



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

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VOLUME XXXIX, Number 16, April 18, 2019

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING: **Friday, April 26, 2019 9:00 a.m.**
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Friday, May 3, 2019 9:00 a.m.**
Rooms 306/308, Legislative Office Building

a.	List of Final Proposals, Proposed Interim Rules, Proposed Expedited Amendment to Incorporation by Reference, and Preliminary Objection Response for Review	26
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See 2019 JLCAR Meeting dates and deadlines on page ii.

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
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2019-60	Env-Dw 722	Department of Environmental Services Drinking Water Programs Public Water Systems: Best Available Technology and Treatment Techniques.	3
2019-61	Opt 303.01	Board of Registration in Optometry Fee Schedule.	5
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2019-63	He-W 530.03 intro & (c), 531.01(h), 531.06(i), 543.01(o), 543.07, 543.11(a), 543.13(d)	Department of Health and Human Services Former Division of Human Services Service Limits, Co-payments, and Non-covered Services, Physician Services, and Hospital Services.	9
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**JLCAR MEETING DATES AND RELATED FILING DEADLINES
APRIL-JUNE, 2019**

The JLCAR has voted to hold its regularly scheduled meetings for April through June, 2019 on the third Friday of the month as listed below, except as noted. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules* for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline*	Regular Meeting Date	Continued Meeting Date
April 12	April 26 (4 th Friday)	May 3
May 3	May 17	June 7
June 7	June 21	June 28

***NOTE:** The filing deadlines relate to JLCAR meetings pursuant to RSA 541-A. However, if a proposed interim rule is filed with a rulemaking notice for publication in the *Rulemaking Register*, be aware that Thursdays—not Fridays—remain the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Therefore, filing the notice together with the proposed interim rule no later than the Thursday **before** the 14-day statutory deadline would assure that both the 14-day deadline for filing the rule and the deadline for publication in the *Rulemaking Register* would be met. See description in §3.3 of Chapter 3 of the *Drafting and Procedure Manual for Administrative Rules*.

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2019**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2019 on the third Thursday of the month as listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 3 (Wednesday)	July 18	August 1
August 1	August 15	September 5
September 5	September 19	October 3
October 3	October 17	November 7
November 7	November 21	December 5
December 5	December 19	None

Notice Number 2019-59

Rule Number Env-Dw 703; Env-Dw 710 various sections

1. Agency Name & Address:

Department of Environmental Services
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority:

RSA 485:2, V; RSA 485:3, I;
RSA 485:41, IV

3. Federal Authority:

42 U.S.C. 300f; 40 CFR 142

4. Type of Action:

- Adoption _____
- Amendment _____
- Repeal _____
- Readoption _____
- Readoption w/amendment X

5. Short Title: **Amendments to Drinking Water Quality Standards and Monitoring Requirements for Radionuclide Contaminants**

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules at Env-Dw 703 establish maximum contaminant levels (MCLs) and maximum contaminant levels goal (MCLGs) for radionuclides contaminants in drinking water. The existing rules at Env-Dw 710 require community water systems to monitor for radionuclide contaminants. These standards and monitoring requirements replicate the federal standards and requirements established in 40 CFR Parts 141 and 142. Pursuant to 40 CFR 141.1, such requirements constitute national primary drinking water requirements and so are required by RSA 485:3, I, to be adopted. The rules are proposed to be amended in order to (1) ensure equivalency with the federal requirements, including to clarify that a community water system is required to sample at every entry point to the distribution system and after every centralized radionuclide treatment, and (2) clarify existing requirements and update cross-references.

6. (b) Brief description of the groups affected:

The requirements apply to public drinking water systems, which already are subject to the federal requirements.

6. (c) Specific section(s) of state statute or federal statute or regulation the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 703	RSA 485:3, I	40 CFR 141.55; 40 CFR 141.66
Env-Dw 710.03, 710.04, 710.07	RSA 485:3, I; RSA 485:41, I & IV	40 CFR 141.26

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Holly Green Title: DWGB Rules Coordinator
Address: Dept. of Environmental Services Phone #: (603) 271-3114
29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-0656
Concord, NH 03302-0095 E-mail: Holly.Green@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, May 17, 2019**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

- Fax
- E-mail
- Other format (specify):

NN 2019-59 Continued

9. Public hearing scheduled for:

Date and Time: **Thursday, May 9, 2019 at 10:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 19:055, dated 04/08/19:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

RSA 485:1, I and the 1996 amendments to the federal Safe Drinking Water Act as reflected in 40 CFR 142, require a state to adopt standards that are at least as stringent as the federal Safe Drinking Water Act. The rules in Env-Dw 703 and Env-Dw 710 are needed for the State to continue to demonstrate equivalency so the State can implement the program in lieu of the US Environmental Protection Agency (EPA). The State receives approximately \$8 million annually in federal funds to implement Safe Drinking Water Act programs, which would be at risk if the State did not have primacy.

3. Cost and benefits of the proposed rule(s):

Any cost or benefit is attributable to State and federal laws and not the rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Because public water systems are subject to the requirements in these rules whether or not the rules are adopted, no costs can be attributed to the rules. The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.

Notice Number <u>2019-60</u>	Rule Number <u>Env-Dw 722</u>
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 485:2, V; RSA 485:3, VIII</u> 3. Federal Authority: <u>42 U.S.C. 300f; 40 CFR 142</u> 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>

5. Short Title: **Public Water Systems: Best Available Technology and Treatment Techniques**

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules at Env-Dw 722 establish Best Available Technology (BAT) for public water systems to achieve compliance with maximum contaminant levels (MCLs) and other requirements for various contaminants in drinking water, and establish treatment techniques for acrylamide and epichlorohydrin. The Department is proposing amendments to the BAT for radionuclides (Env-Dw 722.02) as part of the realignment of New Hampshire’s radionuclide requirements (Env-Dw 703 and various sections of Env-Dw 710) with federal requirements that is proposed in a separate rulemaking. In addition to updating the radionuclide requirements, the Department is proposing amendments to update the other BAT sections in Env-Dw 722.

