NEW HAMPSHIRE
RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES
ROOM 219, STATE HOUSE ANNEX
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312
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VOLUME XXXIX, Number 31, August 1, 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)

CONTINUED MEETING Previously Scheduled for August 1, 2019 Has Been Cancelled

REGULAR MEETING: **Thursday, August 15, 2019 9:00 a.m.**
Rooms 306/308, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES AUGUST-DECEMBER, 2019

The JLCAR has voted to hold its regularly scheduled monthly meetings for August 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
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

Notices of Proposed Rules

Notice Number	Rule Number	Agency and Short Title of Rule	Page No.
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Notice Number **2019-123** Rule Number **He-W 693**

1. Agency Name & Address:

Dept. of Health and Human Services
Division of Family Assistance
129 Pleasant St, Brown Bldg.
Concord, NH 03301

2. RSA Authority: **RSA 161:4-a, III; RSA 167:83, II (k)**

3. Federal Authority:

4. Type of Action:

Adoption	
Amendment	
Repeal	
Readoption	X
Readoption w/amendment	

5. Short Title: **FANF Intentional Program Violations**

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

He-W 693 encompasses 6 rules that describe intentional program violations (IPVs) within the Financial Assistance to Needy Families (FANF) program. The administrative processes associated with IPVs are described, including the disqualification hearing, waiver of the hearing process, and consent agreements. Disqualification penalties for individuals found to have committed an IPV also are described. This rule is scheduled to expire on August 23, 2019 but is subject to extension pursuant to RSA 541-A:14-a.

The Department of Health and Human Services (Department) is proposing to readopt He-W 693 to prevent expiration.

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

The groups affected by the proposed rules include families who receive FANF benefits.

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

Rule	RSA/ Federal Citation
He-W 693.01	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110
He-W 693.02	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110
He-W 693.03	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110
He-W 693.04	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110
He-W 693.05	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110
He-W 693.06	RSA 161:2, XV; RSA 167:83, II (k); 45 CFR 235.110

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 & Human Services**
Administrative Rules Unit
129 Pleasant Street, Brown Bldg.
Concord, NH 03301

Phone #: **271-9604**
Fax#: **271-5590**
E-mail: **allyson.zinno@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 2019-123 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, September 9, 2019**

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

9. Public hearing scheduled for:

   Date and Time: **Friday, August 30, 2019 at 11:00am**

   Place: **DHHS, Brown Bldg., Room 163, 129 Pleasant St., Concord, NH 03301**

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

    FIS # **19:123** , dated **July 16, 2019**

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

       There is no difference in cost between the proposed rules and the existing rules.

    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:**
       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:

    The proposed rule does not create a new program or responsibility. The proposed rule does not modify an existing program or responsibility, and 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 **2019-124** Rule Number **He-P 813**

1. Agency Name & Address:

Dept. of Health and Human Services
Health Facility Licensing Unit
129 Pleasant Street
Concord, NH 03301

2. RSA Authority: **RSA 151:2, IV; and RSA 151:9, VIII**

3. Federal Authority:

4. Type of Action:

Adoption
Amendment
Repeal
Readoption
Readoption w/amendment **X**

5. Short Title: **Adult Family Care Residences**

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

He-P 813 sets forth the requirements necessary to open, operate, and maintain an adult family care home. As required by RSA 151:2, IV and RSA 151:9, VII, the proposed rule establishes specific provisions and criteria for such residences to admit and care for no more than two residents who have been determined eligible for nursing facility services under a medicaid-home and community-based care waiver for the elderly and chronically ill, and who have been referred to such a residence as an alternative to placement in a nursing facility, provided that the clinical services and supports required by the resident can be provided in the residence. These homes will be certified and offer residents a home-like living arrangement, as well as social, health, or medical services, including, but no limited to, medical or nursing supervision, medical care or treatment by appropriately trained individuals, and assistance in all areas of daily living. He-P 813 is currently an interim rule and is scheduled to expire on September 16, 2019.

