS FOR COMMITTEE REVIEW ON JUNE 21, 2019

| <u>Final Proposal #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|-------------------------|--|---|
| 2019-60 | Env-Dw 722 | Department of Environmental Services Drinking Water Programs Public Water Systems: Best Available Technology and Treatment Techniques. |
| 2019-62 | Nur 602.07 | Board of Nursing Nurse-Educator Qualifications. |
| 2019-63 | He-W 530.03 intro & (c), 531.01(h), 531.06(i), 543.01(o), 543.07, 543.11(a), 543.13(d) | Department of Health and Human Services Former Division of Human Services Service Limits, Co-payments, and Non-covered Services, Physician Services, and Hospital Services. |

PROPOSED INTERIM RULES FOR COMMITTEE REVIEW ON JUNE 21, 2019

| <u>Proposed Interim #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|---------------------------|--------------------------------|--|
| INT 2019-15 | Vet 206, 301.02-400, & 502-700 | Board of Veterinary Medicine Rules of the Board of Veterinary Medicine. |
| INT 2019-16 | Ncr 1100 | Department of Natural and Cultural Resources Natural Heritage Program Rules. |
| INT 2019-17 | He-A 305 | Department of Health and Human Services Former Office of Alcohol & Drug Abuse Prevention Voluntary Registry for Recovery Houses. |

PRELIMINARY OBJECTION RESPONSE FOR COMMITTEE REVIEW ON JUNE 21, 2019
IF FILED PRIOR TO THE MEETING

| <u>Notice Number</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|----------------------|---------------------|---|
| FP 2019-39 | Rab 306.01 & 308.01 | Real Estate Appraiser Board Appraisal Management Company Fees. |

NOTICE OF ADOPTED RULES

| Document # (Final Proposal) | Rule Number | Agency and Short Title of Rule | Effective Expires |
|-----------------------------------|---|--|-------------------------|
| 12773 (FP 2019-30) | He-W 631.01 & 864.02 | Department of Health and Human Services Former Division of Human Services Unwed Minor Parent Living Arrangement Requirements Within the Financial Assistance to Needy Families (FANF) Program and Parents and Other Caretaker Relatives Medically Needy Medical Assistance. | 5/7/2019 5/7/2029 |
| 12774 (FP 2019-31) | He-C 801 | Department of Health and Human Services, Commissioner Health Professions Survey. | 5/7/2019 5/7/2029 |
| 12775 (FP 2019-32) | He-M 1001 | Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Certification Standards for Developmental Services Community Residences. | 5/7/2019 5/7/2029 |
| 12776 (FP 2019-2) | Asb 300 | Assessing Standards Board Certification of Assessors. | 5/9/2019 5/9/2029 |
| 12777 (FP 2018-208) | Cor 400 | Department of Corrections Correctional Classification System. | 5/11/2019 5/11/2029 |
| 12778 (FP 2019-11) | Opt 402.01 | Board of Registration in Optometry Change in Continuing Education Requirements. | 5/14/2019 5/14/2029 |
| 12779 (FP 2019-29) | Psyc 401.02(d)-(g) | Board of Psychologists License Renewal. | 5/14/2019 5/14/2029 |
| 12780 (FP 2019-55) | Env-Wq 904.01, 907.02, 907.04, 907.07 | Department of Environmental Services Water Quality and Quantity Programs Amendments to Operating Standards for Youth Recreational Camps. | 5/18/2019 5/18/2029 |
| 12781 (INT 2019-12) | He-E 503 | Department of Health and Human Services Division of Elderly and Adult Services Alzheimer's Respite Care Services. | 5/21/2019 11/18/2019 |
| 12782 (INT 2019-13) | He-W 566 | Department of Health and Human Services Former Division of Human Services Dental Services. | 5/21/2019 11/18/2019 |
| 12783 (FP 2019-28) | He-W 538 | Department of Health and Human Services Former Division of Human Services Certified Midwife Services. | 5/21/2019 5/21/2029 |
| 12784 (FP 2019-34) | He-M 519 | Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Family Support Services. | 5/21/2019 5/21/2029 |
| 12785 (FP 2018-210) | Fis 1100 various | Fish and Game Department Licensing and Permits. | 5/22/2019 5/22/2029 |

NOTICE OF ADOPTED RULES

| <u>Document #</u> (Final <u>Proposal</u>) | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> | <u>Effective</u> <u>Expires</u> |
|--|--|--|------------------------------------|
| 12786 (FP 2019-41) | Fis 301.09(1) | Fish and Game Department Moose Season Lottery. | 5/22/2019 5/22/2029 |
| 12787 (FP 2019-45) | He-W 702.01 | Department of Health and Human Services Former Division of Human Services Electronic Benefit Transfer Account Holder Access. | 7/1/2019 7/1/2029 |
| 12788 (FP 2019-13) | Agr 1200 | Department of Agriculture, Markets, and Food Commercial Feeds. | 5/23/2019 5/23/2029 |
| 12789 (EXIR 2019-1) | Nur 401.01(b) | Board of Nursing Change to Model Rules. | 5/25/2019 5/25/2029 |
| 12790 (FP 2018-156) | Saf-C 5900 | Department of Safety, Commissioner Emergency Medical Services Rules. | 5/24/2019 5/24/2029 |
| 12791 (FP 2018-206) | Cor 312 | Department of Corrections Request Slips in State Correctional Facilities. | 5/25/2019 5/25/2029 |
| 12792 (FP 2018-207) | Cor 313 | Department of Corrections Formal Complaints and Grievances by Probationers, Parolees and Residents of Correctional Facilities. | 5/25/2019 5/25/2029 |
| 12793 (FP 2018-209) | Cor 500 | Department of Corrections Standards for Health, Medical, and Behavioral Health Care in Corrections Facilities. | 5/25/2019 5/25/2029 |
| 12794 (FP 2019-38) | Saf-C 6700 | Department of Safety, Commissioner DNA Database Records Rules. | 5/28/2019 5/28/2029 |
| 12795 (FP 2019-50) | He-P 806 | Department of Health and Human Services Former Division of Public Health Services Non-Emergency Walk-In Care Centers. | 5/30/2019 5/30/2029 |
| 12796 (FP 2019-17) | He-W 837 | Department of Health and Human Services Former Division of Human Services NH Granite Advantage Health Care Program. | 6/5/2019 6/5/2029 |
| 12797 (FP 2018-154) | Elec 301.04, 302.04, 303.07, 304.05 | Electricians' Board Third Party Electrical Inspectors. | 6/6/2019 6/6/2029 |
| 12798 (FP 2019-44) | Ins 7000 | Insurance Department Short Term Limited Duration Health Insurance. | 6/10/2019 6/10/2029 |
| 12799 (FP 2019-49) | Ins 4100 | Insurance Department Requirements for Accident and Health Insurance Rate Submissions. | 6/10/2019 6/10/2029 |
| 12800 (FP 2018-200) | Geo 305.02 (b) & (c) | Board of Professional Geologists Amendment of Examination Fees. | 6/7/2019 6/7/2029 |