

LEGISLATIVE COMMITTEE MINUTES

HB408

Bill as
Introduced

HB 408 - AS AMENDED BY THE HOUSE

22Mar2023... 0577h

2023 SESSION

23-0624
06/08

HOUSE BILL

408

AN ACT

relative to foster children and vaccinations.

SPONSORS:

Rep. Kofalt, Hills. 32; Rep. Plett, Hills. 29; Rep. Moffett, Merr. 4; Rep. Potucek, Rock. 13; Rep. Edwards, Rock. 31; Rep. Bogert, Belk. 5; Rep. Terry, Belk. 7

COMMITTEE:

Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires that children living in a foster family home but who are not in foster care shall be subject to the same immunization requirements as any other child in the state.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to foster children and vaccinations.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Residential Care and Child-Placing Agency Licensing; Immunization
2 Requirements for Foster Family Homes. Amend RSA 170-E by inserting after section 27-a the
3 following new section:

4 170-E:27-b Immunization Requirements; Foster Family Homes. There shall be no vaccination
5 or immunization requirements required of any children residing in a foster home that exceeds any
6 vaccination or immunization requirements as required by RSA 141-C:20-a, either in type of
7 vaccination or quantity of doses. All children residing in a foster home or household shall have the
8 same rights to claim any exemption from a vaccination or immunization requirement as any other
9 child in the state and the exemptions under 141-C:20-c shall apply to children of any age whose
10 parents desire them irrespective of whether or not they are admitted or enrolled in any public or
11 private school or child care agency. No provision of this subdivision, and no rule adopted by the
12 department governing the licensing of a foster family home, shall impose any vaccination or
13 immunization requirements on any adults residing in a foster family home or household.

14 2 Effective Date. This act shall take effect 60 days after its passage.

HB 408 - AS AMENDED BY THE SENATE

22Mar2023... 0577h

05/18/2023 1745s

2023 SESSION

23-0624

06/08

HOUSE BILL **408**

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COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill requires that children living in a foster family home shall be subject to the same immunization requirements as any other child in the state and mandates the department of health and human services seek a federal waiver to allow those children to claim any immunization exemption available to children under state law.

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7 vaccination or quantity of doses.

8 2 Department of Health and Human Services; Foster Care and Child Vaccination or
9 Immunization Exemptions; Waiver Request. On or before October 1, 2023, the department of health
10 and human services shall submit a waiver request to the Administration for Children & Families
11 seeking approval for all children who are foster family household members, regardless of age,
12 residing in a foster household to claim any exemption from a vaccination or immunization
13 requirement under RSA 141-C:20-c.

14 3 Effective Date. This act shall take effect upon its passage.

HB 408 - VERSION ADOPTED BY BOTH BODIES

22Mar2023... 0577h
05/18/2023 1745s

2023 SESSION

23-0624
06/08

HOUSE BILL **408**

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CHAPTER 193
HB 408 - FINAL VERSION

22Mar2023... 0577h
05/18/2023 1745s

2023 SESSION

23-0624
06/08

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AN ACT relative to foster children and vaccinations.

SPONSORS: Rep. Kofalt, Hills. 32; Rep. Plett, Hills. 29; Rep. Moffett, Merr. 4; Rep. Potucek,
Rock. 13; Rep. Edwards, Rock. 31; Rep. Bogert, Belk. 5; Rep. Terry, Belk. 7

COMMITTEE: Health, Human Services and Elderly Affairs

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22Mar2023... 0577h
05/18/2023 1745s

23-0624
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10 and human services shall submit a waiver request to the Administration for Children and Families
11 seeking approval for all children who are foster family household members, regardless of age,
12 residing in a foster household to claim any exemption from a vaccination or immunization
13 requirement under RSA 141-C:20-c.

193:3 Effective Date. This act shall take effect upon its passage.

Approved: August 04, 2023
Effective Date: August 04, 2023

Amendments

Sen. Bradley, Dist 3
April 25, 2023
2023-1496s
07/05

Amendment to HB 408

1 Amend the bill by replacing all after the enacting clause with the following:

2

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14 residing in a foster household to claim any exemption from a vaccination or immunization
15 requirement under RSA 141-C:20-c.

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Amendment to HB 408
- Page 2 -

2023-1496s

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AMENDED

Health and Human Services
May 10, 2023
2023-1745s
07/05

Amendment to HB 408

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2

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Amendment to HB 408

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2023-1745s

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Committee Minutes

SENATE CALENDAR NOTICE
Health and Human Services

Sen Regina Birdsell, Chair
Sen Kevin Avard, Vice Chair
Sen Jeb Bradley, Member
Sen Rebecca Whitley, Member
Sen Suzanne Prentiss, Member

Date: March 28, 2023

HEARINGS

Wednesday

04/12/2023

(Day)

(Date)

Health and Human Services

Legislative Office Building 101 9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.	HB 108	relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.
9:20 a.m.	HB 323	relative to establishing a committee on emerging medical technologies.
9:30 a.m.	HB 426	relative to the regulation of pharmacists-in-charge and pharmacies.
10:00 a.m.	HB 408	relative to foster children and vaccinations.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 108

Rep. Spillane
Rep. Sheehan

Rep. Roy
Rep. Cushman

Rep. B. Boyd
Sen. Avard

Rep. DeSimone

HB 323

Rep. M. Pearson

Rep. Edwards

Rep. Merchant

Rep. J. Murphy

HB 426

Rep. Rochefort
Rep. Simon

Rep. Merchant

Rep. C. McGuire

Rep. Peternel

HB 408

Rep. Kofalt
Rep. Edwards

Rep. Plett
Rep. Bogert

Rep. Moffett
Rep. Terry

Rep. Potucek

Cameron Lapine 271-2104

Regina Birdsell
Chairman

Senate Health and Human Services Committee
Cameron Lapine 271-2104

HB 408, relative to foster children and vaccinations.