The Department of Health and Human Services (Department) is proposing to readopt with amendment He-P 813. The proposed changes to this rule include:

- **Updating the rule for better clarity, program integrity, and to be consistent with the language used in other licensing rules that have been more recently readopted, including updated definitions, updated structure, and updated terminology;**
- **Updating the rule by replacing the term "family provider" with the term "adult family care provider" throughout;**
- **Updating adult family care non-relative provider qualifications, duties, and responsibilities by requiring the applicant to have on site the results of a physical examination or health screening and the results of a 2-step tuberculosis test, both completed within 12 months of the filing of the application. This was originally a requirement that needed to be provided to the Department at the time of filing the initial application;**
- **Increasing individual-specific orientation training requirements prior to accepting a resident into their adult family care residence;**
- **Providing clarification that criminal record checks, BEAS registry checks, and DMV checks be done prior to requesting certification;**

NN 2019-124 Continued

- **Clarifying that the certification process shall only apply to homes where the resident is living with a non-family member, updating and changing the application to reduce the number of documents that needs to be submitted with the initial certification application, and making editorial changes;**
- **Updating the "Request for Certification of Adult Family Care" application;**
- **Updating the reasons for denial of certification to include all misdemeanor or felony convictions;**
- **Updating resident admission and person-centered plan development by updating the monthly progress note requirement to include a summary of the current status of all goals noted in the resident's person-centered plan;**
- **Updating medication services by adding the requirements that all medication orders be not older than one year, that all "as needed" medications be administered per written parameters developed by a registered nurse or the prescribing practitioner, and that all controlled medications administered by the family provider be counted and documented at least daily;**
- **Adding additional life safety requirements;**
- **Updating the safety and emergency protocol to clarify the time of night that nighttime fire drills need to take place; and**
- **Updating the waiver approval period from a maximum of 5 years to non-expiring based on certain situations.**

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

Groups affected by this rule include operators of adult family care residences, residents who receive adult family care services, and their families.

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

Rule	Specific State or Federal Statutes the Rule Implements
He-P 813.01 - 813.03	RSA 151:2, IV; Section 1915(c) of the Social Security Act
He-P 813.04	RSA 151:9,VIII
He-P 813.05	RSA 151:2, IV; RSA 151:9, VIII
He-P 813.06	RSA 151:2, IV, Section 1915(c) of the Social Security Act
He-P 813.07 - 813.08	RSA 151:2, IV; RSA 151:9, VIII
He-P 813.09	RSA 151:6-a
He-P 813.10 - 813.23	RSA 151:2, IV; RSA 151:9, VIII
He-P 813.24	RSA 151:9,I(b)
He-P 813.25	RSA 151:9, VIII

NN 2019-124 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 & Human Services**
Administrative Rules Unit
129 Pleasant Street
Concord, NH 03301
Phone #: **(603) 271-9604**
Fax#: **(603) 271-5590**
E-mail: **allyson.zinno@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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, September 10, 2019**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, September 3, 2019 at 1:00pm.**

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

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

FIS # **19:118** , dated **July 16, 2019**

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
When compared to the existing rules, the proposed rules may increase costs for 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:**
None.

B. **To State citizens and political subdivisions:**
None.

C. **To independently owned businesses:**
Potential costs and/or benefits to independently-owned business include the following:

- Granting permanent waivers to residents may result in a small, administrative cost savings for operators;
- Additional individual-specific orientation training requirements may result in a small, indeterminable administrative cost increase; and
- Reducing the items required to be submitted with the initial certification may result in a small, indeterminable administrative cost savings.

NN 2019-124 Continued

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

The proposed rule modifies an existing program or responsibility, but 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 **2019-125** Rule Number **Ins 1807.01(a) and (b) and Ins 1813**

1. Agency Name & Address:

NH Insurance Dept.
21 S. Fruit St., Suite 14
Concord, NH 03301

2. RSA Authority: **RSA 400-A:15, I; RSA 420-D:17, XIII**

3. Federal Authority:

4. Type of Action:

Adoption	X
Amendment	X
Repeal	
Readoption	
Readoption w/amendment	

5. Short Title: **Continuing Care Retirement Communities**

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

Chapter Ins 1800 regulates continuing care retirement communities (CCRCs). This proposal amends paragraphs (a) and (b) of Ins 1807.01, entitled "Entrance Fee Escrow Accounts", by deleting the requirement that payable interest on entrance fees be set at one percent above the rate charged by the Federal Reserve Bank and deleting the requirement for a signed receipt upon the release of escrow account funds. This proposal also adopts a new waiver provision in Ins 1813.

