



Action Minutes

July 16, 2020

Members Present: Representatives Hatch, McGuire, Schmidt, Williams, Hoelzel, Schuett*, Bershtein*, and Lang*, and Senators Reagan, Dietsch, Kahn, Ward, and Watters. (*) 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 as a Zoom webinar at 9:01 a.m. by Rep. Hatch as Chair, who proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor’s Emergency Order #12 and pursuant to Executive Order 2020-4.
2. A roll call attendance was taken.

Members present remotely at this time were Reps. Hatch, McGuire, Schmidt, Hoelzel, Schuett, Bershtein, and Lang, and Sens. Reagan, Dietsch, Kahn, Ward, and Watters.

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

CONSENT AGENDA

4. Committee Acceptance of Agency Responses to Objections:

- (a) OR 2019-135 BOARD OF PSYCHOLOGISTS
 Informal Resolution, Post-Doctoral Supervision, Application Process,
 Temporary License Application, and Written Examinations

Rep. Hatch designated Rep. Schuett as an alternate for Rep. Williams, who was absent.

Sen. Reagan moved that the Committee approve the Consent Agenda, that is, accept the response and approve the rules in Item #4.

Sen. Ward seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

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The motion was adopted.

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

Sen. Kahn moved that the Committee postpone action on the following items to the next regular meeting of the Committee on August 20, 2020 and request a waiver from the Director of the Office of Legislative Services to waive the deadline for Committee action on Final Proposal 2019-202 and Final Proposal 2020-45 to August 20, 2020:

11. DEPARTMENT OF SAFETY

- (a) FP 2019-202 Commissioner
 Road Toll Administration Rules
 *(JLCAR Deadline July 16, 2020. Some rules are interim rules that expired
 June 29, 2020.)*
 (Formerly Item #13(a) on June 19, 2020 Agenda.)

15. PHARMACY BOARD

- FP 2020-45 Biennial Licensing
 (JLCAR Deadline August 10, 2020)

17. Discussion on Petition Responses:

- (a) Petition January 17, 2020 to the Board of Accountancy relative to amending Ac 301.04 and Ac 301.05 initial certification and reciprocity to address JLCAR staff comments regarding the authority under RSA 309-B of the National Association of State Boards of Accountancy (NASBA).
(Response not yet filed. Response was due by March 23, 2020.)
- (b) Petition June 19, 2020 to the Board of Chiropractic Examiners relative to amending Ch 200 on practice and procedures and Ch 404.01(f) on continuing education to address the issues as outlined in Committee staff comments to Final Proposal 2020-41.
(Response not yet filed. Response is due by August 10, 2020.)

Rep. Schuett seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 9 “yes” and zero “no”. Rep. McGuire had left the meeting by the time of the vote.

The motion was adopted.

5. The Committee discussed the minutes of the Committee meeting on June 19, 2020.

Sen. Reagan moved that the minutes be approved.

Rep. Hoelzel seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was initially 9 “yes” and zero “no”. Rep. Hatch designated Rep. Bershtein as an alternate for Rep. McGuire, who was absent. Rep. Bershtein then voted “yes”. The vote was now 10 “yes” and zero “no.”

The motion was adopted.

6. The Committee discussed Final Proposal 2020-31 from the Insurance Department (Practices and Procedures). Heather Silverstein testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated July 10, 2020.

Rep. McGuire returned to the meeting, and Rep. Williams arrived, during the discussion of this item. Rep. Bershtein and Rep. Schuett were no longer voting members.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2020-31 based on the request.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed Final Proposal 2020-38 from the Insurance Department (Third Party Administrators—Application Forms). Heather Silverstein testified for the Department

Rep. Schmidt moved that the Committee approve Final Proposal 2020-38.

Rep. Williams seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed Final Proposal 2020-40 from the Insurance Department (Electronic Filing Standards). Heather Silverstein testified for the Department

Sen. Dietsch moved that the Committee approve Final Proposal 2020-40.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

9. The Committee discussed the following Final Proposals from the Board of Education:

FP 2019-199	Special Education Teacher and Early Childhood Special Education Teacher
FP 2019-204	Credential Standards for Educational Personnel
FP 2019-205	How to Obtain a New Hampshire Educator License
FP 2019-206	Requirements for Special Educator Endorsements
FP 2019-207	Renewal and Denial of Credentials

Amanda Phelps, Diana Fenton, and Stephen Appleby from the Department of Education testified for the Board.

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The Board had submitted conditional approval requests with cover letters and amended rules dated May 28, 2020 for all Final Proposals.

Sen. Ward moved that the Committee conditionally approve Final Proposal 2019-199, Final Proposal 2019-204, Final Proposal 2019-206, and Final Proposal 2019-207 based on the requests.