Hearing Date: April 12, 2023

Time Opened: 10:00 a.m.

Time Closed: 10:38 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill requires that children living in a foster family home but who are not in foster care shall be subject to the same immunization requirements as any other child in the state.

Sponsors:

Rep. Kofalt

Rep. Plett

Rep. Moffett

Rep. Potucek

Rep. Edwards

Rep. Bogert

Rep. Terry

Who supports the bill: In total, 154 individuals signed in support of HB 408. The full sign in sheet is available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, 4 individuals signed in opposition to HB 408. The full sign in sheet is available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: None.

Summary of testimony presented in support:

Representative Jim Kofalt
Hillsborough County District 32

- Representative Kofalt said RSA 170-E:34 addresses requirements for conditions in foster care homes.
- Rep. Kofalt said the title of HB 408 is misleading. He said HB 408 is aimed at adults and non-foster children living in households with foster children.
- Rep. Kofalt said RSA 178-E:34 stipulates that the Commissioner of the Department of Health and Human Services (DHHS) shall adopt rules relative to minimum standards for licensing child care facilities and foster homes. He said one of those rules specifies that, for foster homes with children under the age of six or those with special medical needs, all children who are household members must be up-to-date on immunizations

per the recommendations from the Advisory Committee on Immunization Practices (ACIP).

- Rep. Kofalt said this created a de-facto COVID-19 vaccine mandate for some children when the COVID-19 vaccine was added to the ACIP list. He said there were a number of vaccine requirements imposed on children in foster homes that did not apply to other children.
- Rep. Kofalt said this rule does not allow for a religious exemption; it only allows for a medical exemption. He said that he had spoken to families who chose not to foster because of the rule.
- Rep. Kofalt said HB 408 would make it so people living in foster homes are subject to the same vaccination requirements as anyone else in New Hampshire.
- Rep. Kofalt said the emergency rule adopted in November expressed that DHHS did not want to impose a statewide mandate for the COVID-19 vaccine on foster homes.
- Rep. Kofalt noted the House Health, Human Services, and Elderly Affairs Committee (HHSEA) passed HB 408 unanimously and that the House passed HB 408 on the Consent Calendar.
- Senator Bradley asked if a parent who had two biological children and two foster children living in the same household would be able to get a religious exemption for their biological children.
 - Rep. Kofalt said the requirement is for foster children with special medical needs and those aged six and under. He said it is not just about the religious exemption. He said New Hampshire, through statute and rule, mandates a subset of ACIP vaccinations. He said non-foster children living in foster homes are subject to a much broader spectrum of immunization requirements.
- Sen. Bradley asked if families that might otherwise foster children are not doing so because they do not want their natural born children subject to new vaccination requirements.
 - Rep. Kofalt said that was correct. He added that foster children are specifically exempted from the COVID-19 vaccine requirement because of the Freedom from Immunization Act.

**Representative Kelly Potenza
Strafford County District 19**

- Representative Potenza said she was involved in the He-C 6446.02 regulation when it was before the Joint Legislative Committee on Administrative Rules in June of 2020.
- Rep. Potenza said nobody in New Hampshire should be forced to be vaccinated. She said mandatory vaccinations violate health, personal, and religious rights.
- Rep. Potenza said there is no statutory authority for vaccination mandates on adults in a foster family household. She said the federal Family First Prevention Services Act only requires that state licensing standards be reasonably in accord with recommended standards of national organizations.
- Rep. Potenza said the stated purpose of He-C 6446.02 was to make it more likely that foster children will stay in the same home for longer periods of time. She said that the rule led to a decrease in the number of foster homes and caused further trauma for foster children.
- Rep. Potenza said she knew ten families that decided against fostering children because He-C 6446.02 was enacted.
- Rep. Potenza said biological parents do not lose authority over medical decision making because their child enters foster care. She said that loss of medical decision-making authority requires a statutory provision or a court order.

- Senator Avard asked if HB 408 passed the House on the Consent Calendar.
 - Rep. Potenza said HB 408 did, and that it is rare for a bill to do so.
- Sen. Bradley said that it appeared that the opposition to HB 408 comes from the provision exempting adults in foster households from vaccinations. He asked if Rep. Potenza thought the Committee could solve the Department's concerns by adding a reference to RSA 141-C:20 after the word "vaccination" on Line 12 of HB 408.
 - Rep. Potenza said she thought a reference might solve the Department's concerns, but she did not believe a reference was needed because there is not statutory authority for adult vaccination mandates.

Larisa Trexler

- Ms. Trexler said vaccine requirements discriminate against a segment of the population.
- Ms. Trexler said that, in her experience as a nurse, foster children have been negatively affected by vaccination requirements.
- Ms. Trexler said she knew foster caregivers who were interested in testifying before the Committee, but could not accommodate it in their schedules. She said there were also concerns about reprisals.