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

Any entities that file life settlements with the insurance department.

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 the Rule Implements
Ins 1807.01(a) and (b)	RSA 400-A:15, I; RSA 420-D:10, III; RSA 420-D:17, XIII
Ins 1813	RSA 400-A:15, I; RSA 541-A:22, IV

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

Name: **Roni Karnis**

Address: **NH Insurance Dept.**
21 S. Fruit St., Suite 14
Concord, NH 03301

Title: **LAH Attorney**

Phone #: **271-4002**

Fax#: **271-1406**

E-mail: **Roni.karnis@ins.nh.gov**

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

NN 2019-125 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **September 4, 2019**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, August 27, 2019, at 11:15 am**

Place: **Room 160, NH Insurance Department, 21 S. Fruit Street, Concord, NH**

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

FIS # **19:121** , dated **July 19, 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. Not applicable to Ins 1813 which is a new rule.
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):**
   There is no cost associated with Ins 1813 which provides the Commissioner may waive rules in this chapter under certain circumstances.
   - **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 mandate 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 subdivisions, and therefore do not violate Part I, Article 28-a of the New Hampshire Constitution.

Notice Number **2019-126** Rule Number **Env-C 202.07, Env-C 209.07 (new)**

1. Agency Name & Address:

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

2. RSA Authority: RSA 541-A:16, I(b)
3. Federal Authority: n/a
4. Type of Action:

Adoption	**X**
Amendment	
Repeal	
Readoption	
Readoption w/amendment	**X**

5. Short Title: **Expediting Review of Applications**

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

The existing rules in Env-C 200 establish procedures that apply across the Department. The proposed new section would formally establish a process by which applicants can request the Department to expedite the review of an application and the criteria for granting such requests. The proposed amendment to the definition of "license" would clarify that the term includes waivers, whether or not the waivers are explicitly identified in the license.

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

The proposed rule affects any person who files an application with the Department in a program where an expedited review process does not already exist, who wishes to have the application reviewed on an expedited basis.

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
Env-C 202.07	RSA 541-A:16, I(b)
Env-C 209.07	RSA 541-A:16, I(b)

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

Name: Tim Drew
Title: Administrator, Public Information & Permitting
Address: Dept. of Environmental Services
29 Hazen Drive; P.O. Box 95
Concord, NH 03302-0095
Phone #: (603) 271-3306
Fax#: (603) 271-2867
E-mail: Timothy.Drew@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, August 30, 2019**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING

☒Fax ☒E-mail ☐Other format (specify):

NN 2019-126 Continued

9. Public hearing scheduled for:

   Date and Time: **Thursday, August 22, 2019 at 10:00 AM**

   Place: **Room 114, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 19:130, dated 7/25/19:

    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. Not applicable to Env-C 209.07 which is new.

    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):**
       There is no cost associated with Env-C 209.07 which establishes a procedure for applicants to request the Department expedite review of an application. There may be financial benefits to applicants including political subdivisions, state citizens and independently owned businesses as they may be able to start and complete a project sooner than would otherwise occur. Due to other the number and variability of factors, no estimate of the potential financial benefits can be made.

       A. **To State general or State special funds:**
          None.

       B. **To State citizens and political subdivisions:**
          See #3 above.

       C. **To independently owned businesses:**
          See #3 above.

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

    There are no costs attributable 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 **2019-127** Rule Number **Ath 100 & Ath 200**

1. Agency Name & Address:

Athletic Trainers Governing Board
c/o Office of Professional
Licensure & Certification
121 S. Fruit Street
Concord, NH 03301

2. RSA Authority: **RSA 541-A:16, I**
3. Federal Authority: **n/a**
4. Type of Action:

Adoption	**X**
Amendment	
Repeal	**X**
Readoption	**X**
Readoption w/amendment	**X**

5. Short Title: **Organizational and Procedural Rules**

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

The intended action is as follows:

(1) To effectively readopt with amendments Chapter Ath 100, containing the organizational rules of the Governing Board (Board) to:

(a) Adopt Ath 103.06 to point to the Board's "umbrella board's" rules in Ahp 100, the organizational rules of the Board of Directors of the Office of Licensed Allied Health Professions ("BOD"), for those areas which can be made uniform for all the governing boards under the BOD, in an effort to simplify and consolidate the various governing boards' rules; and

(b) To remove those rules that are no longer necessary on Board meetings and public meetings, because these rules are now duplicative of the rules under the BOD;

(2) To repeal the entirety of the existing Chapter Ath 200, containing the Governing Board's procedural rules on hearings, rulemaking petitions, and declaratory ruling petitions, as part of an effort to make the rules for the governing boards under the BOD uniform, as contemplated by RSA 328-F:13, II, in an effort to simplify and consolidate various governing boards' rules; and

(3) To adopt a new Ath 201.01, to state that the BOD's rules in Chapter Ahp 200 will govern with regards to various procedural matters.

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

This proposal affects current and prospective licensees of the Athletic Trainers Governing Board.

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

Rule	Statute
Ath 101.01	RSA 541-A:7
Ath 101.02	RSA 326-G:2
Ath 102	RSA 328-F:5, IV; RSA 326-G:1, III(e); RSA 541-A:7
Ath 103.01	RSA 328-F:4, IV

NN 2019-127 Continued

Ath 103.02	RSA 328-F:3, II
Ath 103.03(a) and (b)	RSA 328-F:5, I
Ath 103.03(c)	RSA 328-F:5
Ath 103.03(d)	RSA 328-F:5, II
Ath 103.04	RSA 328-F:8
Ath 103.05	RSA 91-A:2, II; RSA 91-A:3
Ath 103.06(a) (repealed)	RSA 91-A:2, II
Ath 103.06(b) (repealed)	RSA 541-A:16, I(a)
Ath 103.07 (repealed)	RSA 541-A:16, I(b)
Ath 104.01 - 104.02 (repealed)	RSA 541-A:16, I(a)
Ath 104.03(a) (repealed)	RSA 91-A:4
Ath 104.03(b)-(d) (repealed)	RSA 541-A:16, I(a)
Ath 103.06	RSA 91-A:2, II; RSA 541-A:16, I(b); RSA 328-F:13
Ath 201.01	RSA 328-F:13
Ath 201 (repealed)	RSA 541-A:7
Ath 203.01 and Ath 203.02 (repealed)	RSA 541-A:16, I(b)(2)
Ath 203.02 (repealed)	RSA 541-A:31, I
Ath 204.01 (repealed)	RSA 541-A:16, I(b)(2)
Ath 204.02 (repealed)	RSA 541-A:30-a, III(k)
Ath 204.03 (repealed)	RSA 541-A:30-a, III(j)
Ath 205 (repealed)	RSA 541-A:30-a, III(f)
Ath 206 (repealed)	RSA 541-A:30-a, III(a)
Ath 207 (repealed)	RSA 541-A:16, I(b)(2)
Ath 208.01 (repealed)	RSA 541-A:31; RSA 541-A:16, I(b)(2)
Ath 208.02 (repealed)	RSA 541-A:30-a, III(b)
Ath 208.03 (repealed)	RSA 541-A:31, V(b), (c) and (d); RSA 541-A:16, I(b)(2)
Ath 208.04 (repealed)	RSA 541-A:31, VII
Ath 209.01 and Ath 209.02 (repealed)	RSA 541-A:32, I, II and III; RSA 541-A:16, I(b)(2)
Ath 209.03 (repealed)	RSA 541-A:16, I(b)(2)
Ath 210.01 (repealed)	RSA 541-A:30-a, III(h)
Ath 210.02 (repealed)	RSA 541-A:16, I(b)(2)
Ath 211 (repealed)	RSA 541-A:30-a, III(h)
Ath 212.01 (repealed)	RSA 541-A:30-a, III(d) and (e)
Ath 212.02 (repealed)	RSA 541-A:31, IV
Ath 212.03(a) (repealed)	RSA 541-A:33
Ath 212.03(b), (c), (d), and (e) (repealed)	RSA 541-A:16, I(b)(2)
Ath 212.04 and Ath 212.05 (repealed)	RSA 541-A:16, I(b)(2)
Ath 212.06 (repealed)	RSA 541-A:30-a, III(i)
Ath 212.07(a)-(e) (repealed)	RSA 541-A:16, I(b)(2)
Ath 212.07(f) (repealed)	RSA 541-A:30-a, III(l)
Ath 212.08 (repealed)	RSA 541:3
Ath 214 (repealed)	RSA 541-A:4; RSA 541-A:16, I(c)
Ath 215 (repealed)	RSA 541-A:11; RSA 541-A:16, I(b)(3)
Ath 216 (repealed)	RSA 541-A:16, I(d)