6. (b) Brief description of the groups affected:

The requirements apply to public drinking water systems, which are already subject to the federal requirements.

6. (c) Specific section(s) of state statute or federal statute or regulation the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Dw 722	RSA 485:3, I, V, & VI; RSA 485:41, II	40 CFR 141 Subpart K; 40 CFR 142 Subpart G

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Holly Green	Title:	DWGB Rules Coordinator
Address:	Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-3114
		Fax#:	(603) 271-0656
		E-mail:	Holly.Green@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, May 17, 2019**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax E-mail Other format (specify):

NN 2019-60 Continued

9. Public hearing scheduled for:

Date and Time: **Thursday, May 9, 2019 at 10:00 AM**

Place: **Room 110, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 19:056, dated 04/08/19:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

RSA 485:1, I and the 1996 amendments to the federal Safe Drinking Water Act as reflected in 40 CFR 142, require a state to adopt standards that are at least as stringent as the federal Safe Drinking Water Act. The rules in Env-Dw 722 are needed for the State to continue to demonstrate equivalency so the State can implement the program in lieu of the US Environmental Protection Agency (EPA). The State receives approximately \$8 million annually in federal funds to implement Safe Drinking Water Act programs, which would be at risk if the State did not have primacy.

3. Cost and benefits of the proposed rule(s):

Any cost or benefit is attributable to State and federal laws and not the rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

Because public water systems are subject to the requirements in these rules whether or not the rules are adopted, no costs can be attributed to the rules. The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the New Hampshire Constitution.

Notice Number 2019-61

Rule Number Opt 303.01

1. Agency Name & Address:

**NH Board of Registration in Optometry
c/o Office of Professional Licensure &
Certification
121 S. Fruit Street
Concord, NH 03301**

2. RSA Authority: RSA 327:5-a; RSA 327:31,
VI

3. Federal Authority: n/a

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Fee Schedule**

6. (a) Summary of what the rule says and of any proposed amendments:

The intended action is to readopt with amendments Opt 303.01, on the fee schedule for the Board, in order to change the fee for a reinstatement of a license from \$200.00 to \$300.00. The reason for doing so is to close a “loophole.” Currently, those wishing to renew their license are charged a fee of \$300.00, whereas those who missed the renewal date and are seeking to reinstate their license are charged only \$200.00. So currently, a licensee could choose to let his or her license expire by one day, then seek reinstatement, and would be charged \$100.00 less than if he or she had simply sought renewal before the license expiration date.

6. (b) Brief description of the groups affected:

This proposal affects licensed optometrists who have allowed their license to expire and are seeking reinstatement.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Opt 303.01	RSA 327:5-a; RSA 327:13; RSA 327:31, VI

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Thomas Broderick**

Title: **Attorney III**

Address: **121 S. Fruit Street
Concord, NH 03301**

Phone #: **(603) 271-3103**

Fax#: **(603) 271-0597**

E-mail: **Thomas.Broderick@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-61 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **June 14, 2019 at the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 14, 2019 at 10:00 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:049, dated April 4, 2019

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

The proposed rule will increase the cost for reinstatement of a license from \$200 to \$300.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Reinstatement of a license is applicable when a licensee has failed to renew the license prior to its expiration; if the licensee has previously voluntarily surrendered their license; or when the license has been previously revoked by the board. All such individuals seeking reinstatement will be subject to the increased fee and all such businesses that cover the costs of their employed licensed individuals seeking reinstatement will pay the increased fee.

Currently, a licensee who renews their license before it expires is charged a fee of \$300 compared to a fee of \$200 for a licensee who applies for reinstatement of an expired license. If a license expires by even one day, the licensee may seek to reinstate the license for the lesser fee of \$200 and avoid the higher \$300 renewal fee. Approximately 5 individuals apply for reinstatement per year. If the \$300 fee is applied rather than the \$200 fee to an estimated 5 individuals per year, the \$100 increase will yield approximately \$500 in additional revenue per year ($\$300 - \$200 = \$100 \times 5 = \500).

A. To State general or State special funds:

No cost to state general funds. The additional fee revenue will be deposited into the Office of Professional Licensure and Certification Fund pursuant to RSA 310-A:1-e, I(b).

B. To State citizens and political subdivisions:

See 3. Above. No cost to political subdivisions.

C. To independently owned businesses:

See 3. Above.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

Notice Number 2019-62

Rule Number Nur 602.07

1. Agency Name & Address:
**NH Board of Nursing
c/o Office of Professional Licensure &
Certification
121 S. Fruit Street
Concord, NH 03301**

2. RSA Authority: **RSA 326-B:9, IV**
3. Federal Authority: **n/a**
4. Type of Action:
Adoption _____
Amendment _____
Repeal _____
Readoption _____
Readoption w/amendment **X**

5. Short Title: **Nurse-Educator Qualifications**

6. (a) Summary of what the rule says and of any proposed amendments:

The intended action is to readopt with amendments Nur 602.07 on nurse-educator qualifications in order to clarify and update the minimum qualifications for nurse-educators in educational programs offering a diploma leading to a practical nurse license. The intended action would add another avenue for nurse-educators to meet the minimum qualifications.

6. (b) Brief description of the groups affected:

This proposal affects those wishing to become nurse-educators in educational programs.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Nur 602.07	RSA 326-B:9, IV; RSA 326-B:32, I (b); RSA 326-B:16, IV, V

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tom Broderick**

Title: **Attorney III**

Address: **121 S. Fruit Street
Concord, NH 03301**

Phone #: **(603) 271-3103**

Fax#: **(603) 271-0597**

E-mail: **Thomas.Broderick@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-62 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 23, 2019 at the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **May 23, 2019 at 8:00 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:051, dated April 4, 2019

- 1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules.

- 2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

- 3. Cost and benefits of the proposed rule(s):**

- A. To State general or State special funds:**

None.

- B. To State citizens and political subdivisions:**

None.