Summary of testimony presented in opposition:

Abby Rogers and Beth Margeson

Division of Public Health Services, DHHS; General Counsel and Legal Liaison, Division of Children, Youth, and Families (DCYF).

- Ms. Margeson said that it was not DCYF's understanding the vaccinations are an impediment to foster parents. She said foster parents are subject to much more rigorous health, safety, and fire inspections than non-foster parents.
- Ms. Margeson noted that biological children are already subject to the same vaccination requirements as any other school child. She added that COVID-19 and flu vaccines are recommended but not required.
- Ms. Rogers said the COVID-19 vaccine was added to the ACIP list in anticipation of the end of the national public health emergency on May 11th, 2023.
- Ms. Rogers said that the Department undertook emergency rulemaking to exempt families from having to get the COVID-19 vaccine.
- Ms. Margeson said there are national model foster care standards. She said New Hampshire has sought and received two waivers to the standards.
- Ms. Margeson said that if HB 408 were passed and adults in foster homes were exempted from all vaccination requirements the Department would be out of compliance with the national model foster care and would probably lose funding.
- Ms. Rogers said that current state and federal law require adults in a household with foster children to be vaccinated against whopping cough. She said adults in households with foster children who have special medical needs are additionally required to have an influenza vaccine.
- Ms. Rogers said many foster children enter into foster homes with incomplete vaccination records, so requiring other members of the household to be vaccinated protects the foster child.

- Ms. Rogers said that children over six-years-old are required to be up-to-date on their vaccines unless they are exempted under RSA 141-C:20-c. She said the rule allows for medical and religious exemptions.
- Ms. Margeson said the Department does not support HB 408. She said that if HB 408 were passed the Department would be unable to place many medically fragile infants in foster homes.
- Ms. Margeson said foster parents are amazing people who step up. She said foster parents have made the choice to have themselves and their biological children vaccinated.
- Senator Avard asked if Dr. Benjamin Chan had testified on HB 408 in the House HHSEA Committee.
 - Ms. Margeson said she and Dr. Chan had testified on HB 408 in the House HHSEA Committee hearing.
- Sen. Avard asked if they had testified before the House HHSEA Committee the same way she testified before the Committee.
 - Ms. Margeson said her testimony was consistent. She said HB 408 was amended by the House.
- Sen. Avard asked if vaccination requirements would discourage people from fostering kids.
 - Ms. Margeson said vaccination requirements had not been found to discourage people from fostering children.
 - Ms. Rodgers said that the additional requirement that foster caregivers be immunized against influenza and whooping cough only apply to foster families with children under the age of six or those with medically fragile children. She said that foster parents who did not want to vaccinate their children could foster children older than six and who are not medically fragile.
- Senator Prentiss said that the provision in HB 408 exempting adult caregivers from vaccination requirements was not discussed at a study committee meeting in the summer of 2022 on immunization. Sen. Prentiss said the provision is problematic.
- Senator Birdsell asked if the Department had requested approval from the federal government for a rule extension.
 - Ms. Margeson said the Department had a received a waiver and was now in the process of rule-making.
- Sen. Birdsell asked if the Department had received a waiver for the provisions in HB 408.
 - Ms. Margeson said the Department had not requested or received a waiver for the provisions in HB 408. She said they had received a waiver for the COVID-19 vaccine.
 - Ms. Rodgers said the waiver allowed New Hampshire to not require COVID-19 vaccination. She said the Department is currently undertaking a rule-making process so that foster families will not be required to receive the COVID-19 vaccine.
- Sen. Birdsell asked why the Department is concerned about vaccinating a foster parent's biological children if foster children are already required to be vaccinated.
 - Ms. Rodger said foster children sometimes have missing vaccinations. She said only birth parents can give authorization for foster children to be vaccinated. She said the requirement ensures the safety of children in the household.
- Sen. Birdsell asked what the role of foster parents is in authorizing vaccines for their foster children.

- Ms. Margeson said that it protects a child if they go into a foster home un- or under-vaccinated and other household members are vaccinated. Ms. Margeson said that parents give consent for foster children to be vaccinated.
- Sen. Birdsell asked if foster children should be vaccinated before they are placed into a home.
 - Ms. Margeson said that children are sometimes moved suddenly from one house to another, such as in an emergency situation. She said they also have children enter into their care who are under-vaccinated.
 - Ms. Rodgers said the vaccinations are a protective measure.
- Sen. Prentiss asked if the waiver the Department applied for makes all or some of HB 408 unnecessary.
 - Ms. Margeson said it does. She said HB 408's provision exempting foster parents from vaccinations goes beyond the waiver.
 - Ms. Rodgers said the intent of HB 408 was to include the vaccines referenced in RSA 141-C:20-c, but HB 408 does not reference the Varicella, Hepatitis B, and Hib vaccines.