NN 2019-127 Continued

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

Name: **Tom Broderick**

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

Title: **Attorney III**

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

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

E-mail: **Thomas.Broderick@oplc.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: **September 19, 2019 at the conclusion of the public hearing.**

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

9. Public hearing scheduled for:

Date and Time: **September 19, 2019 at 8:15 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 # **19:111** , dated **7/11/2019**

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no cost when comparing the proposed rules to the existing rules. Not applicable to Ath 103.06 and Ath 201.01 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):**
Proposed Ath 103.06 states the board is part of the Office of Licensed Allied Health Professionals and cross references Ahp 104 for organizational rules on board location, contact information, and access to minutes and records. There is no cost to this proposed rule.

Proposed Ath 201.01 states the Ahp 200 rules will govern with respect to all procedures for: the receipt of misconduct complaints; the conduct of disciplinary proceedings; rulemaking petitions and disposition of rulemaking petitions; public comment hearings; declaratory rulings; explanation of adopted rules; and voluntary surrender of licenses. To the extent that these provisions are not already applicable under Ath 200, any incidental indeterminable costs of compliance may be incurred by licensees or independently owned businesses that employ such licensees and cover their costs.

The repeal of Ath 103.06, Ath 103.07, Ath 104, Ath 201, Ath 203-212 and Ath 214-216 and the addition of proposed Ath 201.01 may serve to avoid confusion by licensees and the public by eliminating duplicative rules.

NN 2019-127 Continued

A. To State general or State special funds:
None.

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 **2019-128** Rule Number **Phy 100 & Phy 200**

1. Agency Name & Address:

Physical Therapy Governing Board
c/o Office of Professional
Licensure & Certification
121 S. Fruit Street
Concord, NH 03301

2. RSA Authority: **RSA 541-A:16, I**
3. Federal Authority: **n/a**
4. Type of Action:

Adoption	**X**
Amendment	
Repeal	**X**
Readoption	
Readoption w/amendment	**X**

5. Short Title: **Organizational and Procedural Rules**

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

The intended action is as follows:

(1) To effectively readopt with amendments Chapter Phy 100, containing the organizational rules of the Governing Board (Board), to:

(a) Make minor changes to the Board's rules;

(b) Adopt Phy 103.06 to point to the Board's "umbrella board's" rules in Ahp 100, the organizational rules of the Board of Directors of the Office of Licensed Allied Health Professions ("BOD"), for those areas which can be made uniform for all the governing boards under the BOD, in an effort to simplify and consolidate the various governing boards' rules; and

(c) To remove those rules Phy 103.02 on officers, Phy 103.07 and Phy 103.08 on notices and minutes of board meetings, and Phy 104 on public information that are no longer necessary, because these rules are now duplicative of the rules under the BOD.

(2) To repeal the entirety of the existing rules in Chapter Phy 200, containing the Board's procedural rules on hearings, rulemaking petitions, and declaratory ruling petitions, as part of an effort to make the rules for the governing boards under the BOD uniform, as contemplated by RSA 328-F:13, II, in an effort to simplify and consolidate various governing boards' rules.

(3) To adopt a new Phy 201.01, to state that the BOD's rules in Chapter Ahp 200 will govern with regards to various procedural matters.

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

This proposal affects current and prospective licensees of the Physical Therapy Governing Board.

