



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

MAY 20, 2016

Members Present: Representatives McGuire, Schmidt, Ladd, Kidder, Sad, Gottling*, and Hatch*, and Senators Reagan, Cataldo, Avard, Feltes, Watters, and Daniels*. (*) 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 9:03 a.m. by Sen. Reagan, Vice-Chair, as Acting Chair.

Members present at this time, aside from Sen. Reagan, were Reps. Schmidt, Ladd, Kidder, Sad, Gottling, and Hatch, and Sens. Cataldo, Avard, Feltes, and Daniels.

Sen. Reagan designated Rep. Gottling as an alternate for Rep. McGuire, who was absent.

2. The Committee discussed the minutes of the Committee meeting on April 15, 2016.

Sen. Cataldo moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda (Final Proposals and Proposed Interim Rules):

FP 2015-204 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Medicaid Program Co-Payments

FP 2016-24 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
The Physical Protection Program for Possession of Category 1 and Category 2 Quantities of
Radioactive Materials

FP 2016-40 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
List of Elements

FP 2016-43 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Substance Use Disorder (SUD) Treatment and Recovery Support Services

- FP 2016-47 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Use of Byproduct Materials in the Healing Arts Quality Management Program, Written Directives, and Recentness of Training
- INT 2016-11 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Personal Safety Emergencies
- INT 2016-12 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Autism Registry
- INT 2016-13 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Presumptive Eligibility for Home and Community-Based Care for the Elderly and Chronically Ill (HCBC-ECI)

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and Proposed Interim Rules.

Rep. Gottling seconded.

Adopted.

4. The Committee discussed the following additional item on the Consent Agenda (Agency Responses to Objections):

- OR EXRF 2016-5 LOTTERY COMMISSION
Racing and Charitable Gaming Division
Games of Chance Forms

Sen. Watters moved that the Committee accept the response and approve the rules.

Sen. Cataldo seconded.

Adopted.

Rep. McGuire arrived in the meeting at this time as Chair. Rep. Gottling was no longer a voting member.

5. The Committee discussed the response by the Department of Health and Human Services to the Committee's preliminary objection to Final Proposal 2015-203 (Former Division of Public Health Services, Immunization/Vaccination Registry). Elizabeth Daly, Michael Holt, and Marcella Bobinski testified for the Department.

Laura Condon also testified.

Sen. Feltes moved that the Committee approve Final Proposal 2015-203.

Rep. Schmidt seconded.

A roll call vote was called. The vote was as follows:

	Yes	No
Sen. Reagan		X
Sen. Avard		X
Sen. Cataldo		X
Sen. Feltes	X	
Sen. Watters	X	
Rep. Kidder	X	
Rep. Ladd	X	
Rep. Sad	X	
Rep. Schmidt	X	
Rep. McGuire	X	
Totals	7	3

The vote was 7 “yes” and 3 “no”. The motion was adopted.

6. The Committee discussed Final Proposal 2016-26 from the Banking Department (Collateralization of Public Deposits). Todd A. Wells and Emilia Galdieri testified for the Department.

Sen. Feltes and Sen. Daniels left the meeting during the discussion of this item.

Rep. McGuire designated Rep. Gottling as an alternate for Sen. Feltes.

Sen. Reagan moved that the Committee approve Final Proposal 2016-26.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2016-28 from the Fish and Game Department (Fish and Game 2016 Wildlife, Baiting Permits, and Permit to Use Dogs to Take Bear). Paul Sanderson and Mark Ellingwood testified for the Department.

Keith Bezanson had submitted written testimony by e-mail prior to the meeting.

Sen. Reagan moved that the Committee approve Final Proposal 2016-28.

Rep. Sad seconded.

After further discussion, Sen. Reagan withdrew his motion, and Rep. Sad withdrew her second.

Sen. Watters moved that the Committee make a preliminary objection to Final Proposal 2016-28.

Rep. Schmidt seconded.

After further discussion, Sen. Watters withdrew his motion and Rep. Schmidt withdrew his second.

Sen. Watters moved that the Committee conditionally approve Final Proposal 2016-28 on condition that Fis 306.01(a)(17) on Willand Pond in Dover end with the words "shall be closed".

Rep. Schmidt seconded.

After further discussion, Sen. Watters withdrew his motion, and Rep. Schmidt withdrew his second.

Sen. Reagan left the meeting at this time.

Sen. Watters moved that the Committee conditionally approve Final Proposal 2016-28 on the condition that Fis 306.01(a)(17) be deleted.

Sen. Avard seconded.

Rep. McGuire designated Rep. Hatch as an alternate for Sen. Reagan, who was now absent.

The motion was adopted.

8. The Committee discussed Final Proposal 2016-54 from the Board of Nursing (Opioid Prescribing). Executive Director Denise Nies testified for the Board.

Sen. Avard moved that the Committee approve Final proposal 2016-54.

Rep. Sad seconded.

Adopted.

9. The Committee by consensus cancelled the continued Committee meeting scheduled for June 3, 2016.

10. The Committee adjourned by consensus at 10:03 a.m.