Neutral Information Presented: None.

cml
Date Hearing Report completed: April 14, 2023

Speakers

Senate Remote Testify

Health and Human Services Committee Testify List for Bill HB408 on 2023-04-
Support: 150 Oppose: 2

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Wester, Jessica	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Oppose
Gildersleeve, Darlene	A Member of the Public	Myself	Support
Schwab, Rebecca	A Member of the Public	Myself	Support
Smith, Julie	A Member of the Public	Myself	Support
Diggins, Margie	A Member of the Public	Myself	Support
Kelly, Jim and Nina	A Member of the Public	Myself	Support
Capriotti, Joe	A Member of the Public	Myself	Support
Morin, Jennifer	A Member of the Public	Myself	Support
Kinkade, Laurel	A Member of the Public	Myself	Support
Pouliot, Cheryl	A Member of the Public	Myself	Support
Hodgdon, Catherine	A Member of the Public	Myself	Support
Courchaine, Sarah	A Member of the Public	Myself	Support
Courchaine, Nick	A Member of the Public	Myself	Support
Surman, Elizabeth	A Member of the Public	Myself	Support
Dunlap, Elisabeth	A Member of the Public	Myself	Support
Mullen, Ashley	A Member of the Public	Myself	Support
Slack, Michelle	A Member of the Public	Myself	Support
Sikkila, Sasha	A Member of the Public	Myself	Support
Plante, Nancy	A Member of the Public	Myself	Support
Graustein, Alan	A Member of the Public	Myself	Support
Peightell, Janice	A Member of the Public	Myself	Support
Radford, Jessica	A Member of the Public	Myself	Support
Tyner, Robin	A Member of the Public	Myself	Support
Tyner, Luke	A Member of the Public	Myself	Support
Tyner, Jasper	A Member of the Public	Myself	Support
Kelly, Nina	A Member of the Public	Myself	Support
Finke, Erin	A Member of the Public	Myself	Support
Montrone, Rebecca	A Member of the Public	Myself	Support
Christensen, Alison	A Member of the Public	Myself	Support
Bryant, Yolanda	A Member of the Public	Myself	Support
A MARVIN, KURT	A Member of the Public	Myself	Support
Carpenter, Penny	A Member of the Public	Myself	Support
Parker, Toni	A Member of the Public	Myself	Support
House, N	A Member of the Public	Myself	Support
Scaer, Beth	A Member of the Public	Myself	Support
Hoffman, Christy	A Member of the Public	Myself	Support
Gaudette, Sheryl	A Member of the Public	Myself	Support
Niehaus, Adriane	A Member of the Public	Myself	Support
Pumilia, MaryAnn	A Member of the Public	Myself	Support
Gragg, Debbie	A Member of the Public	Myself	Support
Boutin, Paul	A Member of the Public	Myself	Support
Tennis, Laura	A Member of the Public	Myself	Support
Tennis, Chad	A Member of the Public	Myself	Support
Wester, Jeffrey	A Member of the Public	Myself	Support
Moulton, Sue	A Member of the Public	Myself	Support
Tetrault, Leslie	A Member of the Public	Myself	Support

Johnson, Janine	A Member of the Public	Myself	Support
Schmitt, Megan	A Member of the Public	Myself	Support
Tufts-Moore, Susan	A Member of the Public	Myself	Support
Mack, Donald	A Member of the Public	Myself	Support
Mack, Barbara	A Member of the Public	Myself	Support
Pauer, Eric	A Member of the Public	Myself	Support
Bodell, Allyson	A Member of the Public	Myself	Support
Etlinger, Alisha	A Member of the Public	Myself	Support
Petruzziello, Michael	A Member of the Public	Myself	Support
Petruzziello, Rhonda	A Member of the Public	Myself	Support
Paucr, Rep. Diane	An Elected Official	Myself	Support
Sayer, Robert	A Member of the Public	Myself	Support
Kliskey, Jessica	A Member of the Public	Myself	Support
Foust, Earl	A Member of the Public	Myself	Support
Anthes, Janis	A Member of the Public	Myself	Support
Anthes, Gregory	A Member of the Public	Myself	Support
Tanguay, Kristal	A Member of the Public	Myself	Support
Russell, Leslie	A Member of the Public	Myself	Support
Roux, Deb	A Member of the Public	Myself	Support
Leone, John	A Member of the Public	Myself	Support
Leone, Rose	A Member of the Public	Myself	Support
Johnson, Debra	A Member of the Public	Myself	Support
MAZUR, BRIAN	A Member of the Public	Myself	Support
Kras, Krzysztof	A Member of the Public	Myself	Support
Kras, Danielle	A Member of the Public	Myself	Support
O'Neil, Anne-Marie	A Member of the Public	Myself	Support
ANGELIS, CHERYL	A Member of the Public	Myself	Support
Fournie, Brenda	A Member of the Public	Myself	Support
Franko, Tatiana	A Member of the Public	Myself	Support
Young, Tim	A Member of the Public	Myself	Support
Demars, Michael	A Member of the Public	Myself	Support
Cowie, Roberta	A Member of the Public	Myself	Support
Levell, Michelle	A Member of the Public	Myself	Support
Berling, Mark	A Member of the Public	Myself	Support
Payne, Russ & Mamie	A Member of the Public	Myself	Support
Klingler, John	A Member of the Public	Myself	Support
Gardner, James	A Member of the Public	Myself	Support
Richardson, Katherine	A Member of the Public	Myself	Support
Schofield, Kim	A Member of the Public	Myself	Support
Seppala, Kathleen	A Member of the Public	Myself	Support
Sommese, Cheryl	A Member of the Public	Myself	Support
Kriese, Clay	A Member of the Public	Myself	Support
Nuchow, Leslie	A Member of the Public	Myself	Support
Swecney, Margaret	A Member of the Public	Myself	Support
Cartier, Darlene	A Member of the Public	Myself	Support
Hersey, Nancy	A Member of the Public	Myself	Support
Kendall, Pamela	A Member of the Public	Myself	Support
Martin, Diane	A Member of the Public	Myself	Support
Hand, Sandra	A Member of the Public	Myself	Support
Garcia, Jacqueline	A Member of the Public	Myself	Support
Medeiros, Jesse	A Member of the Public	Myself	Support
Beers, Tracie	A Member of the Public	Myself	Support
Fixler, Amber	A Member of the Public	Myself	Support
Sinclair, Claudia	A Member of the Public	Myself	Support
Saliba, Maureen	A Member of the Public	Myself	Support
Allen, Tom	A Member of the Public	Myself	Support

