



Action Minutes

May 19, 2023

Members Present: Senators Lang, Chandley, and Gray*, and Representatives McGuire, Hakken-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 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Lang, Chandley, and Gray, and Representatives Layon, Lynn, and Schmidt.

Rep. McGuire designated Sen. Gray as an alternate for Sen. Innis, who was absent.

2. The Committee discussed the minutes of the Committee meeting on April 21, 2023.

Sen. Lang moved that the minutes be approved.

Rep. Lynn seconded.

Adopted.

3. The Committee discussed postponing FP 2022-195, FP 2022-196, FP 2022-197, FP 2022-198, and FP 2022-159 to its next meeting on June 16, 2023.

Sen. Lang moved to approve the postponements.

Rep. Schmidt seconded.

Adopted

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

CONSENT AGENDA

FP 2022-190	WASTE MANAGEMENT COUNCIL Organizational and Procedural Rules Ec-Wst 100 and Ec-Wst 200
FP 2022-200	BOARD OF EDUCATION Administrative Endorsements Ed 501.02, Ed 505.03, Ed 505.05. Ed 506.01-Ed 506.09
FP 2022-220	BOARD OF EDUCATION Educational Interpreter/Transliterator for Children and Youth Ages 3-22 Ed 504.11

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- FP 2023-20** BOARD OF EDUCATION
Developmentally Appropriate Daily Physical Activity Program
Ed 310
- FP 2022-231** BOARD OF DIRECTORS, OFFICE OF LICENSED ALLIED HEALTH
PROFESSIONALS
Rules of Practice and Procedure
Ahp 200
- FP 2023-1** NH PHARMACY BOARD
Collaborative Pharmacy Practice
Ph 1100 various
- FP 2023-17** MECHANICAL LICENSING BOARD
Rules of Practice and Procedure
Mec 200
- FP 2023-28** DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Acid Deposition Control Programs
Env-A 400
- FP 2023-35** GOVERNING BOARD OF ATHLETIC TRAINERS
Reinstatement Fee Waiver for Active Military Duty and Obligation to Update
a Licensee's Information
Ath 403.05 and Ath 406.03
- FP 2023-40** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Disqualification of Fleeing Felon and Probation or Parole Violator
He-W 734.02
- FP 2023-41** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Corrective Payments
He-W 688.01
- FP 2023-42** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Termination of Financial Assistance
He-W 674.01
- FP 2023-43** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Resource Limits When Determining Eligibility for Financial Assistance to
Needy Families (FANF)
He-W 656.06

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EXIR 2023-1 DEPARTMENT OF SAFETY
Commissioner
Out-of-Service Criteria for Commercial Transportation of Hazardous Materials
Saf-C 604.02(h)

EXIR 2023-2 DEPARTMENT OF SAFETY
Commissioner
Out-of-Service Criteria for Commercial Vehicle Transportation of School
Vehicles
Saf-C 1302.09 and Saf-C 1316.01(b)

Sen. Lang moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2022-190, 2022-200, 2022-220, 2023-20, 2022-231, 2023-1, 2023-17, 2023-28, 2023-35, 2023-40, 2023-41, 2023-42, 2023-43, and Proposed Expedited Amendment to Incorporation by Reference EXIR 2023-1 and EXIR 2023-2.

Rep. Lynn seconded.

Adopted.

Rep. Hakken-Phillips arrived after the vote on the minutes. The Chair appointed Rep. Hakken-Phillips to sit for Rep. Hatch, who was absent.

5. The Committee discussed Final Proposal 2023-60 from the Department of Fish and Game (Wildlife Rules and Licenses and Permits). Marty Mobley, Dan Bergeron, and Andy Timmins testified for the Fish and Game Department.

Sen. Lang moved to approve Final Proposal 2023-60.

Rep. Lynn seconded.

Adopted.

6. The Committee discussed Final Proposal 2022-186 from the Department of Safety (Readoption of Driver Licensing Rules). David Hilts testified for the Department of Safety. The Department had submitted a conditional approval request in amended rules dated 5-12-23.

Sen. Lang moved to postpone Final Proposal 2022-186 to the Committee's meeting on June 16, 2023, and requested the Department to provide further information regarding the dates of the federal regulations being incorporated by reference and when the incorporation by reference was last updated.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-66 from the Department of Safety (State Police Tow List). David Hilts testified for the Department of Safety. The Department had submitted a conditional approval request in amended rules dated 5-18-23.