- C. To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

This rule does not violate Part I, Article 28-a of the New Hampshire Constitution. This rule does not mandate or assign this program to any political subdivision in any way.

Notice Number	2019-63	Rule Number	He-W 530.03 intro & (c); He-W 531.01(h); He-W 531.06(i); He-W 543.01(o), He-W 543.07, He-W 543.11(a) & He-W 543.13(d)
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<p>1. Agency Name & Address:</p> <p>Dept. of Health & Human Services Division of Medicaid Services 129 Pleasant Street, Brown Bldg. Concord NH 03301</p>	<p>2. RSA Authority: <u>RSA 161:4-a, IX</u></p> <p>3. Federal Authority: <u>1902(a)(30)(A) of the SSA; 42 CFR 475; 42 CFR 456.2</u></p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment <u>X</u></p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u>X</u></p>
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5. Short Title: **Service Limits, Co-payments, and Non-covered Services, Physician Services, and Hospital Services**

6. (a) Summary of what the rule says and of any proposed amendments:

The Department currently has a contract with a vendor, qualifying as a quality improvement organization (QIO), to perform retrospective reviews on selected fee for service (FFS) paid claims for inpatient services performed in an in-state acute care, in-state specialty hospitals, and hospitals designated by NH Medicaid as border hospitals. The contract ends on June 30, 2019, and upon the contract’s termination the scope of work will be administered by Departmental staff in the Office of Improvement and Integrity rather than a vendor. Accordingly, this proposal seeks to amend He-W 530, He-W 531, and He-W 543 to address this change, and the proposed language will permit these services to be performed either by the Department, or if later outsourced, by a QIO.

He-W 530 prescribes the service limits, co-payments, and non-covered services for recipients of the NH Medicaid program. He-W 530.03 is specific to service limits for covered services. He-W 530.03(c) is being amended to permit either the Department or its designated QIO to approve a day of stay.

He-W 531 prescribes the requirements for, and describes the services available under, the NH Medicaid program for physician services. He-W 531.01 is specific to the definitions for the rule, and He-W 531.06 describes services that are not covered in the Medicaid program. The definition of “quality improvement organization” is being amended rather than deleted to permit outsourcing of the retroactive reviews should the Department retain a QIO vendor in the future. He-W 531.06(i) is being amended to state that inpatient hospital visits for non-acute inpatient stays are not covered for visits for days that have not been approved by either the Department or its designated QIO.

NN 2019-63 Continued

He-W 543 describes covered hospital services provided to Medicaid recipients, any prior authorization requirements, non-covered services, provider requirements, and utilization review and payment criteria. He-W 543.01 is specific to the definitions for the rule, and the definition of “quality improvement organization” at He-W 543.01(o) is being amended rather than deleted to permit outsourcing of the retroactive reviews should the Department retain a QIO vendor in the future. He-W 543.07 is specific to hospital readmissions, and is being readopted with amendment to state that a payment shall not be made for a hospital readmission except for cases where the Department or its designated QIO grant medical necessity approval. He-W 543.11 is specific to utilization review, and He-W 543.11(a) is being amended to state that evaluations of quality, medical necessity, appropriateness of care, and length of stay shall be made by the Department or its designated QIO. He-W 543.13 is specific to the payment of services, and He-W 543.13(d) is being amended to state that payment for inpatient hospital services shall be made for approved stays only when approved by either the Department or its designated QIO.

6. (b) Brief description of the groups affected:

The rules impact all medicaid recipients and all medicaid service providers.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement

Rule	State or Federal Statute Implemented
He-W 530.03 intro. & (c)	RSA 167:3-h, IV; 42 CFR 440.230(d); 42 CFR 447.53-55; RSA 326-B:2, I; RSA 326-B:11
He-W 531.01(h)	42 USC 1396
He-W 531.06(i)	42 CFR 447.15
He-W 543.01(o)	42 CFR 412.60; 42 CFR 440.210; 42 CFR 440.220; 42 CFR 440.225; 42 CFR 476.1; 42 CFR 475
He-W 543.07	42 CFR 456
He-W 543.11(a)	42 CFR 455; 42 CFR 447; 42 CFR 456
He-W 543.13(d)	42 CFR 431.107; 42 CFR 447.204; 42 CFR 447.250-255

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Kim Reeve, Esq.	Title:	Legal Counsel – Admin Rules
Address:	NH Dept. of Health & Human Services Administrative Rules Unit 129 Pleasant St. Concord, NH 03301	Phone #:	271-9640
		Fax#:	271-5590
		E-mail:	Kimberly.reeve@dhhs.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

NN 2019-63 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 21, 2019**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday May 14, 2019 1PM**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:048, dated April 8, 2019

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rule, the proposed rule will decrease general fund expenditures by \$11,147 in the first year and by \$16,322 each year thereafter. The proposed rule may also have an indeterminable impact on independently owned businesses.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

The Department currently contracts with an entity to perform control peer reviews at an annual cost of \$275,800, of which \$68,750 are general funds and \$206,850 are federal funds. Under the proposed rule, the Department will perform peer reviews in-house rather than through contracted services at a cost of \$190,617, of which \$57,603 are general funds and \$133,014 are federal funds, resulting in a general fund savings of \$11,147 in the first year. The Department estimates general fund savings up to an additional \$5,175 each year thereafter (\$16,322 total) once software implementation has been completed.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

Although the Department does not anticipate a large variation in review outcomes, independently-owned businesses may experience an indeterminable cost or savings to the extent Department reviews differ from contracted reviews resulting in the identification and correction of overpayments or underpayments to providers.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposal does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2019-64

Rule Number Ahp 601.04; Ahp 601.05

1. Agency Name & Address:

**Board of Directors of the Office
of Allied Health Professionals
c/o Office of Professional
Licensure & Certification
121 S. Fruit Street
Concord, NH 03301**

2. RSA Authority: RSA 328-F:18, VI; RSA
328-F:13, V, VI

3. Federal Authority: n/a

4. Type of Action:

Adoption X

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: **Allied Health Organizational Forms**

6. (a) Summary of what the rule says and of any proposed amendments:

The intended action is to first adopt as a new rule Ahp 601.04, relative to application forms for temporary licensure by the Governing Boards under the supervision of the Board of Directors of the Office of Allied Health Professionals (Board), in order to implement the Board’s rulemaking authority under RSA 328-F:13, V. Secondly, this proposal will also readopt with amendments Ahp 601.04, and renumber it as Ahp 601.05, relative to certification on application forms, to add in a reference for the new form for temporary licensure. Finally, this proposal will renumber existing Ahp 601.05 and Ahp 601.06 as Ahp 601.06 and Ahp 601.07.

