



STATE OF NEW HAMPSHIRE
 JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes
AUGUST 18, 2016

Members Present: Representatives McGuire, Schmidt, Ladd, Kidder, and Sad, and Senators Reagan, Cataldo, Avard, Feltes, and Daniels*. (*) Indicates alternate members.

(**) 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 Rep. McGuire as Chair.

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

Rep. McGuire designated Sen. Daniels as an alternate for Sen. Watters, who was absent.

2. The Committee discussed the minutes of the Committee meeting on July 21, 2016.

Sen. Reagan moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

FP 2016-32	BOARD OF NURSING Educational Program Approval for Nursing Assistants
FP 2016-61	GOVERNING BOARD OF OCCUPATIONAL THERAPISTS Continued Status
FP 2016-62	GOVERNING BOARD OF OCCUPATIONAL THERAPISTS Ethical Standards
FP 2016-90	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Mental Health and Developmental Services Transfers Between Receiving Facilities
FP 2016-95	INSURANCE DEPARTMENT Annual Financial Reporting

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FP 2016-105	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Expiring Rules Related to Protected Income Level and Four Month and Twelve Month Extended Medical Assistance
2016-106	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Expiring Rules Related to Undue Hardship for Recovery of Assistance
INT 2016-20	DEPARTMENT OF HEALTH AND HUMAN SERVICES Division of Elderly and Adult Services Targeted Case Management Services

Sen. Reagan moved that the Committee approve the Final Proposals and Proposed Interim Rule.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Final Proposal 2016-2 from the Board of Psychologists (Organizational Rules, Practice and Procedure, License and Registration Requirements, Applications and Fees, Continued Status, Ethical Standards, Responsibilities of Psychologists, and Professional Misconduct). Board Chairman Dr. Steven Atkins and Robert Lamberti, from the Office of Professional Licensure and Certification, testified for the Board.

The Board had submitted a conditional approval request in amended rules dated August 12, 2016.

Dr. Michael Phillips also testified at this time. He had also submitted written testimony prior to the meeting.

Sen. Feltes moved that the Committee postpone action on Final Proposal 2016-2 and request a waiver from the Director of the Office of Legislative Services of the Committee's August 18, 2016 deadline to act on this Final Proposal so that the Board could work on outstanding issues and submit an amended conditional approval request.

Rep. Schmidt seconded.

The following persons testified at this time:

Rep. Neal Kurk.

Dr. Deborah Warner, who had also submitted written testimony, as well as testimony prior to the meeting.

The motion was adopted.

5. The Committee discussed Final Proposal 2016-64 from the Board of Education (Specialist in Assessment of Intellectual Functioning (SAIF)). Diana Fenton of the Department of Education testified for the Board.

Sen. Feltes moved that the Committee approve Final Proposal 2016-64.

Sen. Cataldo seconded.

It was the consensus of the Committee to recess this item until Diana Fenton could obtain information for the Committee about the degree to which expired rules were enforced.

6. The Committee discussed Final Proposal 2016-88 from the Insurance Department (Advertisements of Insurance). Marty Mobley and Heather Silverstein testified for the Department.

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

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2016-88 based on the request.

Sen. Reagan seconded.

Adopted.

7. After a break, with Reps. McGuire, Schmidt, Ladd, Kidder, and Sad, and Senators Reagan, Cataldo, Avar, Feltes, and Daniels present, the Committee discussed Proposed Interim Rule INT 2016-19 from the Department of Safety (Interim Rules for Various Operation of the Central Repository; Criminal Records). David Hilts and Marta Modigliani testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2016-19.

Sen. Reagan seconded.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2016-21 from the Department of Safety (Interim Restoration Fee Waiver Rules). David Hilts testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2016-21.

Sen. Reagan seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-101 from the Department of Health and Human Services (Former Division of Public Health Services, Birthing Center Rules). Michael Holt testified for the Department.

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

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2016-101 based on the request.

Sen. Daniels seconded.

Adopted.

10. The Committee discussed Final Proposal 2016-102 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Medical Assistance Services Provided by Education Agencies). Catherine Bernhard and Melissa Nemeth testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated August 17, 2016.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-102 based on the request.

Sen. Feltes seconded.

Adopted.

11. The Committee discussed Final Proposal 2016-104 from the Department of Health and Human Services (Commissioner, Reducing the Child Care Cost Share and Maintaining the Authorized Service Level for Families at Step 1). Catherine Bernhard and Kerry Nelson testified for the Department.

Rep. Neal Kurk also testified.

It was the consensus of the Committee to postpone Final Proposal 2016-104 to the Committee meeting on September 15, 2016 with the understanding that the Department would seek an amended fiscal impact statement from the LBA or otherwise provide updated fiscal information about the Final Proposal.

12. The Committee discussed Proposed Interim Rule INT 2016-18 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Licensed and License-Exempt Child Care Providers). Catherine Bernhard testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2016-18.

Sen. Cataldo seconded.

Adopted.

13. The Committee discussed again Final Proposal 2016-64 from the Board of Education (Specialist in Assessment of Intellectual Functioning (SAIF)). Diana Fenton from the Department of Education testified for the Board.

It was the consensus of the Committee to postpone Final Proposal 2016-64 to the next Committee meeting and request a waiver from the Director of the Office of Legislative Services of the August 18, 2016 Committee deadline to act on Final Proposal 2016-64 so that the Board could provide information in the next Committee meeting about the degree to which expired rules had been enforced and, if necessary, present a conditional approval request in order to address Committee concerns about the lack of clarity in the rules.

14. The Committee discussed the continued Committee meeting scheduled for September 1, 2016.

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

15. Sen. Feltes moved that the Committee adjourn.

Sen. Avard seconded.

Adopted.

The Committee adjourned at 10:58 a.m.