



STATE OF NEW HAMPSHIRE  
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

**Action Minutes**

**JUNE 17, 2016**

**Members Present:** Senators Reagan, Cataldo, Avard, and Daniels\*, and Representatives Schmidt, Kidder, Sad, Gottling\*, Hatch\*, and Sytek\*.

(\*\*) 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, Vice-Chair, as Acting Chair.

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

2. The Committee discussed the minutes of the Committee meeting on May 20, 2016.

Rep. Schmidt moved that the minutes be approved.

Sen. Cataldo seconded.

Adopted.

Sen. Reagan designated Sen. Daniels, Rep. Gottling, Rep. Hatch, and Rep. Sytek as alternates, respectively, for Sen. Feltes, Sen. Watters, Rep. Ladd, and Rep. McGuire, who were absent.

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

FP 2015-198 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Alternative Benefit Plan and Premium Assistance Program

FP 2015-209 DEPARTMENT OF ADMINISTRATIVE SERVICES  
Amendments to Loss Prevention

FP 2016-12 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Municipal Waste Combustion

FP 2016-30 BOARD OF NURSING  
Continued Status and Continuing Education

FP 2016-35 GOVERNING BOARD OF SPEECH LANGUAGE PATHOLOGISTS  
Requirements for Conditional Initial Licensure

FP 2016-37 GOVERNING BOARD OF SPEECH LANGUAGE PATHOLOGISTS  
Ethical Standards

- FP 2016-38 GOVERNING BOARD OF SPEECH LANGUAGE PATHOLOGISTS  
Requirements for Speech-Language Assistants
- FP 2016-46 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Financial Assistance to Needy Families Change in Verification Requirement When Residency is Questionable
- FP 2016-55 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Expiring Rules Related to Financial Assistance to Needy Families Payment Standard and the Definition of Able Bodied Adult Without Dependents in the Food Stamp Program
- FP 2016-58 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Food Stamp Program Disqualifications for Voluntary Quit
- FP 2016-59 DEPARTMENT OF SAFETY  
Driver Education Eligibility Rules
- FP 2016-60 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Expiring Rules Related to Methods of Payment and Transportation Assistance for the New Hampshire Employment Program (NHEP)
- FP 2016-65 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Home Visiting New Hampshire and Child/Family Health Care Support Services
- FP 2016-66 DEPARTMENT OF SAFETY  
Official Motor Vehicle Inspection Requirements
- FP 2016-67 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Mental Health and Developmental Services  
Designated Receiving Facilities for Developmental Services
- INT 2016-14 CURRENT USE BOARD  
Explanation of Adopted Rules and Conduct of Public Forums

Rep. Schmidt moved that the Committee approve the Consent Agenda.

Rep. Hatch seconded.

Adopted.

4. The Committee discussed Final Proposal 2016-31 from the Board of Nursing (Nursing Education Program Approval). Executive Director Denise Nies testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated June 14, 2016.

Rep. Gottling moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2016-31 based on the request.

Rep. Hatch seconded.

Adopted.

5. The Committee discussed Final Proposal 2016-33 from the Board of Nursing (Certificate of Medication Administration for Licensed Nursing Assistants and Medication Administration Education Programs). Executive Director Denise Nies testified for the Board.

Rep. Schmidt moved that the Committee approve Final proposal 2016-33.

Rep. Hatch seconded.

Adopted.

6. The Committee discussed Final Proposal 2016-42 from the Board of Nursing (Continuing Education for Nursing Assistants). Executive Director Denise Nies testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated June 14, 2016.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2016-42 based on the request.

Rep. Hatch seconded.

Adopted.

7. The Committee discussed Final Proposal 2016-36 from the Governing Board of Speech Language Pathologists (Continued Status) and Final Proposal 2016-56 from the Department of Health and Human Services (Former Division of Human Services, Expiring Rules Related to Personal Property Resources in the Cash and Medical Assistance Programs, and Required Verifications and Eligibility Certification Periods in the Food Stamp Program).

Tina Kelley represented the Governing Board relative to Final Proposal 2016-36.

The Governing Board had submitted a conditional approval request relative to Final Proposal 2016-36 in an amended rule dated June 17, 2016.

The Department had submitted a conditional approval request relative to Final Proposal 2016-56 in a letter dated June 14, 2016 and an amended rule dated June 13, 2016.

Rep. Schmidt moved that the Committee accept the conditional approval requests and conditionally approve Final Proposal 2016-36 and Final Proposal 2016-56 based on the requests.

Rep. Hatch seconded.

Adopted.

8. The Committee discussed Final Proposal 2015-152 from the Department of Health and Human Services (Former Division of Human Services, Home Health Services). Michael Holt, Kimberly Reeve, and Jane Hybsch testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated June 15, 2016 and an amended conditional approval request in an amended rule dated June 16, 2016.

The following persons also testified:

Gina Balkus, representing the Granite State Home Health Association, who also submitted written testimony.

Michelle Winchester, representing the Medical Care Advisory Committee's Subcommittee on Home Health Services Rule.

Sen. Cataldo moved that the Committee conditionally approve Final Proposal 2015-152 based on the amended conditional approval request.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-25 from the Department of Safety (Readoption of Emergency Communications Rules). David Hilts and Jeffrey Oberdank testified for the Department.

Sen. Cataldo moved that the Committee approve Final Proposal 2016-25.

Sen. Avard seconded.

Adopted.

10. The Committee discussed Final Proposal 2016-51 from the Department of Safety (Non-United States Citizen Driver's License Extension Rules). David Hilts and Jeffrey Oberdank testified for the Department.

Rep. Kidder moved that the Committee approve Final Proposal 2016-51.

Sen. Daniels seconded.

Adopted.

11. The Committee discussed Proposed Interim Rule INT 2016-15 from the Current Use Board (Criteria for Current Use). Stephen Hamilton and Renee Fisher from the Department of Revenue Administration testified for the Board.

Sen. Cataldo moved that the Committee approve Proposed Interim Rule INT 2016-15.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed Proposed Interim Rule INT 2016-16 from the Board of Education (Manifest Educational Hardship). Diana Fenton of the Department of Education testified for the Board.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2016-16.

Rep. Hatch seconded.

Adopted.

13. The Committee discussed Final Proposal 2016-74 from the Board of Dental Examiners (Opioid Prescribing Rule). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

Sen. Cataldo moved that the Committee approve Final Proposal 2016-74.

Rep. Hatch seconded.

Adopted.

14. The Committee discussed proposed amendments to the Drafting and Procedure Manual for Administrative Rules due to 2016 legislation.

It was the consensus of the Committee to propose the amendments to the Manual as outlined in a memorandum by Committee staff, solicit agency and public comment, and schedule a hearing on the amendments at the end of the regular Committee meeting on July 21, 2016 with a deadline for written or electronic comment at the conclusion of the hearing.

15. The Committee discussed the status of the Committee staff notifications to agencies about expired rules.

No further action was taken.

16. The Committee discussed the continued meeting scheduled for June 24, 2016.

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

17. The Committee adjourned by consensus at 10:30 a.m.

As "other business," a copy of an emergency rule filed by the Department of Environmental Services, effective May 31, 2016 (Document #11112, Ambient Groundwater Quality Standards for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)) had been distributed.

No further action was taken.