



## **Action Minutes**

**August 31, 2023**

**Members Present:** Senators Chandley, Gray, and Whitley, and Representatives McGuire, Grote\*, Hakken-Phillips\*, and Lynn. (\*) 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 9:02 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Chandley and Whitley, and Representatives Grote\*, Hakken-Phillips\*, and Lynn.

Rep. McGuire designated Rep. Grote as an alternate for Rep. Hatch, who was absent, and Rep. Hakken-Phillips for Rep. Schmidt, who was also absent.

2. The Committee discussed the minutes of the Committee meeting on August 17, 2023.

Rep. Grote moved that the minutes be approved.

Sen. Chandley seconded.

Adopted.

3. The Committee discussed postponing Final Proposal 2023-27 to its meeting on September 21, 2023.

Sen. Chandley moved to approve the postponement of Final Proposal 2023-27.

Rep. Lynn seconded.

Adopted.

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

### **CONSENT AGENDA**

Sen. Chandley moved that the Committee approve the Consent Agenda, that is, conditionally approve Final Proposal 2023-48, based on the agency's Amended Conditional Approval Request in amended rules dated 8-22-23.

Rep. Lynn seconded.

Adopted.

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Senator Gray joined the meeting at this time. Rep. McGuire designated Sen. Gray to sit for Sen. Lang, who was absent.

5. The Committee discussed Final Proposal 2022-232 from the Board of Mental Health Practice (License and Registration Requirements, Applications, and Fees). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. Rahkiya Medley also represented the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-9-23 and an Amended Conditional Approval Request in amended rules dated 8-21-23.

Rep. Lynn moved to conditionally approve Final Proposal 2022-232 based on the amended request and amending Mhp 306.03 and the "Request to Sit for the Marriage and Family Therapy Exam Form", to remove the requirement for a marriage and family therapist applicant's Social Security number.

Rep. Grote seconded.

Adopted by a 6 to 1 vote, with Sen. Gray voting "NO".

6. The Committee discussed Final Proposal 2023-116 from the Board of Professional Engineers (Continued Status). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-7-23 and an Amended Conditional Approval Request in amended rules dated 8-15-23.

Rep. McGuire moved to conditionally approve Final Proposal 2023-116 based on the amended request and with the understanding that: 1) the Board will provide information to the Committee regarding whether the fee in question is statutory or set by rule, and 2) the Board will provide assurance that fees were not collected during the period of expiration or, if collected, that the fees will be refunded.

Rep. Grote seconded.

After further discussion, the motion and second were withdrawn.

Rep. McGuire moved that the Committee preliminarily object based on staff comments, and with the understanding that the Board would report back to the Committee regarding the fee issues raised in the original motion.

Sen. Gray seconded.

Adopted by a 6 to 1 vote with Rep. Lynn voting "NO".

7. The Committee discussed Final Proposal 2023-44 from the Board of Professional Engineers (Ethical Standards and License Surrender). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-7-23 and an Amended Conditional Approval Request in a memo and amended rules dated 8-18-23.

Sen. Gray moved to conditionally approve Final Proposal 2023-44 based on the amended request.

Rep. Hakken-Phillips seconded.

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Adopted.

8. The Committee discussed Final Proposal 2023-49 from the Board of Natural Scientists (Ethical Standards). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. Rahkiya Medley also represented the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-7-23.

Sen. Gray moved to conditionally approve Final Proposal 2023-49 based on the request.

Rep. Lynn seconded.

Adopted.

9. The Committee discussed Final Proposal 2023-50 from the Real Estate Appraisers Board (Ethical Standards). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. Rahkiya Medley also represented the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-7-23.

Sen. Gray moved to conditionally approve Final Proposal 2023-50 based on the request.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Final Proposal 2023-61 from the Real Estate Appraisers Board (Continued Status). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. Rahkiya Medley also represented the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-21-23.

Sen. Gray moved to preliminarily object to Final Proposal 2023-61 based on staff comments, and with the understanding that: 1) the Board will provide information to the Committee regarding whether the fee in question is statutory or set by rule, and 2) the Board will provide assurance that fees were not collected during the period of expiration or, if collected, that the fees will be refunded.

Rep. McGuire seconded.

Adopted.

11. The Committee discussed Final Proposal 2023-103 from the Mechanical Licensing Board (Individual and Business Entity Licensing). Douglas Osterhoudt from the Office of Professional Licensure and Certification testified for the Board. Rahkiya Medley also represented the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-9-23 and an Amended Conditional Approval Request in amended rules dated 8-21-23.

Sen. Gray moved to conditionally approve Final Proposal 2023-103 based on the amended request and recommended that the Board provide the Committee with more information on the Board's criteria to deny an application based on the applicant's "mental or physical incompetence to practice under RSA 153:27-38 and these rules."

Rep. McGuire seconded.

Adopted.

12. The Committee discussed adjournment.

By consensus, the Committee adjourned at 9:49 a.m.