Wood, Zephan	A Member of the Public	Myself	Support
DIONNE, AMANDA	A Member of the Public	Myself	Support
Palmer, Nancy	A Member of the Public	Myself	Support
McQueen, Lauri	A Member of the Public	Myself	Support
McQueen, Stephen	A Member of the Public	Myself	Support
Cushman, Leah	An Elected Official	Myself	Support
Cushman, Stephen	A Member of the Public	Myself	Support
Panek, Charles	A Member of the Public	Myself	Support
Panek, Taylour	A Member of the Public	Myself	Support
Panek, Thomas	A Member of the Public	Myself	Support
McCartney, Michelle	A Member of the Public	Myself	Support
McCartney, Evan	A Member of the Public	Myself	Support
Bowers, Danielle	A Member of the Public	Myself	Support
Bowers, Steven	A Member of the Public	Myself	Support
Mason-Bogue, Angela	A Member of the Public	Myself	Support
Bogue, Michael	A Member of the Public	Myself	Support
Merner, Kelley	A Member of the Public	Myself	Support
Minehart, Will	A Member of the Public	Myself	Support
McKinney, Carolyn	A Member of the Public	Myself	Support
Kauffman, Jeri	A Member of the Public	Myself	Support
Petrusewicz, Carol	A Member of the Public	Myself	Support
O'Donnell, Kristy	A Member of the Public	Myself	Support
O'Donnell, Brian	A Member of the Public	Myself	Support
Trexler, Larisa	A Member of the Public	Myself	Support
Trexler, Ryan	A Member of the Public	Myself	Support
McLeod, Thomas	A Member of the Public	Myself	Support
McLeod, Ferngold	A Member of the Public	Myself	Support
McLeod, Raphaella	A Member of the Public	Myself	Support
Moore, Kristen	A Member of the Public	Myself	Support
Bemis, Amanda	A Member of the Public	Myself	Support
Comstock, Nancy	A Member of the Public	Myself	Support
Rojas, Emily	A Member of the Public	Myself	Support
Rojas, Cali	A Member of the Public	Myself	Support
Lalone, Edward	A Member of the Public	Myself	Support
Cedolin, Alexandra	A Member of the Public	Myself	Support
Cedolin, Bradley	A Member of the Public	Myself	Support
Wilson, Audra	A Member of the Public	Myself	Support
Wilson, Rock	A Member of the Public	Myself	Support
Porter, Jandee	A Member of the Public	Myself	Support
White, Melissa	A Member of the Public	Myself	Support
Seigars, Kathleen	A Member of the Public	Myself	Support
Seigars, Linette	A Member of the Public	Myself	Support
Davison, Ruth Ellen	A Member of the Public	Myself	Support
Dudak, Breanna	A Member of the Public	Myself	Support
Dudak, Colemann	A Member of the Public	Myself	Support
Schmidt, Theresa	A Member of the Public	Myself	Support
CONDON, LAURA	A Member of the Public	Myself	Support
Mercer, Jennifer	A Member of the Public	Myself	Support
Lipkin, Lisa	A Member of the Public	Myself	Support

Testimony

Bill introduction for HB408 (relative to foster children (sic) and vaccinations)

Jim Kofalt (prime sponsor)

Testimony for the Senate HHS&EA Committee - 4/12/2023

RSA 170-E:34 addresses requirements for foster care homes and childcare facilities. It stipulates that “The commissioner [of Health & Human Services] shall adopt rules, under RSA 541-A, relative to... minimum standards for licensing which apply to the various types of facilities for child care and child placement... [including] the appropriateness, safety, environmental health and general adequacy of the premises.”

One of the rules created under the authority granted by this statute is rule He-C 6446.14-h-1:

For any foster parent seeking to provide care to a child under 6 years old, or a child with special medical needs, all children who are household members shall be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child’s health as documented by a licensed health care professional.

This imposes a vaccination mandate on both children who live in foster households, but who are not themselves in foster care. It also imposes a vaccination mandate on the adults in the household.

There are quite a few ACIP recommended vaccines that are NOT required under New Hampshire law. That’s a very good thing. DHHS acknowledges that we can do without mandates for most of these vaccines. It’s curious, therefore, that the state would simply adopt the ACIP schedule wholesale for any of our citizens. We should not, and this bill acknowledges that fact.

I would also like to address the question of exemptions. There is no allowance for a religious exemption in this case. Although RSA 141-C:20-c allows for religious exemptions to immunization requirements, He-C 6446.14-h-1 stipulates that the **only** allowable reason for exemption in this instance is where “the immunization is contrary to the child’s health as documented by a licensed health care professional.” Children living in foster households are therefore being denied the rights that every other child in the state is granted.

Finally, I have heard the counterargument that foster parents are voluntarily participating in the program; so if there’s an extraordinary vaccine mandate for their children, it is by choice. In fact, there are foster parents who are now opting out. They don’t want their children to be forced to accept the COVID vaccine, so they will no longer participate. At a time when we desperately need more foster care homes, we’re putting this barrier in place.