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

Rule	Statute
Phy 101 and Phy 102	RSA 541-A:7
Phy 103.01	RSA 328-F:4, VI
Phy 103.02 (repealed)	RSA 328-A: 3, VI; RSA 541-A:16, I(a)
Phy 103.02 (formerly Phy 103.03)	RSA 328-F:3, II
Phy 103.03(a) (formerly Phy 103.04(a))	RSA 328-A:3, II; RSA 328-F:5, I

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Phy 103.03(b) (formerly Phy 103.04(b))	RSA 328-F:5, II; RSA 328-F:23
Phy 103.03(c) (formerly Phy 103.04(c))	RSA 328-A:3, III
Phy 103.03(d) (formerly Phy 103.04(d))	RSA 328-A:3, VIII
Phy 103.04(a) (formerly Phy 103.05(a))	RSA 328-F:8
Phy 103.04(b) (formerly Phy 103.05(b))	RSA 541-A:16, I(b)
Phy 103.05 (formerly Phy 103.06)	RSA 91-A:2, II
Phy 103.06	RSA 91-A:2, II; RSA 541-A:16, I(b); RSA 328-F:13
Phy 103.07(a) (repealed)	RSA 91-A:2, II
Phy 103.07(b) (repealed)	RSA 541-A:16, I(b)
Phy 103.08(a) (repealed)	RSA 91-A:2, II
Phy 103.08(b) (repealed)	RSA 541-A:16, I(b)
Phy 104.01 and Phy 104.02 (repealed)	RSA 541-A:16, I(a)
Phy 104.03 (repealed)	RSA 91-A:4; RSA 541-A:16, I(a)
Phy 201 (repealed)	RSA 541-A:7
Phy 201.01	RSA 328-F:13
Phy 203.01 and Phy 203.02 (repealed)	RSA 541-A:16, I(b)(2)
Phy 203.02 (repealed)	RSA 541-A:31, I
Phy 204.01 (repealed)	RSA 541-A:16, I(b)(2)
Phy 204.02 (repealed)	RSA 541-A:30-a, III(k)
Phy 204.03 (repealed)	RSA 541-A:30-a, III(j)
Phy 205 (repealed)	RSA 541-A:30-a, III(f)
Phy 206 (repealed)	RSA 541-A:30-a, III(a)
Phy 207 (repealed)	RSA 541-A:16, I(b)(2)
Phy 208.01 (repealed)	RSA 541-A:31; RSA 541-A:16, I(b)(2)
Phy 208.02 (repealed)	RSA 541-A:30, III
Phy 208.03 (repealed)	RSA 541-A:30-a, III(b)
Phy 208.04 (repealed)	RSA 541-A:31, V(b), (c) and (d); RSA 541-A:16, I(b)(2)
Phy 208.05 (repealed)	RSA 541-A:31, VII
Phy 209.01 and Phy 209.02 (repealed)	RSA 541-A:32, I, II and III; RSA 541-A:16, I(b)(2)
Phy 210.01 (repealed)	RSA 541-A:30-a, III(h)
Phy 211 (repealed)	RSA 541-A:16, I(b)(2)
Phy 212 (repealed)	RSA 541-A:30-a, III(h)
Phy 213.01 (repealed)	RSA 541-A:30-a, III(d) and (e)
Phy 213.02 (repealed)	RSA 541-A:31, IV
Phy 213.03(a) (repealed)	RSA 541-A:33
Phy 213.03(b), (c), (d), and (e) (repealed)	RSA 541-A:16, I(b)(2)
Phy 213.04 and 212.05 (repealed)	RSA 541-A:16, I(b)(2)
Phy 213.06 (repealed)	RSA 541-A:30-a, III(i)
Phy 213.07(a)-(e) (repealed)	RSA 541-A:16, I(b)(2)
Phy 213.07(f) (repealed)	RSA 541-A:30-a, III(l)
Phy 213.08 (repealed)	RSA 541-A:16, I(b)
Phy 215 (repealed)	RSA 541-A:4; RSA 541-A:16, I(c)
Phy 216 (repealed)	RSA 541-A:11; RSA 541-A:16, I(b)(3)
Phy 217 (repealed)	RSA 541-A:16, I(d)

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

Name: **Tom Broderick**

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

Title: **Attorney III**

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

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

E-mail: **Thomas.Broderick@oplc.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: **September 18, 2019 at the conclusion of the public hearing**

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

9. Public hearing scheduled for:

Date and Time: **September 18, 2019 at 1:45 p.m.**

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

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

FIS # **19:117** , dated **July 12, 2019**

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
   There is no cost when comparing the proposed rules to the existing rules. Not applicable to Phy 103.06 and Phy 201.01 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):**
   Proposed Phy 103.06 states the board is part of the Office of Licensed Allied Health Professionals and cross references Ahp 104 for organizational rules on board location, contact information, and access to minutes and records. There is no cost to this proposed rule.