6. (b) Brief description of the groups affected:

Applicants for a temporary licensure will be affected, as they will be required to fill out the form listed in proposed Ahp 601.04 and follow the other requirements of this rule.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Ahp 601.04	RSA 328-F:18, VI; RSA 328-F:13, V
Ahp 601.05 (formerly Ahp 601.04)	RSA 328-F:13, IV

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tom Broderick**

Title: **Attorney III**

Address: **121 S. Fruit Street
Concord, NH 03301**

Phone #: **(603) 271-3103**

Fax#: **(603) 271-0597**

E-mail: **Thomas.Broderick@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2019-64 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **June 3, 2019 at the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 3, 2019 at 8:45 a.m.**

Place: **Office of Professional Licensure & Certification, 121 S. Fruit St., Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:058, dated April 8, 2019

- 1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no difference in cost when comparing the proposed rules to the existing rules.
- 2. **Cite the Federal mandate. Identify the impact on state funds:**
No federal mandate, no impact on state funds.
- 3. **Cost and benefits of the proposed rule(s):**
 - A. **To State general or State special funds:**
None.
 - B. **To State citizens and political subdivisions:**
None.
 - C. **To independently owned businesses:**
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

Notice Number <u>2019-65</u>	Rule Number <u>Env-A 1000</u>
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: <u>RSA 125-C:4, I(a)</u> 3. Federal Authority: <u>42 U.S.C. 7409 & 7410</u> 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment <u>X</u>

5. Short Title: Prevention, Abatement, and Control of Open Source Air Pollution

6. (a) Summary of what the rule says and of any proposed amendments:

Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, establishes requirements for open burning, fugitive dust, and firefighter instruction and training activities. Env-A 1001, Open Burning, sets forth general open burning requirements, authorizes certain materials to be burned in the open, and identifies materials that are prohibited from being burned in the open. Env-A 1002, Fugitive Dust, establishes limitations on particulate emissions from certain activities. Env-A 1003, Firefighter Instruction and Training Activities, establishes procedures for minimizing emissions of particulate matter and toxic air pollutants from firefighter instruction and training activities. The rules are scheduled to expire on May 1, 2019, so the Department is proposing to readopt the chapter with amendments to in order to clarify and update various provisions. **The existing rules will continue in effect pursuant to RSA 541-A:14-a, I, subject to the conditions specified therein.**

Env-A 1001 is proposed to be amended to clarify definitions, specify that untreated pallets can be burned, allow off-site open burning of leaves and brush as long as it is done on private residential property and the material is not transported to the site for commercial purposes or by a commercial entity, and align the rules with RSA 125-C:10-c, I, regarding burning construction and demolition debris. Env-A 1002 is proposed to be amended to clarify that the existing exemption for the commercial use of leaf blowers only applies for purposes of blowing leaves and other vegetation and not dust, dirt, or gravel and to specify that construction of wind barriers and work phasing are appropriate precautionary measures to abate and control fugitive dust. Env-A 1003 is proposed to be amended to clarify definitions and the information that must be submitted.

6. (b) Brief description of the groups affected:

The proposed amendments affect individuals and entities that (1) intend to burn materials in the ambient air, (2) undertake certain activities that generate particulate emissions (fugitive dust), or (3) sponsor firefighter instruction and training activities.

6. (c) Specific section(s) of state statute or federal statute or regulation the rule is intended to implement:

Rule	State Statute Implemented
Env-A 1000 (see also specific rules listed below)	RSA 125-C:4, I(a)
Env-A 1001.03(d)	RSA 149-M:4, IV-a
Env-A 1001.05	RSA 125-C:6, RSA 125-C:10-c
Env-A 1001.06	RSA 125-N:4
Env-A 1001.09	RSA 125-C:10-c

NN 2019-65 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Karla McManus	Title:	ARD Planning and Rules Manager
Address:	Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-6854
		Fax#:	(603) 271-1381
		E-mail:	karla.mcmanus@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, May 31, 2019**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 23, 2019 at 1:30 PM**

Place: **Room 214, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 19:059 , dated 04/08/2019:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

There is no federal mandate. However, the existing rule is part of the State Implementation Plan (SIP), which has been approved by the U.S. Environmental Protection Agency pursuant to section 110 of the Clean Air Act, 42 U.S.C. section 7410. If the rules are not readopted, the State would be in violation of the SIP and subject to federal sanctions, including loss of grant funds from the federal government pursuant to section 015 of the Clean Air Act, 42 U.S.C. 7405. New Hampshire receives approximately \$1.7 million annually for the NH Department of Environmental Services air programs. Because the funds are received in a block grant, it is not possible to estimate the portion attributable to the proposed rules.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no costs associated with the rules as proposed to be readopted with amendments. The rules thus do not assign any new, expanded, or modified programs or responsibilities to political subdivisions in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.