Sen. Reagan seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

The Committee continued with the discussion on Final Proposal 2019-205. Amanda Phelps and Stephen Appleby testified further.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2019-205 based on the conditional approval request.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

The Committee briefly discussed again Final Proposal 2019-207, but no further motions were made.

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10. The Committee discussed the following emergency rule from the Board of Education.

ER Doc #13069 Vocational Rehabilitation
(Effective July 14, 2020. Scheduled to expire January 10, 2021.)

Amanda Phelps of the Department of Education testified for the Board.

No further action was taken.

11. The Committee discussed Final Proposal 2019-194 from the Fish and Game Department (Residency for Permits and Licenses and Off Highway Recreation Vehicles and Snowmobiles). Paul Sanderson testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2019-194.

Rep. Hoelzel seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams		X
Sen. Dietsch	X	
Sen. Kahn		X
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters		X

The vote was 7 “yes” and 3 “no”.

The motion was adopted.

12. The Committee discussed Final Proposal 2020-36 from the Department of Health and Human Services (Commissioner, Operating Standards for Youth Recreation Camps and Youth Skills Camps). Allyson Zinno testified for the Department.

The Department had submitted a conditional request in amended rules dated July 14, 2020.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2020-36 based on the request.

Sen. Ward seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire		X
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

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The vote was 9 “yes” and one “no”.

The motion was adopted.

13. The Committee discussed Final Proposal 2019-217 from the Department of Safety (Commissioner, Fire and Life Safety Rules). David Hilts testified for the Department.

The Department had submitted a conditional approval request in amended rules dated June 17, 2020.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2019-217 based on the request.

Sen. Dietsch seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel		X
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 9 “yes” and one “no”.

The motion was adopted.

14. The Committee discussed Final Proposal 2019-152 from the Liquor Commission (Liquor Licensing). Stephen J. Judge and Lt. Matthew Culver testified for the Commission.

The Commission had submitted a conditional approval request in a letter and amended rules dated June 26, 2020 and an amended conditional approval request in a letter dated July 15, 2020 and amended rules dated July 13, 2020.

Rep. Hatch moved that the Committee make a preliminary objection to Final Proposal 2019-152 based on the grounds as outlined in the Committee staff’s annotations to Final Proposal 2019-152, with the understanding that changes made to the proposal in the conditional approval request dated June 26, 2020 and the rules in the amended conditional approval request dated July 13, 2020, as well as changes to address any remaining issues identified by Committee staff on the amended conditional approval request, would be incorporated into any Commission response to the preliminary objection.

Rep. Williams seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	

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Sen. Reagan	X
Sen. Ward	X
Sen. Watters	X

The vote was 10 “yes” and zero “no”.

The motion was adopted.

15. The Committee discussed Final Proposal 2020-22 from the Governing Board of Athletic Trainers (Requirements for Licensure). Thomas Broderick from the Office of Professional Licensure and Certification testified for the Board.

Rep. McGuire moved that the Committee postpone action on Final Proposal 2020-22 to the regular Committee meeting on August 20, 2020.

Sen. Kahn seconded.

Rep. McGuire amended her motion to add that the Committee request a waiver from the Director of the Office of Legislative Services to waive the August 3, 2020 deadline for Committee action on Final Proposal 2020-22 to August 20, 2020.

Sen. Kahn amended his second.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion as amended was adopted.

16. The Committee discussed Final Proposal 2020-24 from the Governing Board of Occupational Therapists (Organizational and Procedural Rules). Thomas Broderick from the Office of Professional Licensure and Certification testified for the Board.

Sen. Reagan moved that the Committee approve Final Proposal 2020-24.

Rep. Hatch seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	

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Sen. Kahn	X
Sen. Reagan	X
Sen. Ward	X
Sen. Watters	X

The vote was 9 “yes” and zero “no”. Rep. McGuire had left the meeting prior to the vote.

The motion was adopted.

17. The Committee discussed Final Proposal 2020-44 from the Board of Medical Imaging and Radiation Therapy (Continued Status). Thomas Broderick from the Office of Professional Licensure and Certification testified for the Board.

Rep. Schmidt moved that the Committee (1) conditionally approve Final Proposal 2020-44 on the condition that the Final Proposal be amended by replacing “Plc XXX” with “Plc 1000” in Mirt 403.03(b)(2), and (2) recommend that the Board in future rulemaking proceedings comply with Mirt 216.02(c) by allowing the public to submit written comments on proposed rules for 10 days after the close of its rulemaking hearings, until such time as Mirt 216.02(c) is amended or repealed.

Sen. Reagan seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 9 “yes” and zero “no”.

The motion was adopted.

18. The Committee discussed the continued Committee meeting scheduled for August 6, 2020.

The Committee cancelled the continued meeting by consensus.

19. The Committee discussed adjournment.

Instead of taking a vote, the Committee adjourned at the call of the Chair.

The Committee adjourned at 11:49 a.m.