



Action Minutes

December 21, 2023

Members Present: Senators Chandley, Innis, Lang, Ward, and Whitley, and Representatives McGuire, Grassie*, Grote, Haaken-Phillips*, Layon, Lynn, and Schmidt. (*) 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 9:01 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Chandley, Innis, Ward, and Whitley, and Representatives Grassie*, Grote, Haaken-Phillips*, Layon, Lynn, and Schmidt.

Rep. McGuire designated Rep. Grassie as an alternate for Sen. Lang, who was absent.

2. The Committee discussed the minutes of the Committee meeting on November 16, 2023.

Sen. Ward moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

3. At the request of Rep. Layon, Final Proposal 2022-243 was removed from the Consent Agenda.
4. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

FP 2023-168	BOARD OF REGISTRATION IN OPTOMETRY Continuing Education and Prescription Drug Monitoring Program Opt 402.01 and Opt 504.06
FP 2023-182	BOARD OF CHIROPRACTIC EXAMINERS Continuing Education Hours and Courses Ch 405.01
FP 2023-202	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Categorically Needy and Medically Needy Medical Assistance He-W 602.04 and He-W 802.04

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- FP 2023-214** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Determining Eligibility for Able-Bodied Adults Without Dependents
He-W 756.08
- FP 2023-218** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Income and Resources of Disqualified Individuals
He-W 652.04 and He-W 656.07
- FP 2023-212** DEPARTMENT OF SAFETY
Commissioner
Carriage of Household Goods by Motor Vehicles
Saf-C 4600
- FP 2023-232** FISH AND GAME DEPARTMENT
Sea Scallops and Seaweeds or Marine Plants
Fis 607.02 and Fis 611.01
- FP 2023-238** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Amendments to Purpose, Applicability, Definitions, Generally-Applicable Fees
Plc 1001 various
- FP 2023-241** DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD
Rabies Control
Agr 300
- FP 2023-242** DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD
Equine Infectious Anemia
Agr 2400
- FP 2023-83** BOARD OF ACUPUNCTURE LICENSING
Rules of Practice and Procedure
Acp 200
- FP 2023-124** BOARD OF EDUCATION
Approval of Nonpublic Schools
Ed 400
- FP 2023-128** BOARD OF EDUCATION
Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process
Ed 317
- FP 2023-144** GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND HEARING CARE PROVIDERS
Definitions and Direction and Supervision of Speech-Language Assistants
Spe 602.01 and Spe 607.01

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FP 2023-154	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Mental Health and Developmental Services Eligibility and the Process of Providing Services He-M 503
FP 2023-169	DEPARTMENT OF EMPLOYMENT SECURITY Job Training Program Emp 404 various
FP 2023-178	BOARD OF PSYCHOLOGISTS Definitions, Application Process for Those Licensed in Another State and Telepass License Psyc 301.01, Psyc 303.03, and Psyc 304
FP 2023-189	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Revisions to Practice and Procedure Rules Plc 200 various
FP 2023-246	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Updates to Rules for Respiratory Care Practitioners Plc 1500 various
FP 2023-203	ELECTRICIANS' BOARD Licensing Requirements Elec 300 various
FP 2023-210	LOTTERY COMMISSION License Requirements for Keno Lot 1103.01
FP 2023-244	FISH AND GAME DEPARTMENT Hunter Education Program and Hunter Volunteer Instructors Fis 1201 and Fis 1202
ROR 2023-116	BOARD OF PROFESSIONAL ENGINEERS Continued Status Eng 400

Sen. Innis moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-168, 2023-182, 2023-202, 2023-214, 2023-218, 2023-212, 2023-232, 2023-238, 2023-241, and 2023-242; conditionally approve Final Proposals 2023-83, 2023-124, 2023-128, 2023-144, 2023-154, 2023-169, 2023-178, 2023-189, 2023-246, 2023-203, 2023-210, and 2023-244, based on the agencies' Conditional Approval Requests or amended Conditional Approval Requests; and approve Revised Objection Response 2023-116.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed postponing Final Proposal 2023-229 to its meeting on January 19, 2024.

Rep. Schmidt moved to approve the postponement of Final Proposal 2023-229.

Sen. Innis seconded.

Adopted.

6. The Committee discussed Final Proposal 2023-72 from the Department of Safety, Commissioner (Watercraft Safety Rules). David Hilts testified for the Department. The Department had submitted a Conditional Approval Request in amended rules dated 11/8/23 and received on 12/19/23.

Rep. Schmidt moved to enter a preliminary objection to Final Proposal 2023-72 based on Committee staff's comments to the Final Proposal.

Rep. Lynn seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-102 from the Board of Nursing (Licensure Requirements). Tina Kelley and Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in a memo and amended rules dated 10/26/23, an amended Conditional Approval Request in a memo and amended rules dated 11/9/23, and a revised, amended Conditional Approval Request in a memo and amended rules dated 12/13/23.

Rep. Lynn moved to conditionally approve Final Proposal 2023-102 based on the revised amended Conditional Approval Request and the Committee's determination that the word "education" be replaced with "experience" in Nur 301.05(a) and (e).

Rep. Grote seconded.

Adopted.

Sen. Lang joined the meeting after the vote on Final Proposal 2023-102.