NN 2019-66 Continued

- Amends He-P 2304.04, License Classes, relative to Category C-5, which covers food processing plants which commercially process less than 100,000 packages of TCS food per year; Category G-5, which includes schools whose food service is operated by a private, for-profit catering business; and Category G-8, which covers food processing plants that manufacturer or package non-TCS food;
- Amends He-P 2304.06, Water System Requirements, to reflect updated references to the Drinking water rules Env-Dw 702 through 720 and Env-Dw 801 of the Department on Environmental Services;
- Amends He-P 2304.07, Wastewater System Requirements, to include a copy of the sewage or waste disposal system plan specifying use for private systems;
- Amends He-P 2304.13, Hazard Analysis and Critical Control Point (HACCP) Plan Requirements, to require a HACCP plan for only those producing time-temperature controlled for safety foods;
- Amends He-P 2304.14, Variances, to strike the requirement that a variance needs to be renewed annually;
- Amends He-P 2305.01, Inspections, by adding the criteria to a red color designation after an inspection to an establishment that has a failed corrective action plan;
- Amends He-P 2306.02, Administrative Fines, to add a fine for failure to comply with the requirements for a certified food protection manager in accordance with He-P 2301.02, and the fine shall be \$250;
- Amends He-P 2306.03, Denial or Revocation of a License, by striking the 3-year time limit applied to the applicant who previously had a license denied or revoked;
- Amends He-P 2306.06, Closure, to allow for a food establishment to have a pre-approved plan by the Department to allow it to remain open during an emergency situation;
- Amends He-P 2307.01, Suspected or Confirmed Foodborne Disease, to include that all suspected or confirmed foodborne illness possibly occurring from food prepared or offered by a food establishment shall be reported to the Department's Bureau of Infectious Disease Control at 603-271-4496, or if at night or during weekends at 603-271-5300 within 24 hours;
- Repeals He-P 2312.01, Registration of Out of State Food Producers in Residential, Non-Commercial Kitchens, as the statute requiring this was repealed in 2017;
- Amends He-P 2313, Poultry Producers and Rabbit Producers Selling Poultry and Rabbits to Restaurants, to increase the limit on poultry to that no more than 20,000 whole poultry or 1,000 rabbits are offered to restaurants within a calendar year. This is a result of legislation in 2017 changing RSA 143-A to increase the limit; and
- Renumbers the existing He-P 2313 and He-P 2314 to He-P 2312 and He-P 2313.

6. (b) Brief description of the groups affected:

These rules affect all food service establishments or retail food stores licensed under RSA 143-A; all in-state residential, non-commercial kitchen licensed under RSA 143-A:12; and all out-of-state food producers in residential, non-commercial kitchens who sell their products in New Hampshire.

NN 2019-66 Continued

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
He-P 2301.01	RSA 143-A; RSA 143-A:3; RSA 143-A:12; RSA 143-A:13; and RSA 145
He-P 2302.01	RSA 143-A:4; RSA 143-A:5; RSA 143-A:12, II
He-P 2302.02	RSA 143-A:5-a
He-P 2303.01	RSA 143-A:9, V
He-P 2304.01	RSA 143-A:6, I and V
He-P 2304.01(a)	RSA 143-A:6, I and V
He-P 2304.01(a)(1)	RSA 143-A:6, I
He-P 2304.02	RSA 143-A:4, II; RSA 143-A:6, I-V
He-P 2304.03	RSA 143-A:6, I-V
He-P 2304.04	RSA 143-A:9, I; RSA 143-A:12, II
He-P 2304.05	RSA 143-A:6, V; RSA 143-A:9, I-a; RSA 143-A:13, V
He-P 2304.06	RSA 143:3; RSA 143-A:9, V
He-P 2304.07	RSA 143:3; RSA 143-A:9, V; RSA 485-A:29
He-P 2304.08	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.09	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.10	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.11	RSA 143-A:6; RSA 143-A:9, V
He-P 2304.12	RSA 143-A:9, V
He-P 2304.13	RSA 143-A:9, V
He-P 2304.14	RSA 143-A:9, V
He P 2304.15	RSA 143-A:9, V
He-P 2305.01	RSA 143:4; RSA 143-A:6
He-P 2305.02	RSA 143:7-a; RSA 143-A:10-a
He-P 2305.03	RSA 143:4; RSA 143-A:6
He-P 2306.01	RSA 143:5-a; RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.02	RSA 143:7-a; RSA 143-A:10-a
He-P 2306.03	RSA 143-A:6; RSA 143-A:7; RSA 143-A:9-a, I
He-P 2306.04	RSA 143-A:9, IV-c
He-P 2306.05	RSA 143-A:4; RSA 143-A:6; RSA 143-A:11
He-P 2306.06	RSA 143:5-a; RSA 143-A:9, V
He-P 2307.01	RSA 141-C:9, II; RSA 143:5
He-P 2307.02	RSA 141-C:6, III
He-P 2308.01 – He-P 2308.03	RSA 143-A:9, V
He-P 2309.01 – He-P 2309.05	RSA 143-A:9, V
He-P 2310.01	RSA 143-A:12-13
He-P 2311.01 – He-P 2311.06	RSA 143-A:12-13
He-P 2312.01 – He-P 2312.05	RSA 143:29
He-P 2313	RSA 143-A:14-16
He-P 2314	RSA 143-A:14-16

NN 2019-66 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Allyson Zinno** Title: **Administrative Rules Coordinator**
 Address: **Dept. of Health and Human Services** Phone #: **271-9604**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: **allyson.zinno@dhhs.nh.gov**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, May 20, 2019**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, May 13, 2019 at 11:00am**
 Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:047 Revised, dated April 10, 2019

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable to He-P 2312.02-2312.05 as these rules expired in February 2019.

When compared to the existing rules, the proposed rules will have an indeterminable impact on state general fund revenue and costs incurred by independently-owned businesses.

2. Cite the Federal mandate. Identify the impact of state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

There will be an estimated \$35,000 loss in general fund revenue due to the changing of license class categorizations to provide administrative consistency within the Department by placing certain types of school food service operations into one category.

Changes to the schedule of fines may result in increased or decreased revenue for the state general fund. Any cost or benefit to the general fund as a result of the proposed rules would only be insofar as a licensee is or has been in noncompliance with the relevant rule or law.

B. To State citizens and political subdivisions:

None.

