



## Action Minutes

**June 18, 2021**

**Members Present:** Senators Reagan, Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Hatch, Schmidt, Rouillard\*, and Schuett\*. (\*) 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 as an in-person meeting with a Zoom webinar option at 9:00 a.m. by Sen. Reagan as Chair. Administrative Rules Director Scott Eaton explained the protocols governing this hybrid meeting.
2. A roll call attendance was taken.

Members present in-person at this time, aside from Sen. Reagan, were Senators Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Hatch, Schmidt, Schuett, and Rouillard.

The only member present remotely at this time was Representative Hatch. His physical attendance was not reasonably practical pursuant to RSA 91-A:2, III(a) because of a conflict with a medical appointment.

Sen. Reagan designated Rep. Rouillard as an alternate for Rep. Lang, who was absent.

3. The Committee discussed proposed amendments to Committee rules 102.04(b) and 301.02(a) prepared by the Committee Attorney to address in-person meetings with a remote option.

Although no motion or second was made, a roll call vote was called to approve the proposed amendments. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The amendments were adopted.

4. The Committee discussed the minutes of the Committee meeting on May 21, 2021.

Rep. Hatch moved that the minutes be approved.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
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Rep. Bershtein	X
Rep. McGuire	X
Rep. Hatch	X
Rep. Schmidt	X
Rep. Rouillard	X
Sen. Gray	X
Sen. Prentiss	X
Sen. Ward	X
Sen. Whitley	X
Sen. Reagan	X

The vote was 10 “yes” and zero “no”.

The motion was adopted.

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

**CONSENT AGENDA**

***2. Committee Approval of Final Proposals:***

- (a) FP 2021-33      DEPARTMENT OF LABOR  
Youth Employment
- (b) FP 2021-36      INSURANCE DEPARTMENT  
Medical Professional Liability Insurance
- (c) FP 2021-44      DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Medicaid for Employed Adults with Disabilities

***3. Committee Conditional Approvals:***

- (a) FP 2021-25      LIQUOR COMMISSION  
Licensee Purchase, Discount, Credit, and Billing Procedures
- (b) FP 2021-26      BOARD OF EDUCATION  
Vocational Rehabilitation Programs
- (c) FP 2021-28      INSURANCE DEPARTMENT  
Organizational Rules
- (d) FP 2021-29      REAL ESTATE COMMISSION  
Filing Requirements to Take the Licensing Examination and  
Continuing Course Objectives
- (e) FP 2021-37      GOVERNING BOARD OF RESPIRATORY CARE PRACTITIONERS  
Continued Status
- (f) FP 2021-42      DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Office of Alcohol and Drug Abuse Prevention  
Voluntary Registry for Recovery Houses

Rep. McGuire moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2 and conditionally approve the Final Proposals in Item #3 based on the agencies’ conditional approval requests.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. McGuire	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

6. The Committee discussed whether to postpone action on any items to another meeting.

Rep. Schmidt moved that the Committee postpone action on the following item to the next regular Committee meeting on July 15, 2021 and request a waiver from the Director of Legislative Services pursuant to RSA 541-A:40, IV to waive the July 13, 2021 Committee action deadline with a new deadline of July 15, 2021:

**10. BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS**

FP 2021-11                      Applications, Continuing Education Requirements, and Inspections  
(JLCAR Deadline July 13, 2021.)

Rep. Hatch seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. McGuire	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed the response to the Committee’s preliminary objection to Final Proposal 2021-19 (Housing Appeals Board Organizational Rules and Rules of Procedure) from the Housing Appeals Board. Gregory Michael, Board Chair, testified for the Board. Elizabeth Menard and Elizabeth Fischer, Board member, also represented the Board.

Rep. McGuire moved that the Committee accept the response and approve the rules.

Rep. Hatch seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. McGuire	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed the response to the Committee’s preliminary objection to Final Proposal 2021-20 (Housing Appeals Board Rules on Fees) from the Housing Appeals Board. Gregory Michael, Board Chair, testified for the Board. Elizabeth Menard and Elizabeth Fischer, Board member, also represented the Board.

Rep. McGuire moved that the Committee accept the response and approve the rules.

Sen. Gray seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

9. The Committee discussed an emergency rule filed in Document #13212, effective May 28, 2021, by the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Designation of Receiving Facilities).

No further action was taken.

10. The Committee discussed another emergency rule filed in Document #13214, effective June 17, 2021, by the Department of Health and Human Services (Former Division of Public Health Services, Laboratory Rules/Collection Station Rules--Scope).

No further action was taken.

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11. The Committee discussed Final Proposal 2021-8 from the Board of Medicine (Physician Assistants). Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in a memo and rules dated May 18, 2021, an amended conditional approval request in rules dated June 2, 2021, and a revised, amended conditional approval request in rules dated June 2, 2021.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-8 based on the amended conditional approval request but with the following further amendment:

- Amending Appendix III to insert the link <https://www.aapa.org/wp-content/uploads/2017/02/16-EthicalConduct.pdf>.

Rep. Schmidt seconded.

After further discussion Rep. McGuire amended her motion to add the following further amendment to the amended conditional approval request:

- Amending Med 603.01(c) to read “Orders written by a physician assistant shall be consistent with the terms of the practice agreement”

Rep. Rouillard seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion as amended was adopted.

12. The Committee discussed Final Proposal 2021-27 from the Board of Medicine (Definitions and Opioids Used for Chronic Pain). Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in rules dated June 2, 2021.

Sen. Gray moved that the Committee conditionally approve Final Proposal 2021-27 based on the conditional approval request.

Rep. McGuire seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	

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Rep. McGuire	X
Rep. Schmidt	X
Rep. Rouillard	X
Sen. Gray	X
Sen. Prentiss	X
Sen. Ward	X
Sen. Whitley	X
Sen. Reagan	X

The vote was 10 “yes” and zero “no”.

The motion was adopted.

13. The Committee discussed Final Proposal 2020-53 from the N. H. Pharmacy Board (Mail Order/Nonresident Pharmacies). Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in rules dated June 10, 2021 and an amended conditional approval request in rules dated June 16, 2021.

Sen. Whitley left during the discussion of this item. Senator Reagan designated Rep. Schuett as an alternate for Sen. Whitley.

Rep. McGuire moved that the Committee postpone action on Final Proposal 2020-53 to the next regular Committee meeting on July 15, 2021.

Rep. Bershtein seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

14. The Committee discussed Final Proposal 2021-6 (Organizational and Procedural Rules) from the Board of Veterinary Medicine. Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in undated, amended rules which were received June 16, 2021.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2021-6 based on the conditional approval request but with the following amendments:

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- Amending Vet 102.01(p) to read: “ “Direct supervision” means supervision where the supervising veterinarian is on the premises of the animal treatment facility and is available on an immediate basis and has given written or oral instructions for treatment of the animal patients involved”; and
- Amending Vet 102.01(as) to read: “ “Veterinary technician” means an individual who is credentialed to practice veterinary technology, and the term includes “veterinary nurse” and “veterinary assistant”.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Rouillard	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

15. The Committee discussed an emergency rule filed in Document #13213, effective June 11, 2021, by the Office of Professional Licensure and Certification (Procedures for Issuing Temporary Licenses). Lindsey Courtney, Executive Director of the Office of Professional Licensure and Certification, represented the Office.

No further action was taken.

16. The Committee discussed the continued meeting scheduled for June 25, 2021.

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

17. The Committee discussed whether the next regular meeting on July 15, 2021 should be in person or instead in-person with a remote option.

It was the consensus of the Committee that the next regular meeting be in-person only.

18. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 10:19 a.m.