



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

OCTOBER 18, 2018

Members Present: Senators Reagan, Feltes, Avard, French, Kahn, and Ward*, and Representatives McGuire, Schmidt, Hatch, Wolf, Ebel*, Matthews*, and Sytek*. (*) 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 Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Avard, French, and Ward, and Reps. Schmidt, Hatch, Wolf, and Matthews.

Sen. Reagan designated Sen. Ward as an alternate for Sen. Kahn, Rep. Matthews as an alternate for Rep. Lang, and Rep. Ebel as an alternate for Sen. Feltes, since these regular members were absent.

2. The Committee discussed the minutes of the Committee meeting on October 4, 2018.

Rep. Schmidt moved that the minutes be approved.

Rep. Hatch seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

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| FP 2018-80 | DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Public Water Systems: Purpose and Applicability; Units of Measure; Definitions |
| FP 2018-81 | DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Drinking Water Quality Standards for Public Water Systems |
| FP 2018-82 | DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Public Water Systems: General Monitoring Requirements, Laboratory Analytical Methods |
| FP 2018-83 | DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Public Water Systems: Sampling Schedules |

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| FP 2018-105 | BOARD OF EDUCATION Digital Learning Specialist |
| FP 2018-126 | GOVERNING BOARD OF PHYSICAL THERAPISTS Physical Therapy Compact |
| FP 2018-130 | INSURANCE DEPARTMENT Long-Term Care Insurance Premium Rate Schedule Increases |
| FP 2018-138 | DEPARTMENT OF SAFETY Commissioner Automated License Plate Reader Registration Rules |

Rep. Schmidt moved that the Committee approve the Final Proposals in the Consent Agenda.

Rep. Hatch seconded.

Adopted.

4. The Committee discussed whether to postpone action on certain items to another meeting.

Sen. Avard moved that the Committee postpone action on the following items to the Committee meeting scheduled on November 15, 2018:

14. PHARMACY BOARD

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| OR 2018-47 | Fees for Limited Retail Drug Distributors, Mail-Order Pharmacies, Manufacturers, Wholesalers and Distributors, and Outsourcing Facilities <i>(JLCAR Deadline December 26, 2018.)</i> <i>(Response due by November 5, 2018 but not yet filed.)</i> |
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15. UNIVERSITY SYSTEM OF NEW HAMPSHIRE

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| OR 2018-51 | Financial Policies on Classification of Students for Tuition Purposes <i>(JLCAR Deadline December 26, 2018.)</i> <i>(Response due by November 5, 2018 but not yet filed.)</i> |
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Rep. Schmidt seconded.

Adopted.

Rep. Kahn and Rep. McGuire arrived in the meeting at this time. Sen. Ward was no longer a voting member.

5. The Committee discussed Final Proposal 2018-108 from the Department of Health and Human Services (Former Division of Public Health Services, Substance Use Disorder Residential Treatment Facility Licensing). Allyson Zinno and Melissa St. Cyr testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated September 14, 2018, which was supplemented by an amended conditional approval request in a letter and amended

rules dated September 19, 2018, by a revised amended conditional approval request in a letter and amended rules dated October 3, 2018, and by a second, revised amended conditional approval request in a letter and amended rules dated October 16, 2018.

Rep. Schmidt moved that the Committee accept the conditional approval requests and conditionally approve Final Proposal 2018-108 based on the requests.

Sen. Avard seconded.

Adopted.

Sen. Feltes arrived in the meeting at this time. Rep. Ebel was no longer a voting member.

6. The Committee discussed Proposed Interim Rule INT 2018-23 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Certification Standards for Community Residences).

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2018-23.

Sen. Feltes seconded.

Adopted.

7. The Committee discussed Final Proposal 2018-117 from the Board of Family Mediator Certification/Domestic Violence). Christine Horne and Joseph Shoemaker from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a letter dated October 10, 2018 and amended rules dated October 2, 2018.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-117 based on the request, but with the further amendment to delete Fam 803.01(b).

Sen. Avard seconded.

Adopted.