Cameron Lapine

From: Kevin Avard
Sent: Tuesday, April 11, 2023 2:59 PM
To: Cameron Lapine
Subject: FW: Children need foster families: vote YES on HB408

Just making sure you have this one.

-----Original Message-----

From: Martin Third Party <79thirdparty@comcast.net>
Sent: Tuesday, April 11, 2023 6:45 AM
To: Regina Birdsell <Regina.Birdsell@leg.state.nh.us>; Kevin Avard <Kevin.Avard@leg.state.nh.us>; Jeb Bradley <Jeb.Bradley@leg.state.nh.us>; Suzanne Prentiss <Suzanne.Prentiss@leg.state.nh.us>; Becky Whitley <Becky.Whitley@leg.state.nh.us>
Subject: Children need foster families: vote YES on HB408

Ladies and gentlemen;

Our son in North Carolina has 2 foster children: brothers who are 5 and 1. The older child has been with them since he was a little over 2, with intermittent attempts at family reunification which have been very difficult for all, but mostly for him. His brother came to our son when he was not quite 6 months old. Like every other child they just want to be settled, loved and attached. While we have spent time with our son's family over the last 3 years we have heard of their experience with social services and how neglected children are treated by state services. It seems overall that the system and protocols are intended to benefit the adults in the system and children are side effects. We think that the first question ought always to be what's best for this child?

This is why I ask you to vote YES on HB408, which eliminates artificial and harmful vaccine requirements on children in foster care and the families that care for them. Children in foster care ought not to be treated any differently than any other child in NH, nor denied a loving and willing family because of requirements established by unelected bureaucrats. What's best for all children is first to be cared for by people who love them and will help them know they are safe and secure. NH ought not to maintain barriers to those people who want to provide such a home.

Please vote YES on HB408 and re-open the opportunity to love children in crisis to the families they need.

Sincerely,
Diane Martin
Hampton Falls

Cameron Lapine

From: Chels Sal <chelsiesalvatore@gmail.com>
Sent: Wednesday, April 12, 2023 9:04 AM
To: Regina Birdsell; Kevin Avard; Jeb Bradley; Becky Whitley; Suzanne Prentiss; Cameron Lapine
Subject: HB 408

Caution! This message was sent from outside your organization.

Dear committee,
I ask that you please support HB 408 as it opens up more possibilities for families foster children can go to.
Thank you,
Chelsie Salvatore

Cameron Lapine

From: VaxChoiceNH <vaxchoicenh@gmail.com>
Sent: Wednesday, April 12, 2023 11:58 AM
To: Regina Birdsell; Kevin Avard; Jeb Bradley; Becky Whitley; Suzanne Prentiss; Cameron Lapine
Subject: HB408 Foster Families and vaccines - Please Support

Caution! This message was sent from outside your organization.

Dear Senate HHS Committee Members:

I urge you to support HB 408 relative to Foster Families and vaccine mandates to protect NH children and adults against federal overreach.

Without statutory authority to do so, DHHS has imposed by rule making a massive, federally drafted vaccine schedule on children in foster family households that far exceeds vaccine mandates on all other children in NH and illegally imposed vaccine mandates on adults. To be clear, the State (DHHS/DCYF) has no statutory authority to impose vaccine mandates on adults.

DHHS claims RSA 170-E:34 gives authority to impose these endless vaccine mandates on children and adults in Foster Family households. <https://gencourt.state.nh.us/rsa/html/XII/170-E/170-E-34.htm> I do not see any provision in this chapter that provides authority to mandate vaccines, do you??

The Foster Family Rule He-C6446.14 (h-i) cedes authority from the Legislature and DHHS to the federal government (CDC/ACIP) to set state vaccination requirements that includes the entire vaccine schedule that is recommended today and in the future without any state review or oversight. This includes the Covid shots and any novel boosters they may recommend or any other future vaccines.

To be clear, these vaccine mandates are on all children in Foster Family households, not just those under age six. This requirement is triggered when there is a foster child in the home under the age of 6 years, or there is a child with special medical needs (virtually all foster children have special medical needs) is what triggers ALL the CDC recommended vaccines on ALL children (defined in Foster Family rules as birth to age 21) in the household.

(1) For any foster parent seeking to provide care to a child under 6 years old, or a child with special medical needs, all children who are household members shall be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child's health as documented by a licensed health care professional;

However there is also provision (i) that when the foster child is age 6 years and older, the statutory and rules vaccine requirements are imposed on all children in the household unless they have an exemption for daycare or school. However, in situations where a biological child is not in daycare or a public or private school, there would be no such exemptions as exemptions are not needed where no requirements are imposed. Homeschool children don't need any exemption because vaccine requirements are only imposed on children who attend a public or private school.

(i) For any foster parent seeking to provide care to a child age 6 and over, unless a child who is a household member has received an exemption from the vaccination requirement pursuant to RSA 141-C:20-c, all children shall be up to date on immunizations consistent with He-P 301.14 (b)(1)-(6).

State law now protects those who receive state benefits from being subjected to a Covid vaccine mandate. That would carve out the Covid shot mandate for the foster children but not the biological children who reside in the home.