Sen. Chandley temporarily left the meeting during the discussion.

Sen. Lang moved to conditionally approve Final Proposal 2023-66 based on the request.

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Rep. Lynn seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-160 from the Department of Health and Human Services (Telehealth Services). Allyson Raadmae and Robert Berry testified for the Department of Health and Human Services.

Sen. Chandley returned to the meeting during the discussion of Final Proposal 2022-160.

Sen. Lang moved to conditionally approve Final Proposal 2022-160 based on the Committee's determination that He-C 5004.06(d) be deleted from the rule text.

Sen. Gray seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-208 from the Department of Health and Human Services (Health and Safety Rules for Facility-Based and In-Home License-Exempt Child Care Providers Receiving Child Care Scholarship). Nicole Valanzola and Ben Hoffman testified for the Department of Health and Human Services. The Department had submitted a Conditional Approval Request in amended rules dated 5-12-23 and an Amended Conditional Approval Request in amended rules dated 5-16-23.

Sen. Lang moved to conditionally approve Final Proposal 2022-208 based on the Department's Amended Conditional Approval Request.

Sen. Chandley seconded.

Adopted.

10. The Committee discussed Final Proposal 2021-165 from the Office of Licensed Allied Health Professionals (Fees). Executive Director Lindsey Courtney of the Office of Professional Licensure and Certification testified for the Office of Licensed Allied Health Professionals and requested that Final Proposal 2022-165 be postponed.

Sen. Lang moved to postpone further discussion to the Committee's meeting on June 16, 2023.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Final Proposal 2022-230 from the Department of Health and Human Services (Rights of Persons Receiving Developmental Services or Acquired Brain Disorder Services in the Community). Allyson Raadmae and Melissa Nemeth testified for the Department of Health and Human Services.

Rep. McGuire left the meeting during the discussion.

Karen Rosenberg from the Disability Rights Center testified against the proposal.

Rep. Lynn moved to postpone further discussion to the Committee's meeting on June 16, 2023, and to request a waiver from the Director of Legislative Services of the Committee's 60-day deadline to act on the proposal.

Rep. Schmidt seconded.

Adopted.

12. Due to the pending lack of a quorum, the Committee discussed postponing the remaining items to the regular Committee meeting on June 16, 2023.

Rep. Schmidt moved that the Committee postpone the following items on the Committee's agenda to the regular Committee meeting on June 16, 2023, and request a waiver where necessary from the Director of Legislative Services of the JLCAR deadlines, with a new deadline of June 16:

Board of Medicine

- (m) FP 2023-18
Definition of Medical Review Subcommittee, Access to Public Records, and Draft Decisions
Med 102.08, Med 104.01, and Med 105.03
(JLCAR Deadline June 16, 2023)

Assessing Standards Board

- (n) FP 2023-21
Certification of Assessors
Asb 300 various
(JLCAR Deadline June 5, 2023)

Department of Environmental Services

Air Related Programs

- (o) FP 2023-29
Prevention, Abatement, and Control of Mobile Source Air Pollution
Env-A 1100
(JLCAR Deadline June 19, 2023)

Office of Professional Licensure and Certification

- (p) FP 2023-51
Fees for Site Visits and Inspections Not Related to Licensure
Plc 1001.17
(JLCAR Deadline June 26, 2023)
- (q) FP 2023-52
Application-Related Fees for Regulated Professionals
Plc 1002
(JLCAR Deadline June 26, 2023)
- (r) FP 2023-67
Recreational Therapists
Plc 1400
(JLCAR Deadline June 26, 2023)

Board of Education

- (s) INT 2023-2
Regional Career and Technical Education Agreements (RCTEA)
Ed 1301.01 and Ed 1304.02
(JLCAR Deadline August 2, 2023)

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13. The Committee discussed Objection Response 2022-164 from the Department of Administrative Services (Procurement and Plant and Property Rules). Janis Emery and Cassie Keane testified for the Department of Administrative Services and requested that the Committee enter a revised objection.

Rep. Layon moved to enter a revised objection to Objection Response 2022-164.

Rep. Schmidt seconded.

Adopted.

4. OTHER BUSINESS

Rep. Layon seconded.

Adopted.

14. The Committee discussed the continued meeting scheduled for June 2, 2023. It was the consensus of the Committee to cancel the continued meeting.
15. The Committee discussed adjournment.

By consensus, the Committee adjourned at 10:29 AM.