NN 2019-66 Continued

C. To Independently owned businesses:

Costs to businesses may increase to the extent licensees are required to have a certified manager of staff and have not yet met the new certification requirement. Approximately 50 percent of the applicable 3600 licensed food establishments have not met this requirement to date. The cost for manager certified training is \$150 per employee and it is valid for five years. There is an indeterminable cost to businesses to the extent and frequency licensees have employees trained to meet this requirement.

Changes to the schedule of fines may result in increased or lowered costs to businesses. Any cost or benefit to the general fund as a result of the proposed rules would only be insofar as a licensee is or has been in noncompliance with the relevant rule or law.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number

2019-67

Rule Number

Rea 101.01(k); 204.06(d),
and Rea 300-400 (various)

<p>1. Agency Name & Address:</p> <p>NH Real Estate Commission c/o Office of Professional Licensure and Certification 121 S. Fruit Street Concord, NH 03301</p>	<p>2. RSA Authority: RSA 331-A:25, I, IX, X, XIII, XIV</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u> X </u></p> <p>Amendment <u> X </u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Amendments to Organizational Rules, Practice and Procedural Rules, Licensing Requirements, and Continued Status**

6. (a) Summary of what the rule says and of any proposed amendments:

The intended action is as follows:

(1) To amend the following sections:

- (a) Rea 101.01, on definitions, by inserting a new paragraph, (k), defining a “complaint;” and**
- (b) Rea 204.06(d), on informal disposition of a complaint, to change the wording from “board” to “commission.”**

(2) To readopt with amendments the following sections:

- (a) Rea 301.01, regarding the license application forms, to change wording from “board” to “commission” and to update the forms used;**
- (b) Rea 301.02, regarding fees, to add a provision regarding lapsed licenses which allows the Commission to charge a \$200 fee for every four week period that a license has lapsed;**
- (c) Rea 301.03, regarding filing requirements, to make various changes, including updating the requirements that candidates for licensure must comply with before they may sit for a real estate examination and allowing candidates who fail to take the examination within 3 months to request an additional 30 days under certain circumstances;**
- (d) Rea 401.01, regarding renewal of licenses, to update the forms used;**
- (e) Rea 403.01, regarding continuing education requirements, to specify certain information regarding post-licensing continuing education requirements;**
- (f) Rea 403.02, relative to continuing education documentation and audits, to change wording from “board” to “commission;” and**
- (g) Rea 404.02, relative to amendment forms, to require licensees to file certain amendment forms for changes of address, change of office, etc.**

(3) To adopt the following sections:

- (a) Rea 301.05, relative to computerized list distributions;**
- (b) Rea 302.03, relative to post-licensing continuing education course learning objectives;**
- (c) Rea 305.05, relative to letters of good standing; and**
- (d) Rea 401.02, relative to renewals of late or lapsed licenses, payment of late fees, and other requirements on a licensee that files for late renewal.**

NN 2019-67 Continued

6. (b) Brief description of the groups affected:

This proposal affects those licensed as real estate brokers and salespeople under RSA chapter 331-A and those applying for licensure in these professions.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Rea 101.01(k)	RSA 331-A:2; RSA 541-A:16, I(a)
Rea 204.06(d)	RSA 331-A:25, X; RSA 331-A:29, I; RSA 541-A:31, V
Rea 301.01	RSA 331-A:10; 10-a; 12; 14; 16, I; 25, V
Rea 301.02	RSA 331-A:7, II, IV; 11; 15, I; 17, II; 18, I, II; 19, II; 20, IV; 24; 25, IV
Rea 301.03	RSA 331-A:10; 25, II, III, IV, XIV
Rea 301.05	RSA 91-A:4
Rea 302.03	RSA 331-A:20; RSA 331-A:25, IX
Rea 305.05	RSA 331-A:11-a, RSA 331-A:25, XIV
Rea 401.01	RSA 331-A:12-a; 14; 19; 22; 25, XIII
Rea 401.02	RSA 331-A:19; 25, XIII
Rea 403.01	RSA 331-A:12-a; 19; 20; 25, IX
Rea 403.02	RSA 331-A:25, V, IX; RSA 541-A:16, I
Rea 404.02	RSA 331-A:17; 25, I

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Thomas Broderick**Title: **Attorney III**Address: **121 S. Fruit Street
Concord, NH 03301**Phone #: **(603) 271-3103**Fax#: **(603) 271-0597**E-mail: **Thomas.Broderick@oplcr.nh.gov**TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:
- May 16, 2019 at the conclusion of the public hearing.**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **May 16, 2019 at 9:00 a.m.**Place: **Office of Professional Licensure & Certification, 121 S. Fruit St.,
Concord, NH 03301**

NN 2019-67 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:036 Revised , dated April 10, 2019

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Compared to the existing rules, the proposed rule Rea 301.02 will increase costs to renew a lapsed license by an indeterminable amount for state citizens who are licensed and independently owned businesses that cover their licensed employee’s cost. Not applicable to 301.05, 302.03, 305.05 and 401.02 as these are new proposed rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed addition to Rea 301.02 would add a lapsed license fee of \$200 for every four-week period or part thereof such license is lapsed for brokers or salespersons.

Proposed new Rea 401.02 specifies the lapse fee is in addition to the regular renewal fee and late fee for renewal of a license up to 6 months after the license is deemed lapsed.

In the last 12 months, 19 licensees sought to renew lapsed licenses. If these licensees had been subject to this rule the licensees would have been charged the additional fee amounts shown in the table below:

# Licensees	# Months Lapsed	Amount charged per Licensee	Total Charged
9	1	\$200	\$1,800
3	2	\$400	\$1,200
2	3	\$600	\$1,200
2	4	\$800	\$1,600
1	5	\$1,000	\$1,000
2	6	\$1,200	\$2,400
TOTAL			\$9,200

Proposed new Rea 301.05 relative to computerized list distributions would subject those seeking a copy of this list to pay the existing fee of \$25 contained in proposed Rea 301.02(n) as renumbered.