Please be mindful that these Foster Family Rules also impose **vaccine requirements on ADULTS for the first time ever** with the pertussis and flu shot mandates when there is a foster infant or foster child with "special medical needs" (virtually all of them). **The State (DHHS/DCYF) has no statutory authority to impose vaccine mandates on adults.**

There is no exemption to these vaccine mandates on adults other than medical (which doctors are too afraid to grant). **There are no exemptions for pregnant women, prior adverse reactions, religious beliefs, or beliefs of conscience.**

(2) All household members who will be caregivers of infants shall be up-to-date for pertussis (whooping cough) vaccine, unless the immunization is contrary to the individual's health as documented by a licensed healthcare professional; and.

(3) All household members who will be caregivers of infants and children with special medical needs shall be up-to-date for an annual influenza vaccine, unless the immunization is contrary to the individual's health as documented by a licensed healthcare professional.

The mandates for the pertussis and flu shots only on the other children and the adults in the household are anti-science. **Both the pertussis and flu shots are similar to Covid shots in that the established science and evidence acknowledges that these shots do not prevent infection, do not prevent illness, do not prevent spread to others.** At best, they create asymptomatic (or mild symptom) carriers who go on to infect others around them. This puts those foster children at increased risk from people who are infected and spreading but don't know it. Furthermore, there are no pertussis and flu shot mandates on anyone else with whom the foster child comes in contact...not the DCYF case worker, not DHHS staff, not the child's biological parents prior to visits, not the school children these foster children are next to every day in school, not the foster child's teachers, not the daycare workers that may care for infant foster children, not the doctors or nurses who may provide care to foster children...absolutely no one else who has regular contact with these foster children has any vaccine mandates imposed on them. This is anti-science...and bullying of foster parents because they have such big hearts and want to care for needy children and are easy targets for bullying.

<https://www.bu.edu/sph/news/articles/2017/resurgence-of-whooping-cough-may-owe-to-vaccines-inability-to-prevent-infections/>

<https://www.medstarhealth.org/blog/why-you-can-still-get-the-flu-even-if-you-got-a-flu-shot>

DHHS did not have to adopt such aggressive rules as this. They claim they needed to impose these mandates to receive federal money. That is not true. They needed only to **recommend** all these vaccines in all these situations, not require them. **A simple recommendation in their rule would have put them in compliance with the strings attached to federal money.**

I urge you to please support this bill HB408 as OTP.

Thank you.

Laura Condon
NH Director of Advocacy for NVIC
www.nvic.org
vaxchoicenh@gmail.com

603.471.0787



WAYPOINT

Help Along the Way

Formerly

CHILD AND FAMILY SERVICES

**Testimony of Keith Kuenning, Advocacy Director, Waypoint
Before the New Hampshire Senate Health and Human Services Committee
April 12, 2023**

Good morning, Chairman Birdsell, Vice Chairman Avard, and esteemed members of the Senate Health and Human Services Committee. My name is Keith Kuenning, Advocacy Director with Waypoint. Waypoint is a private, nonprofit agency that provides services to children and families throughout the state, including parent education/family empowerment, family preservation, supervised visitation, foster care, and court-ordered and voluntary community-based in-home supports and services. Thank you for the opportunity to speak to you today in opposition to **House Bill 108, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.**

There are a few points I want to raise for your consideration today. Page 1, lines 22 and 26 of the bill provides that it shall be a misdemeanor for anyone who “knowingly” makes a false statement of suspected child abuse. It further provides for civil penalties for anyone who knowingly or in bad faith makes a false report. Waypoint is concerned that individuals may overlook the “knowingly” aspect of this provision which could discourage individuals from reporting even well-intentioned reports of child abuse or neglect. This could lead to fewer reports by people who reasonably suspect abuse or neglect but are concerned about the possibility of a penalty. While we understand there are concerns with false reporting of child abuse or neglect, given the harm caused to children by abuse and neglect, we believe it is better to err on the side of caution and encourage people to report reasonable suspicion of such harm rather than enact a law that could have a chilling effect on well-intentioned reports.

If the legislature decides to impose statutory penalties for false reporting, we suggest removing the misdemeanor language and keeping the civil penalties, or implementing a graduated approach akin to the approach Massachusetts has taken to this issue. Mass General Laws chapter 119, section 51A(c) provides, in part, that *“Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by: (i) a fine of not more than \$2,000 for the first offense; (ii) imprisonment in a house of correction for not more than 6 months and a fine of not more than \$2,000 for the second offense; and (iii) imprisonment in a house of correction for not more than 2.5 years and a fine of not more than \$2,000 for the third and subsequent offenses.”*¹ Other states do not specify penalties, but remove immunity from civil or criminal prosecution for false reports.²

¹ Mass General Laws chapter 119, section 51A(c), available at <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section51A>

² California Penal Code 1172 (a) provides that there will be no immunity from civil or criminal liability for a known false report or a report made with reckless disregard of the truth, and that a person who makes a false report is liable for any damages caused. See https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=1172;

Maine Chapter 1071, section 4014, 1 provides that “A person, including an agent of the department, participating in good faith in reporting under this subchapter or participating in a related child



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Formerly

CHILD AND FAMILY SERVICES

Another option is to provide the court with discretion to determine the penalty. This could be done with language allowing the court to impose a fine or find the person guilty of a misdemeanor, giving a judge flexibility depending upon the circumstances.³

Waypoint is also concerned with the language on page 2, lines 6-10 providing that the identity of a person making a report of suspected child abuse or neglect be sealed and remain confidential unless the caseworker finds the complaint to be made in bad faith or maliciously. While we understand the need to allow reporters to report confidentially, we believe there should be certain exceptions for disclosing the identity of a reporter, such as for court or law enforcement purposes. For example, some states allow for release of the reporter's identity in specific circumstances or to specific entities, such as to specific departments or officials if the information is needed for the investigation or a court proceeding.⁴

For these reasons, Waypoint urges the Committee not to pass **House Bill 108, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances**. Thank you very much for taking my testimony. I would be happy to answer any questions. You can contact me at KuenningK@waypointnh.org.

protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse investigating team or other investigating or treatment team, is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect which led to a report, investigation or proceeding.”

