



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

MARCH 18, 2016

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

(**) Part 1, Article 28-a of the N.H. Constitution was not an issue in the Committee's discussions or decisions in this meeting.

1. The meeting was convened at 9:00 a.m. by Rep. McGuire as Chair.

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

Rep. McGuire designated Rep. Hatch as an alternate for Rep. Sad, who was absent.

2. The Committee discussed the minutes of the Committee meeting on February 18, 2016.

Sen. Reagan moved that the minutes be approved.

Sen. Avard seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals and Proposed Interim Rules:

- | | |
|-------------|---|
| FP 2015-162 | BOARD OF REGISTRATION OF MEDICAL TECHNICIANS
Organization, Practice and Procedure; Registration Requirements, Applications and Fees;
Registration Renewal and Reinstatement |
| FP 2015-175 | COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION
UNIQUE Annual Allocation Scholarship Program |
| FP 2016-1 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Verification of Good Cause for Non-Cooperation with Child Support Requirements for
FANF and Good Cause for Non-Participation in the New Hampshire Employment Program
(NHEP) |

- FP 2016-5 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Public Health Laboratories Fee Schedule
- INT 2016-7 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Expiring Rules Related to Asset Transfers, Undue Hardship Waivers for Asset Transfer Penalties or for Individuals with Substantial Home Equity, and Real Property Resources in the Cash and Medical Assistance Programs

3. *Committee Conditional Approvals:*

- FP 2015-161 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Groundwater Sources of Bottled Water
- FP 2015-170 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Sources of Water: Definitions
- FP 2015-171 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Production Wells for Large Community Water Systems
- FP 2015-172 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Small Production Wells for Small Community Water Systems
- FP 2015-176 COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION
UNIQUE Endowment Allocation Scholarship Program
- FP 2015-181 DEPARTMENT OF LABOR
Payment of Wages and Requirements of Employers

4. *Committee Acceptance of Agency Responses to Objections:*

- OR 2015-139 BOARD OF MENTAL HEALTH PRACTICE
Pre-licensure Supervised Practice

It was the consensus of the Committee to remove Final Proposal 2015-162 from the Consent Agenda.

Sen. Cataldo moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and Proposed Interim Rule in Item #2 except for Final Proposal 2015-162, conditionally approve the Final Proposal in Item #3 based on the agencies' requests for conditional approval and the amended request for Final Proposal 2015-181, and accept the Objection Response in Item #4 and approve the rules.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed whether to postpone action on certain items to another meeting.

Sen. Reagan moved that the Committee postpone action on the following items to the continued Committee meeting on April 1, 2016:

11. FISH AND GAME DEPARTMENT

FP 2015- Limited Bobcat Season
206 (JLCAR Deadline April 11, 2016.)

12. Discussion on proposed amendments to the Drafting and Procedure Manual for Administrative Rules.

Rep. Schmidt seconded.

Adopted.

Sen. Feltes arrived in the meeting at this time.

5. The Committee discussed Final Proposal 2016-6 from the Department of Labor (Boilers and Pressure Vessels). Christine Farmer and Darrell Mallory testified for the Department.

Sen. Reagan moved that the Committee approve Final Proposal 2016-6 with the recommendation that the Department amend Lab 1200 in future rulemaking to include a reference to the "EN 303-5" standard specified in RSA 157-A:5.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed Final Proposal 2015-183 from the Health Services Planning and Review Board. (Filing of Documents; Nonadjudicative Proceedings; Sanctions; Fees; Application Process; Expeditious Processing of Applications; Standards for the Review of Applications; Application Form for a CON; Implementation Reports). Cynthia Carrier testified for the Board.

Sen. Reagan moved that the Committee approve Final Proposal 2015-183.

Sen. Feltes seconded.

Adopted.

7. The Committee discussed Proposed Interim Rule INT 2016-4 from the Guardian ad Litem Board (Procedural Rules). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-4.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2016-5 from the Guardian ad Litem Board (Initial Certification Requirements, Renewals, and Standards of Practice). Robert Lamberti of the Office of Professional Licensure and Certification testified for the Board.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2016-5.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2016-6 from the Department of Health and Human Services (Former Division of Human Services, Increasing the Food Stamp Program Heat Standard Utility Allowance (SUA). Catherine Bernhard and Kerry Nelson testified for the Department.

Sen. Feltes moved that the Committee approve Proposed Interim Rule INT 2016-6.

Sen. Reagan seconded.

Adopted.

10. The Committee discussed Final Proposal 2015-162 from the Board of Registration of Medical Technicians (Organization, Practice and Procedure; Registration Requirements, Applications and Fees; Registration Renewal and Reinstatement). Robert Lamberti and Tina Kelley of the Office of Professional Licensure and Certification testified for the Board.

The following persons also testified:

Paula Minnehan, representing the N.H. Hospital Association, who also submitted written testimony.
Sarah Blodgett, representing the Office of Professional Licensure and Certification.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2015-162 on the condition that the following sentence be added to Mtec 301.01(g) defining "medical technician" pursuant to RSA 328-I:1, II: "The term does not include nurses licensed in another state who are working in New Hampshire under the Nurse Licensure Compact", and with the recommendation that the Board seek legislative clarification of RSA 328-I regarding who shall be exempt from registering as a medical technician.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Final Proposal 2015-203 from the Department of Health and Human Services (Former Division of Public Health Services, Immunization/Vaccination Registry). Michael Holt and Marcella Bobinsky testified for the Department.

Sen. Daniels arrived during the discussion of this item.

The following persons also testified:

Rep. Valerie Fraser.
Dr. Everett Lamm, representing the N.H. Medical Society and the N.H. Pediatric Society.

The following persons registered their opposition to the rules but did not speak:

Rep. Frank Edelbut.
Doris Hohensee.
Laura El-Azem.
Laura Condon.

Sen. Reagan moved that the Committee make a preliminary objection to Final Proposal 2015-203 on the ground that the Final Proposal was not in the public interest as currently worded, based on the following: The Committee noted concerns about the lack of historical information establishing the need for or usefulness of such a registry. In the absence of such examples, the Committee expressed its concern that the registry was too expensive in relation to its efficacy. Further concerns were expressed regarding the security of the information stored with the Department. Finally, the Committee had a concern that the rules do not create an effective and cost-efficient registry, as required by RSA 141-C:20-f, I.

Sen. Avard seconded.

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

	Yes	No
Sen. Reagan	X	
Sen. Avard	X	
Sen. Cataldo	X	
Sen. Feltes		X
Sen. Daniels	X	
Rep. Kidder		X
Rep. Schmidt		X
Rep. Hatch		X
Rep. McGuire	X	
Totals	5	4

The vote was 5 "yes" and 4 "no". The motion was adopted.

12. Sen. Reagan moved that the Committee recess.

Sen. Cataldo seconded.

Adopted.

The Committee recessed at 10:45 a.m.