Proposed Rea 302.03 relative to post-licensing continuing education course learning objectives may increase costs by an indeterminable amount to those entities offering such courses to comply with the new requirements. Such compliance costs in turn may increase course cost paid by licensees by an indeterminable amount.

Proposed new Rea 305.05 relative to letters of good standing requires requestors submit a “Letter of Good Standing” form, along with the required fee, which is set forth in Rea 301.02(e) at \$5 and is not a new fee.

A. To State general or State special funds:

No cost to state general funds. Additional fees will be deposited into the Office of Professional Licensure and Certification Fund pursuant to RSA 310-A:1-e, I(b).

NN 2019-67 Continued**B. To State citizens and political subdivisions:**

Citizens who are licensed may incur additional fees for lapsed licenses and post-licensing continuing education course cost increases. Citizens seeking computerized lists may incur the additional expense of the fee. No cost to political subdivisions.

C. To independently owned businesses:

Independently owned businesses that employ such licensed individuals and who cover their expenses may incur an additional expense associated with the new fees and requirements. Businesses offering post-licensing continuing education courses may incur increased costs.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

POSTPONEMENT AND RESCHEDULING OF A RULEMAKING HEARING

Notice Number 2019-54

Rule Number Saf-C 603.01 & Saf-C 604.02(h)

<p>1. Agency Name & Address:</p> <p>NH Department of Safety 33 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: RSA 266:72-a & RSA 21-P:17, I(a)</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u> X </u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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5. Short Title: **Amendment of Standard and Level VI Motor Carrier Rules**

6. In accordance with RSA 541-A:11, IV, a rulemaking hearing has been postponed for this proposed rule for which notice appeared in the Rulemaking Register on **April 4, 2019** under Notice Number **2019-54**. The public hearing has therefore been rescheduled for:

Date and Time: **April 25, 2019 10:00 am**

Place: **NH Department of Safety 33 Hazen Drive Concord 2nd Floor Conference Room**

7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 3, 2019 3:30 pm**

Fax E-mail Other format (specify):

8. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Keith Lohmann	Title:	Program Specialist IV
Address:	33 Hazen Drive, Room 206 Concord, NH 03301	Phone #:	603-227-0040
		Fax#:	603-271-1033
		E-mail:	Keith.lohmann@dos.nh.gov

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

FINAL PROPOSALS FOR COMMITTEE REVIEW ON APRIL 26, 2019

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-163	Fis 502 various, 503 various, 504.01, 802.03, 803 various, 1104 various, & 1110.05	Fish and Game Department Bait Fish, Fishing Tournaments, Importation of Bait Fish, Licensing and Permitting of Dealers and Importers.
2018-181	Env-A 800	Department of Environmental Services Air Related Programs Testing and Monitoring Procedures.
2018-182	Fis 306.01(a)(16)-(18) & 1300	Fish and Game Department Closure of Portion of Bellamy River to Waterfowl Hunting and Licensing of Guides.
2018-184	Env-Wt 100	Department of Environmental Services, Wetlands Programs Wetlands: Definitions, Access to Files.
2018-185	Env-Wt 200	Department of Environmental Services, Wetlands Programs Wetlands: Hearings, Appeals, and Waivers.
2018-186	Env-Wt 300	Department of Environmental Services, Wetlands Programs Wetlands: Permits and Other Authorizations, Conditions Applicable to All Work in Jurisdictional Areas.
2018-187	Env-Wt 400	Department of Environmental Services, Wetlands Programs Wetlands: Delineation and Classification of Jurisdictional Areas, Classification of Projects.
2018-188	Env-Wt 500	Department of Environmental Services, Wetlands Programs Wetlands: Project-Specific Requirements.
2018-189	Env-Wt 600	Department of Environmental Services, Wetlands Programs Wetlands: Coastal Lands and Tidal Waters and Wetlands.
2018-190	Env-Wt 700	Department of Environmental Services, Wetlands Programs Wetlands: Prime Wetlands.
2018-191	Env-Wt 800	Department of Environmental Services, Wetlands Programs Wetlands: Compensatory Mitigation.
2018-192	Env-Wt 900	Department of Environmental Services, Wetlands Programs Wetlands: Stream Crossings; Certified Culvert Maintainer Program.
2018-193	Env-Wq 1405.02 & 1405.03	Department of Environmental Services Water Quality and Quantity Programs Amendments Relative to Accessory Structures Under RSA 483-B.
2018-200	Geo 305.02 (b) & (c)	Board of Professional Geologists Amendment of Examination Fees.
2018-203	Cor 306.01	Department of Corrections Control of Contraband on Departmental Property.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON APRIL 26, 2019

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-204	Cor 306.03	Department of Corrections Authorized Searches and Inspections in State Correctional Facilities.
2018-208	Cor 400	Department of Corrections Correctional Classification System.
2018-209	Cor 500	Department of Corrections Standards for Health, Medical, and Behavioral Health Care in Corrections Facilities.
2018-211	Env-A 2300	Department of Environmental Services Air Related Programs Mitigation of Regional Haze.
2019-4	Ed 306.18(c)	Board of Education School Year.
2019-7	Sep 200	Board of Septic System Evaluators Procedural Rules.
2019-11	Opt 402.01	Board of Registration in Optometry Change in Continuing Education Requirements.
2019-18	Mhp 402.01(g)	Board of Mental Health Practice Continuing Education Requirements.
2019-26	Ins 5000	Insurance Department Standards and Procedures for the Filing of Property and Casualty Insurance Forms and Rates.
2019-27	Saf-C 800	Department of Safety, Commissioner Self-Dialing Telephone Alarm Systems.
2019-29	Psyc 401.02(d)-(g)	Board of Psychologists License Renewal.
2019-30	He-W 631.01 & 864.02	Department of Health and Human Services Former Division of Human Services Unwed Minor Parent Living Arrangement Requirements Within the Financial Assistance to Needy Families (FANF) Program and Parents and Other Caretaker Relatives Medically Needy Medical Assistance.
2019-31	He-C 801	Department of Health and Human Services, Commissioner Health Professions Survey.
2019-32	He-M 1001	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Certification Standards for Developmental Services Community Residences.
2019-36	Ins 312	Insurance Department Standards for Preparing Annual Life Insurance Disclosures.
2019-40	Ahp 301.02	Board of Directors, Office of Licensed Allied Health Professionals Fees.