8. The Committee discussed Final Proposal 2023-141 from the Department of Health and Human Services, former Division of Human Services (Definitions of Financial and Medical Assistance). Nicole Valanzola, David Chorney, and Dawn Tierny testified for the Department. The Department had submitted a Conditional Approval Request in a cover letter and amended rules dated 12/20/23 and requested that the Committee accept the Department's late-filed Conditional Approval Request.

Sen. Lang moved to accept the late-filed Conditional Approval Request, including the Department's orally requested change to He-W 801.03(e) so the rule would read, " 'Dependent child' means a child as described in RSA 167:6, V."

Rep. Schmidt seconded.

Adopted.

Sen. Lang moved to conditionally approve Final Proposal 2023-141 based on the Conditional Approval Request with the requested oral change.

Rep. Lynn seconded.

Adopted.

9. The Committee discussed Final Proposal 2023-193 from the Department of Health and Human Services, former Division of Human Services (Hospice Services). Nicole Valanzola and David Chorney testified for the Department. The Department had submitted a Conditional Approval Request in amended rules dated 12/20/23.

Sen. Lang moved to conditionally approve Final Proposal 2023-193 based on the Conditional Approval Request.

Rep. Grote seconded.

Adopted.

10. The Committee discussed Final Proposal 2023-196 from the Department of Health and Human Services, former Division of Human Services (Determination of the Assistance Payment). Nicole Valanzola testified for the Department.

Sen. Lang moved to approve Final Proposal 2023-196.

Rep. Grote seconded.

Adopted.

11. The Committee discussed Proposed Interim Rule INT 2023-9 from the Department of Health and Human Services, former Division of Human Services (Ambulance Services). Allyson Raadmae and Dawn Tierny from the Department of Health and Human Services testified for the Department. The Department had submitted a Conditional Approval Request in amended rules dated 12/11/23.

Sen. Lang moved to conditionally approve Proposed Interim Rule INT 2023-9 based on the Conditional Approval Request.

Sen. Innis seconded.

Adopted.

12. The Committee discussed Final Proposal 2023-152 from the Department of Health and Human Services, former Division of Mental Health and Developmental Services (Establishment and Operation of Area Agencies). Allyson Raadmae and Melissa Nemeth from the Department of Health and Human Services testified for the Department. The Department had submitted a Conditional Approval Request in a letter and amended rules dated 12/19/23. At the meeting, the Department requested an oral modification of the Conditional Approval Request as follows:

- Amending He-M 505.03(a)(8)b. to say, “Networking and partnering with community organizations with the goal of supporting inclusive community life, leveraging natural resources, services, and supports, and in improving the community’s understanding of the service delivery system.”

Sen. Lang moved to accept the oral request.

Rep. Lynn seconded.

Adopted.

Sen. Lang moved to conditionally approve Final Proposal 2023-152 based on the Conditional Approval Request, including the oral request.

Rep. Lynn seconded.

Adopted.

13. The Committee discussed Final Proposal 2022-243 from the Department of Health and Human Services, former Office of Alcohol and Drug Abuse Prevention (Impaired Driver Programs). This item had been removed from the Consent Agenda. Allyson Raadmae and Jenny O'Higgins from the Department of Health and Human Services testified for the Department. The Department had submitted a Conditional Approval Request in a letter and amended rules dated 12/13/23.

Rep. Layon moved to conditionally approve Final Proposal 2022-243 based on the Conditional Approval Request, with the addition of the following:

- Insert a new paragraph (p) in He-A 502.01 to read: “*“Face to face” means in person or via an online platform, in real time, when all participants can see each other clearly.*”

Sen. Lang seconded.

Adopted.

The Committee then took public testimony on Final Proposal 2022-243 from Marion Kelly representing the Amethyst Foundation. Ms. Kelly testified in favor of the Final Proposal, particularly in regard to the fee increases contained in He-A 505.01.

14. The Committee discussed Final Proposal 2023-223 from the Board of Mental Health Practice (License, Certification, and Registration Requirements, Applications, and Fees). Tina Kelley and Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in a memo and amended rules dated 12/7/23.

Senator Lang moved to conditionally approve Final Proposal 2023-223 based on the Conditional Approval Request.

Sen. Innis seconded.

Rep. Grote requested to postpone the Final Proposal.

Senator Whitley moved to reconsider the motion to conditionally approve the Final Proposal.

Rep. Lynn seconded.

Adopted by a vote of 9 to 1 with Sen. Lang voting “NO”.

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Rep. Grote moved to postpone further action on the Final Proposal to the Committee's regular meeting on January 19, 2024.

Rep. Layon seconded.

Adopted.

15. The Committee discussed Emergency Rule Document #13821 from the Office of Professional Licensure and Certification (Renewal Fee Reductions for Architect Certificates of Authority and Professional Engineer Certificates of Authority). Lindsey Courtney testified for the Office of Professional Licensure and Certification.

The Committee took no action.

16. OLS Staff presented the Committee with the proposed calendar for next year's Committee meetings.

Sen. Lang moved to approve the calendar.

Rep. Schmidt seconded.

Adopted.

17. The Committee discussed cancelling its continued meeting, which had not yet been scheduled. By consensus, the Committee cancelled the continued meeting.
18. The Committee discussed adjournment. By consensus, the Committee adjourned at 10:00 a.m.