   Proposed Phy 201.01 states the Ahp 200 rules will govern with respect to all procedures for: the receipt of misconduct complaints; the conduct of disciplinary proceedings; rulemaking petitions and disposition of rulemaking petitions; public comment hearings; declaratory rulings; explanation of adopted rules; and voluntary surrender of licenses. To the extent that these provisions are not already applicable under Phy 200, any incidental indeterminable costs of compliance may be incurred by licensees or independently owned businesses that employ such licensees and cover their costs.

   The repeal of Phy 103.07, Phy 103.08, Phy 104 and Phy 200 and the addition of proposed Phy 201.01 may serve to avoid confusion by licensees and the public by eliminating duplicative rules.

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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 **2019-129** Rule Number **Spe 100 and Spe 200**

1. Agency Name & Address:

Speech Language Pathology Governing Board
c/o Office of Professional Licensure & Certification
121 S. Fruit Street
Concord, NH 03301

2. RSA Authority: **RSA 541-A:16, I**
3. Federal Authority:
4. Type of Action:
   - Adoption **X**
   - Amendment
   - Repeal **X**
   - Readoption **X**
   - Readoption w/amendment

5. Short Title: **Organizational and Procedural Rules**

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

The intended action is as follows:

(1) To effectively readopt with amendments Chapter Spe 100, containing the organizational rules of the Governing Board (Board) to:

(a) Adopt Spe 103.06 to point to the Board's "umbrella board's" rules in Ahp 100, the organizational rules of the Board of Directors of the Office of Licensed Allied Health Professions ("BOD"), for those areas which can be made uniform for all the governing boards under the BOD, in an effort to simplify and consolidate the various governing boards' rules; and

(b) To remove those rules Spe 103.06, Spe 103.07 and Spe 104, regarding notices and minutes of board meetings and public information that are no longer necessary, because these rules are now duplicative of the rules under the BOD.

(2) To repeal the entirety of the existing Chapter Spe 200 containing the Board's procedural rules on hearings, rulemaking petitions, and declaratory ruling petitions, as part of an effort to make the rules for the governing boards under the BOD uniform, as contemplated by RSA 328-F:13, II, in an effort to simplify and consolidate various governing boards' rules.

(3) To adopt a new Spe 201.01, to state that the BOD's rules in Chapter Ahp 200 will govern with regards to various procedural matters.

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

This proposal affects current and prospective licensees of the Speech Language Pathology Governing Board.

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

Rule	Statute
Spe 101 and 102	RSA 541-A:7
Spe 103.01	RSA 328-F:4
Spe 103.02	RSA 328-F:3, II
Spe 103.03(a)	RSA 328-F:5, I