PROPOSED INTERIM RULE FOR COMMITTEE REVIEW ON APRIL 26, 2019

<u>Proposed Interim #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2019-11	He-C 6448	Department of Health and Human Services, Commissioner Child-Placing Agency Licensing Requirements.

PROPOSED EXPEDITED AMENDMENTS TO INCORPORATION BY REFERENCE FOR COMMITTEE REVIEW ON APRIL 26, 2019

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
EXIR 2019-1	Nur 401.01(b)	Board of Nursing Change to Model Rules.
EXIR 2019-2	Saf-C 906.01(c) and 907.01(b)	Department of Safety, Commissioner Commercial Vehicle Out-of-Service Criteria (OOSC) Update.

PRELIMINARY OBJECTION RESPONSE FOR COMMITTEE REVIEW ON APRIL 26, 2019

<u>Notice Number</u>	<u>Form and Rule Number</u>	<u>Agency and Short Title of Rule</u>
FP 2019-2	Asb 300	Assessing Standards Board Certification of Assessors.

PRELIMINARY OBJECTION RESPONSE FOR COMMITTEE REVIEW ON APRIL 26, 2019 IF FILED PRIOR TO THE MEETING

<u>Notice Number</u>	<u>Form and Rule Number</u>	<u>Agency and Short Title of Rule</u>
FP 2018-156	Saf-C 5900	Department of Safety, Commissioner Emergency Medical Services Rules.

NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
12734 (EXRF 2018-2)	Pol 301.04	Police Standards and Training Council Revision to PSTC "Form D Report of Medical History".	2/27/2019 2/27/2029
12735 (FP 2018-153)	Elec 105.01	Electricians' Board Meetings. <i>(As organizational rules they do not expire except pursuant to RSA 541-A:17, II).</i>	3/7/2019
12736 (FP 2018-201)	Elec 404.05	Electricians' Board Supervision.	3/7/2019 3/7/2029
12737 (FP 2018-122)	Saf-C 3300	Department of Safety, Commissioner Modular Buildings and Building Components Rules.	3/8/2019 3/8/2029
12738 (FP 2018-135)	Saf-C 5000 Various	Department of Safety, Commissioner Display Fireworks Rules.	4/30/2019 4/30/2029
12739 (FP 2018-171)	Env-Wq 1200	Department of Environmental Services Water Quality and Quantity Programs Winnepesaukee River Basin Program Rules.	3/19/2019 3/19/2029
12740 (INT 2019-8)	He-P 813	Department of Health and Human Services Former Division of Public Health Services Adult Family Care Residence.	3/20/2019 9/16/2019
12741 (INT 2019-9)	He-E 802	Department of Health and Human Services Division of Elderly and Adult Services Nursing Facility Services.	3/20/2019 9/16/2019
12742 (INT 2019-10)	He-M 1002	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Certification Standards for Behavioral Health Community Residences.	3/20/2019 9/16/2019
12743 (FP 2019-1)	He-P 2700 various	Department of Health and Human Services Former Division of Public Health Services Milk Producers, Milk Plants, Producer-Distributors, and Distributors.	3/20/2019 3/20/2029
12744 (FP 2019-12)	He-P 4038 various	Department of Health and Human Services Former Division of Public Health Services The Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material.	3/20/2019 3/20/2029
12745 (FP 2019-3)	Cub 304.03, 304.07, 304.08, 304.13, 304.14	Current Use Board Current Use Assessment Ranges.	3/22/2019 3/22/2029

NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
12746 (FP 2018-198)	Lot 600	Liquor Commission Rules for Prize Claims.	3/23/2019 3/23/2029
12747 (FP 2018-199)	Lot 1000	Lottery Commission Rules for All Instant Lottery Games.	3/23/2019 3/23/2029
12748 (FP 2018-212)	Ins 2900	Insurance Department Hazardous Financial Conditions, Licensed Companies.	6/1/2019 6/1/2029
12749 (FP 2018-213)	Ins 3000	Insurance Department Privacy of Consumer Financial and Health Information.	5/6/2019 5/6/2029
12750 (FP 2018-214)	He-C 6343	Department of Health and Human Services, Commissioner Certification Payment Standards for Transportation Service Providers.	3/26/2019 3/26/2029
12751 (FP 2018-215)	He-P 827	Department of Health and Human Services Former Division of Public Health Services Freestanding Megavoltage Radiation Therapy Facility.	3/26/2019 3/26/2029
12752 (FP 2018-151)	Ahp 300	Board of Directors, Office of Licensed Allied Health Professionals Fees Charged by the Governing Boards.	4/3/2019 4/3/2029
12753 (FP 2018-159)	Nur 301.01, 301.02, 302.03, 303.02, 303.05, 304.03	Board of Nursing Application Procedure.	4/4/2019 4/4/2029
12754 (EXEMPT)	Fis 603.21	Fish and Game Department Atlantic Menhaden.	4/4/2019 Exempt
12755 (FP 2019-9)	Pes 101.36	Pesticide Control Board Definition of "Supervisory Registration Certificate-General Use". <i>(As organizational rules they do not expire except pursuant to RSA 541-A:17, II).</i>	4/10/2019
12756 (FP 2019-10)	Pes 301.03, 301.04, 303.01, 505.01	Pesticide Control Board Definitions, Supervisory Level Certificates, and Use Along Public Road Rights-of-Way.	4/10/2019 4/10/2029
12757 (FP 2018-164)	Puc 3000	Public Utilities Commission Competitive Natural Gas Supplier and Aggregator Rules.	6/1/2019 6/1/2029
12758 (FP 2018-161)	Ph 1700	Pharmacy Board Continuous Quality Improvement Within Pharmacies.	4/19/2019 4/19/2029