8. The Committee discussed Final Proposal 2018-84 from the Department of Environmental Services (Drinking Water Programs, Public Water Systems: Monitoring and Compliance Requirements). Gretchen Hamel testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2018-84 and recommend that the Department seek legislation to address the issues of clarity and legislative intent regarding forms as outlined in Committee staff's comments to the Final Proposal.

Rep. Schmidt seconded.

Sen. Avard indicated he would work with the Department which had prepared a draft amendment.

The motion was adopted.

9. The Committee discussed Final Proposal 2018-85 from the Department of Environmental Services (Drinking Water Programs, Public Water Systems: Recordkeeping and Reporting). Gretchen Hamel testified for the Department.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2018-85 on the grounds as outlined in the annotations to the Final Proposal by Committee staff.

Sen. Avard seconded.

Adopted. It was noted for the record that Sen. Feltes and Sen. Kahn voted “no”.

10. The Committee discussed Final Proposal 2018-134 from the Department of Environmental Services (Air Related Programs, Permit Fees). Peter Demas testified for the Department.

Rep. Hatch moved that the Committee approve Final Proposal 2018-134.

Sen. Feltes seconded.

Adopted.

11. The Committee discussed Final Proposal 2018-74 from the Board of Education (Non-public School Approval).

The Department of Education had requested a postponement of the Committee’s action on Final Proposal 2018-74 to the January, 2019 Committee meeting.

Rep. Hatch moved that the Committee postpone Final Proposal 2018-74 to the January, 2019 Committee meeting and request a waiver of the November 1, 2018 deadline to act on the Final Proposal.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed the response by the Board of Education to the Committee’s preliminary objection to Final Proposal 2018-35 (Certification Standards for Educators on Code of Professional Conduct, Investigations and Disciplinary Proceedings, and Denial of Certification). Amanda Phelps and Richard Sala of the Department of Education testified for the Board.

Sen. Feltes moved that the Committee accept the response and approve the rules, with the understanding that the words “pursuant to local school district policy adopted pursuant to Ed 306.04” would be inserted after the word “supervision” in Ed 510.02(b)(2) as an editorial change in the adopted rule.

Rep. McGuire seconded.

Adopted

13. The Committee discussed Final Proposal 2018-139 from the Fish and Game Department (Marine Fishing Rules). Paul Sanderson testified for the Department.

Sen. Feltes moved that the Committee approve Final Proposal 2018-139.

Sen. Avard seconded.

Adopted. It was noted for the record that Rep. McGuire voted “no”.

14. The Committee discussed Final Proposal 2018-128 from the Insurance Department (Ancillary Health Minimum Standards for Hospital Confinement Fixed Indemnity and Other Fixed Indemnity Coverage). Heather Silverstein and Marty Mobley testified.

The Department had submitted a conditional approval request in a letter and amended rules dated October 9, 2018.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2018-128 based on the request.

Rep. McGuire seconded.

Adopted.

15. The Committee discussed Proposed Interim Rule INT 2018-21 from the Department of Justice (Land Sales Full Disclosure Rules). John W. Garrigan and Lisa English represented the Department.

Rep. McGuire moved that the Committee approve Proposed Interim Rule INT 2018-21.

Rep. Hatch seconded.

Adopted.

16. The Committee discussed Proposed Interim Rule INT 2018-22 from the Department of Justice (Condominium Rules). John W. Garrigan and Lisa English represented the Department.

Rep. McGuire moved that the Committee approve Proposed Interim Rule INT 2018-22.

Rep. Schmidt seconded.

Adopted.

17. The Committee discussed the amendments to RSA 541-A:29 due to HB 1104 (Chapter 279 of the Laws of 2018), effective January 1, 2019.

It was the consensus of the Committee that Committee staff notify agencies of the impact of the new legislations given the effective date of January 1, 2019.

18. The Committee discussed the continued meeting scheduled for November 1, 2018.

It was the consensus of the Committee to cancel the continued meeting.

19. The Committee adjourned by consensus at 9:39 a.m.