<https://www.mainelegislature.org/legis/statutes/22/title22sec4014.html>

³ See Connecticut Chapter 319(A) section 17a – 101e (d) providing that “Any person who knowingly makes a false report of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103 shall be fined not more than two thousand dollars or imprisoned not more than one year or both.”

https://www.cga.ct.gov/current/pub/chap_319a.htm#sec_17a-101e

⁴ Child Welfare Information Gateway. (2019). *Mandatory reporters of child abuse and neglect*. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. <https://www.childwelfare.gov/pubPDFs/manda.pdf>



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Cameron Lapine

From: Jeri Kauffman <jmkauffman37@gmail.com>
Sent: Tuesday, April 25, 2023 8:40 PM
To: Regina Birdsell; Kevin Avard; Jeb Bradley; Becky Whitley; Suzanne Prentiss; Cameron Lapine
Subject: HB 408 Support

Caution! This message was sent from outside your organization.

Hello,
I'm writing to ask you to support this bill. Religious exemptions for all.

Thank you,
Jeri Kauffman
Laconia

Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # HB 408

Hearing date: 4-12-23

Executive Session date: 5-10-23

Motion of: Amendment 1496s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Avard, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Avard

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, May 10, 2023

THE COMMITTEE ON Health and Human Services

to which was referred **HB 408**

AN ACT relative to foster children and vaccinations.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1745s

Senator Kevin Avard
For the Committee

HB 408 requires that children living in a foster family home, but who are not in foster care, shall be subject to the same immunization requirements as any other child in the state. The Committee Amendment represents an agreement with the Department of Health and Human Services and the prime sponsor to level the playing field for all children across the state and ensure the same standards apply regardless of a child's foster care status. The Committee Amendment also ensures that federal funding opportunities will not be put at risk by directing the Department to seek a waiver before implementing an expansion of the exemptions available to a child.

Cameron Lapine 271-2104

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

HB 408, relative to foster children and vaccinations.

Ought to Pass with Amendment, Vote 5-0.

Senator Kevin Avarad for the committee.

HB 408 requires that children living in a foster family home, but who are not in foster care, shall be subject to the same immunization requirements as any other child in the state. The Committee Amendment represents an agreement with the Department of Health and Human Services and the prime sponsor to level the playing field for all children across the state and ensure the same standards apply regardless of a child's foster care status. The Committee Amendment also ensures that federal funding opportunities will not be put at risk by directing the Department to seek a waiver before implementing an expansion of the exemptions available to a child.

HB408

Bill Details

Title: relative to foster children and vaccinations.

Sponsors: *(Prime)* Kofalt (R), Plett (R), Moffett (R), Potucek (R), Edwards (R), Bogert (R), Terry (R)

LSR Number: **23-0624**

General Status: **SIGNED BY GOVERNOR**

Chapter Number: **193**

House:

Committee: Health, Human Services and Elderly Affairs

Due Out: 3/16/2023

Status: CONCURRED

Senate:

Committee: Health and Human Services

Floor Date: 5/18/2023

Status: PASSED/ADOPTED WITH AMENDMENT

Bill Docket

Body	Description
H	Introduced (in recess of) 01/05/2023 and referred to Health, Human Services and Elderly Affairs HJ 3 P. 14
H	Public Hearing: 02/16/2023 01:00 pm LOB 201-203
H	Executive Session: 03/08/2023 11:00 am LOB 201-203
H	Committee Report: Ought to Pass with Amendment # 2023-0577h 03/13/2023 (Vote 20-0; CC) HC 16 P. 11
H	Amendment # 2023-0577h: AA VV 03/22/2023 HJ 10 P. 18
H	Ought to Pass with Amendment 2023-0577h: MA VV 03/22/2023 HJ 10 P. 18
S	Introduced 03/23/2023 and Referred to Health and Human Services; SJ 12
S	Hearing: 04/12/2023, Room 101, LOB, 10:00 am; SC 16
S	Committee Report: Ought to Pass with Amendment # 2023-1745s, 05/18/2023: Vote 5-0, CC: SC 22
S	Committee Amendment # 2023-1745s, AA, VV; 05/18/2023; SJ 15
S	Ought to Pass with Amendment 2023-1745s, MA, VV; OT3rdg; 05/18/2023; SJ 15
H	House Concurs with Senate Amendment 2023-1745s (Rep. Layon): MA VV 06/15/2023 HJ 16 P. 2
S	Enrolled Adopted, VV, (in recess 06/29/2023); SJ 20
H	Enrolled (in recess of) 06/29/2023 HJ 17 P. 18
H	Signed by Governor Sununu 08/04/2023; Chapter 193; eff: 08/04/2023 HJ 17

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 408

Senate Committee: HAS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 14965 - amendment # _____
- amendment # 17453 - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Japiew
Committee Aide

8/30/23
Date

Senate Clerk's Office AV