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Spe 103.03(b)	RSA 326-F:4, I
Spe 103.03(c)	RSA 328-F:5, I
Spe 103.03(d)	RSA 326-F:1, II-a; RSA 326-F:6-a; RSA 326-F:7-a
Spe 103.03(e)	RSA 328-F:5
Spe 103.03(f)	RSA 328-F:5, II
Spe 103.04	RSA 328-F:8; RSA 541-A:16, I(b)
Spe 103.05	RSA 91-A:2, II
Spe 103.06	RSA 91-A:2, II; RSA 541-A:16, I(b); RSA 328-F:13
Spe 103.06(a) (repealed)	RSA 91-A:2, II
Spe 103.06(b) (repealed)	RSA 541-A:16, I(b)
Spe 103.07 (repealed)	RSA 541-A:16, I(b)
Spe 104.01 - 104.02 (repealed)	RSA 541-A:16, I(a)
Spe 104.03(a) (repealed)	RSA 91-A:4
Spe 104.03(b)-(d) (repealed)	RSA 541-A:16, I(b)
Spe 201.01	RSA 328-F:13
Spe 201 (repealed)	RSA 541-A:7
Spe 203.01 (repealed)	RSA 541-A:16, I(b)(2)
Spe 203.02 (repealed)	RSA 541-A:31, I; RSA 541-A:16, I(b)(2)
Spe 204.01 (repealed)	RSA 541-A:16, I(b)(2)
Spe 204.02 (repealed)	RSA 541-A:30-a, III(k)
Spe 204.03 (repealed)	RSA 541-A:30-a, III(j)
Spe 205 (repealed)	RSA 541-A:30-a, III(f)
Spe 206 (repealed)	RSA 541-A:30-a, III(a)
Spe 207 (repealed)	RSA 541-A:16, I(b)(2)
Spe 208.01 (repealed)	RSA 541-A:31; RSA 541-A:16, I.(b)(2)
Spe 208.02 (repealed)	RSA 541-A:30-a, III(b)
Spe 208.03 (repealed)	RSA 541-A:31, V(b), (c) and (d); RSA 541-A:16, I(b)(2)
Spe 208.04 (repealed)	RSA 541-A:31, VII
Spe 209.01 - 209.02 (repealed)	RSA 541-A:32, I, II and III; RSA 541-A:16, I(b)(2)
Spe 209.03 (repealed)	RSA 541-A:16, I(b)(2)
Spe 210.01 (repealed)	RSA 541-A:30-a, III(h)
Spe 210.02 (repealed)	RSA 541-A:16, I(b)(2)
Spe 211 (repealed)	RSA 541-A:30-a, III(h)
Spe 212.01 (repealed)	RSA 541-A:30-a, III(d) and (e)
Spe 212.02 (repealed)	RSA 541-A:31, IV
Spe 212.03(a) (repealed)	RSA 541-A:33
Spe 212.03(b), (c), (d), and (e) (repealed)	RSA 541-A:16, I(b)(2)
Spe 212.04 - 212.05 (repealed)	RSA 541-A:16, I(b)(2)
Spe 212.06 (repealed)	RSA 541-A:30-a, III(i)
Spe 212.07(a)-(e) (repealed)	RSA 541-A:16, I(b)(2)
Spe 212.07(f) (repealed)	RSA 541-A:30-a, III(l)
Spe 214 (repealed)	RSA 541-A:4; RSA 541-A:16, I(c)
Spe 215 (repealed)	RSA 541-A:11; RSA 541-A:16, I(b)(3)
Spe 216 (repealed)	RSA 541-A:16, I(d)

NN 2019-129 Continued

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

Name: **Tom Broderick**

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

Title: **Attorney III**

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

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

E-mail: **Thomas.Broderick@oplc.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: **September 9, 2019 by the conclusion of the public hearing.**

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

9. Public hearing scheduled for:

Date and Time: **September 9, 2019 at 3:45 p.m.**

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

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

FIS # **19:112** , dated **July 11, 2019**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no cost when comparing the proposed rules to the existing rules. Not applicable to Spe 103.06 and Spe 201.01 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):
Proposed Spe 103.06 states the board is part of the Office of Licensed Allied Health Professionals and cross references Ahp 104 for organizational rules on board location, contact information, and access to minutes and records. There is no cost to this proposed rule.

Proposed Spe 201.01 states the Ahp 200 rules will govern with respect to all procedures for: the receipt of misconduct complaints; the conduct of disciplinary proceedings; rulemaking petitions and disposition of rulemaking petitions; public comment hearings; declaratory rulings; explanation of adopted rules; and voluntary surrender of licenses. To the extent that these provisions are not already applicable under Spe 200, any incidental indeterminable costs of compliance may be incurred by licensees or independently owned businesses that employ such licensees and cover their costs.

The repeal of Spe 103.06, Spe 103.07, Spe 104, Spe 201, Spe 203-Spe 212 and Spe 214-216 and the addition of proposed Spe 201.01 may serve to avoid confusion by licensees and the public by eliminating duplicative rules.

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A. To State general or State special funds:
None.

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.