



Action Minutes

November 17, 2022

Members Present: Senators Reagan, Gray, and Whitley and Representatives Bershtein, Groen*, Lang, and McGuire. (*) 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 Sen. Reagan as Chair.

Members present at this time, aside from Senator Reagan, were Senators Gray, and Whitley and Representatives Bershtein, Groen, Lang, and McGuire.

Senator Reagan designated Rep. Groen as an alternate for Rep. Schmidt, who was absent.

2. The Committee discussed the minutes of the Committee meeting on October 20, 2022.

Rep. Lang moved that the minutes be approved.

Rep. McGuire seconded.

Adopted.

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

CONSENT AGENDA

FP 2022-47	GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND HEARING CARE PROVIDERS Maintenance of Continuing Competence Spe 405.01
FP 2022-55	PUBLIC UTILITIES COMMISSION Utility Pole Attachments Puc 1300
FP 2022-111	INSURANCE DEPARTMENT Life and Health Reinsurance Agreements Ins 308
FP 2022-133	NH PHARMACY BOARD Reinstatement of Pharmacist License Ph 401.06
FP 2022-140	DEPARTMENT OF ENVIRONMENTAL SERVICES Air Related Programs Procedural Rules Env-A 200

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FP 2022-142	DEPARTMENT OF ENVIRONMENTAL SERVICES Air Related Programs Hot Mix Asphalt Plants Env-A 2700
FP 2022-144	OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS Organizational Rules Ahp 100 (various)
FP 2022-157	OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS Form Requests Ahp 602
INT 2022-6	DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS Broadband Matching Grant Initiative (BMGI) Bea 400
INT 2022-7	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Respiratory Care Practitioners Plc 1500
FP 2022-113	BOARD OF VETERINARY MEDICINE Petitions for Waiver Vet 207
FP 2022-120	INSURANCE DEPARTMENT Minimum Standards for Family and Medical Leave Wage Replacement Coverage Ins 8000
FP 2022-125	DEPARTMENT OF REVENUE ADMINISTRATION Financial Source Coding for Local Educational Agencies Rev 1100
ROR 2022-3	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Electrologists Plc 700
OR 2022-53	DEPARTMENT OF ENERGY Utility Pole Attachment Rules En 1300

Rep. McGuire moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2022-47, 2022-55, 2022-111, 2022-133, 2022-140, 2022-142, 2022-144, and 2022-157, and conditionally approve Interim Proposal INT 2022-6 and 2022-7, Final Proposal 2022-113, 2022-120, and 2022-125, Revised Objection Response 2022-3, and Objection Response 2022-53 based on the agencies' conditional approval requests.

Rep. Bershtein seconded.

Adopted.

4. The Committee discussed Final Proposal 2022-132 from the Department of Revenue Administration (Communication Services Tax). Keen Wong testified for the Department of Revenue Administration.

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The Department of Revenue Administration had submitted a conditional approval request in amended rules dated November 7, 2022.

Sen. Gray moved that the Committee preliminarily object to Final Proposal 2022-132 based on the Department of Revenue Administration's conditional approval request.

Rep. McGuire seconded.

Adopted.

5. The Committee discussed Final Proposal 2022-62 from the Department of Safety (Sexual Offender/Offender Against Children Registration Under LENS System Rules). No representatives for the Department of Safety were present.

Rep. McGuire moved that the Committee approve Final Proposal 2022-62 with the recommendation that the Department of Safety seek statutory clarification.

Rep. Lang seconded.

Adopted.

6. The Committee discussed Final Proposal 2022-17 from the Board of Licensing for Alcohol and Other Drug Use Professionals (Initial Certifications and Licenses). Tina Kelley from the Office of Professional Licensing and Certification testified for the Board of Licensing for Alcohol and Other Drug Use Professionals.

The Board of Licensing for Alcohol and Other Drug Use Professionals had submitted a conditional approval request in amended rules dated November 7, 2022.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-17 based on the request, with the additional change discussed during oral testimony of amending Alc 307.04(d)(2) to read "At the site of, and as part of, the supervision work experience as described in Alc 10.01(k) and as described in Alc 307.05" and amending Alc 309.01(e) and Alc 312.01(e) by deleting "10 years" and replacing it with "5 years".

Rep. Lang seconded.

Adopted.

7. The Committee discussed Final Proposal 2022-116 from the NH Pharmacy Board (Administration of Vaccines). Tina Kelley from the Office of Professional Licensing and Certification testified for the NH Pharmacy Board.

The NH Pharmacy Board submitted a conditional approval request for Final Proposal 2022-116 in amended rules during the meeting.

Rep. McGuire moved to waive the conditional approval filing deadline.

Rep. Lang seconded.

Approved.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-116 based on the draft request presented at the meeting, with the additional changes discussed during oral testimony of changing Ph 1303.02 to state that a pharmacist, pharmacy intern, or certified pharmacy technician shall file the completed form, re-titling the form incorporated in the draft conditional approval request text, on the form

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itself and in the rule text, to include “Pharmacy Interns”, and changing the section on the form titled “Pharmacist license”, so that the pharmacy interns and certified pharmacy technicians may report their information on the form as well.

Rep. Lang seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-88 from the Board of Veterinary Medicine (Continued Status). Executive Director Lindsey Courtney and Tina Kelley from the Office of Professional Licensing and Certification testified for the Board of Veterinary Medicine.

The Board of Veterinary Medicine had submitted an amended conditional approval request for Final Proposal 2022-88 in amended rules dated November 14, 2022.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-88 based on the request.

Rep. Bershtein seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-92 from the Prescription Drug Affordability Board (Prescription Drug Affordability Board Rules). Allyson Raadmae and Rep. Gary Merchant testified for the Prescription Drug Affordability Board.

The Prescription Drug Affordability Board had submitted and amended conditional approval request for Final Proposal 2022-92 in amended rules dated November 3, 2022.

Rep. McGuire moved that the Committee conditional approve Final Proposal 2022-92 based on the request the Prescription Drug Affordability Board submit a report to JLCAR on the benefits of the fees.

Rep. Gray seconded.

Adopted.

10. The Committee discussed Final Proposal 2022-99 and Final Proposal 2022-100 from the Department of Health and Human Services, Former Division of Public Health Services (Radiation Safety Requirements for Wireline Services Operations and Subsurface Tracer Studies and Licensing and Radiation Safety Requirements for Irradiators, respectively). Nicole Valanzola and Augustinus Ong testified for the Department of Health and Human Services.

Sen. Gray moved that the Committee postpone Final Proposal 2022-99 and Final Proposal 2022-100 to the JLCAR meeting on December 15, 2022.

Sen. Whitely seconded.

Adopted.

11. The Committee discussed Emergency Rule Document #13472 from the Former Office of Alcohol and Drug Abuse Prevention (Schedule of Fees and Charges).

No action was taken.

12. The Committee discussed the continued meeting scheduled for December 1, 2022. It was the consensus of the Committee to cancel the continued meeting.

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13. The Committee discussed adjournment.

The Committee discussed the adjournment of this meeting to December 15, 2022.

The Committee adjourned at the call of the Chair at 10:06 a.m.