



# NEW HAMPSHIRE RULEMAKING REGISTER

## OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6312

Tel. (603) 271-3680

Website: [www.gencourt.state.nh.us/rules/index.html](http://www.gencourt.state.nh.us/rules/index.html)

TDD Access:

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**VOLUME XXXIX, Number 2, January 10, 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, January 18, 2019 9:00 a.m.**  
Rooms 306/308, Legislative Office Building

**CONTINUED MEETING: Friday, February 1, 2019 9:00 a.m.**  
Rooms 306/308, Legislative Office Building

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Notices of Proposed Rules

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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.	1
2019-2	Asb 300	Assessing Standards Board Certification of Assessors.	3
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Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
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(INT 2019-3)	He-C 1550	Department of Health and Human Services, Commissioner Submission of Health Care Facility Financial Data.	26

### JLCAR MEETING DATES AND RELATED FILING DEADLINES JANUARY-JUNE, 2019

The JLCAR has voted to hold its regularly scheduled meetings for January 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.

<b>Regular Meeting Filing Deadline*</b>	<b>Regular Meeting Date</b>	<b>Continued Meeting Date</b>
January 4	<b>January 18</b>	February 1
February 1	<b>February 15</b>	March 1
March 1	<b>March 15</b>	April 5
April 12	<b>April 26</b> (4 <sup>th</sup> Friday)	May 3
May 3	<b>May 17</b>	June 7
June 7	<b>June 21</b>	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.

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

Notice Number	2019-1	Rule Number	He-P 2700 various
1. Agency Name & Address:		2. RSA Authority:	RSA 184:30-h
Dept. of Health and Human Services		3. Federal Authority:	
Division of Public Health		4. Type of Action:	
Food Protection Services		Adoption	
29 Hazen Drive		Amendment	
Concord, NH 03301		Repeal	
		Readoption	X
		Readoption w/amendment	X

5. Short Title: **Milk Producers, Milk Plants, Producer-Distributors, and Distributors**

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

**He-P 2700 contains the permit and licensing requirements for milk producers, milk plants, milk producer-distributors, and milk distributors. He-P 2700 also contains fees that are charged for annual applications and inspections. He-P 2701, He-P 2705.02 intro., (k) and (l), He-P 2707, and He-P 2708 are interim rules scheduled to expire on March 27, 2019.**

**The Department of Health and Human Services (Department) proposes to readopt He-P 2701 and He-P 2705.02 intro., (k) and (l).**

**The Department proposes to readopt with amendment He-P 2707 and He-P 2708.**

**The proposed changes to these rules include:**

- In He-P 2707, updating the edition date of the "Application for Bulk Milk Hauler License"; and
- In He-P 2708, updating the edition date of the "Application for a Milk Route Permit".

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

**These rules affect the manufacturers and bottlers of beverages and bottled water.**

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 or Regulations which the Rule Implements
He-P 2701.01	RSA 184:60-a, 184:76-a, 184:79, 184:80 & 184:88
He-P 2705.02 intro., (k) and (l)	RSA 184:76-a
He-P 2707.01	RSA 184:76-a
He-P 2707.02	RSA 184:76-a
He-P 2707.03	RSA 184:76-a
He-P 2707.04	RSA 184:76-a
He-P 2707.05	RSA 184:76-a
He-P 2707.06	RSA 184:76-a
He-P 2707.07	RSA 184:76-a
He-P 2708.01	RSA 184:60-a
He-P 2708.02	RSA 184:60-a
He-P 2708.03	RSA 184:60-a
He-P 2708.04	RSA 184:60-a

NN 2019-1 Continued

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

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

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, February 11, 2019**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, February 4, 2019 at 11:00am.**

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

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

FIS # 18:227, dated December 20, 2018

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 interim 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 majority of 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. He-P 2701 and He-P 2705.02 intro., (k) and (l) do not create a new program or responsibility, expand or modify an existing program or responsibility, or 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 2019-2

Rule Number Asb 300

## 1. Agency Name &amp; Address:

Assessing Standards Board  
 Department of Revenue Administration  
 P.O. Box 457  
 Concord, NH 03302-0457

2. RSA Authority: RSA 21-J:14-b, I-a; RSA 21-J:14-f, II

3. Federal Authority:

4. Type of Action:

Adoption

Amendment

Repeal

Readoption

Readoption w/amendment X

## 5. Short Title: Certification of Assessors

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

Asb 300 contains the rules governing the certification of assessors, assessing certification levels and duties, assessing personnel background checks, certification education and experience requirements, and the unethical conduct and disciplinary actions pertaining to certified assessing personnel.

Asb 301 on definitions is being readopted with amendments to provide for continuity and uniformity with Rev 600 on property assessment and assessing contract requirements. Proposed Asb 301 includes 24 definitions from Rev 600. It also includes 10 entirely new definitions, namely, Asb 301.08, 301.23, 301.24, 301.26, 301.32, 301.37, 301.40, 301.48, 301.49, and 301.57, to clarify terms that are used within the rule pertaining to duties, education, experience, ethics, and sales chasing pursuant to RSA 21-J:14-b. Existing Asb 301.12 and Asb 301.25 are being deleted and replaced with a single definition, namely, Asb 301.50, which is also from Rev 600. Other definitions have been amended for clarity purposes.

Asb 302 on assessing services contracts, agreements, and personnel background checks is being readopted with amendments to provide clarification pertaining to assessing services contracts. Specifically, proposed Asb 302.02 requires that prior to training any non-certified person to perform measuring and listing of property, or the making of appraisals, a written notification and criminal background check must be provided to the Department of Revenue Administration (DRA).

Asb 303 on requirements for each level of certification is being readopted with amendments to provide clarification and specificity pertaining to the documentation and attestation of training, education, and work experience requirements for each assessing certification level. Due to the expertise and job knowledge required, Asb 303.05 on a DRA-certified property assessor and Asb 303.06 on a DRA-certified property assessor supervisor have been amended with extensive and explicit work experience requirements.

Asb 304 on duties is being readopted with amendments to provide specificity pertaining to the performance of appraisal work and allowable duties for each assessing certification level.

Asb 305 on continuing education is being readopted with amendments to clarify the continued education class requirements and the process to request an extension of time to obtain a criminal background check.

Asb 306 on certification or recertification processes is being readopted with amendments to clarify the certification and recertification processes.

NN 2019-2 Continued*(Item 6.(a) continued)*

**Asb 307 on charge of misconduct against DRA-certified assessing personnel is being readopted with amendments to clarify the types of misconduct and to add the practice of sale chasing pursuant to RSA 21-J:14-b.**

**Asb 308 on sanctions, suspensions, decertifications and other disciplinary actions is being readopted with amendments to clarify the disciplinary actions for types of misconduct, to add sales chasing pursuant to RSA 21-J:14-b, and to add public disclosure for the findings and decisions of the amount and type of discipline imposed.**

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

**The group affected is certified assessing officials.**

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
Asb 300	RSA 21-J:14-b, I-a, RSA 21-J:14-f, II, RSA 21-J:14-g

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

Name: **Tracey Russo**

Title: **Paralegal**

Address: **Legal Bureau  
P.O. Box 457  
Concord, NH 03302-0457**

Phone #: **603-230-5027**

Fax#: **603-230-5932**

E-mail: **tracey.russo@dra.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: **Thursday, February 14, 2019**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, February 4, 2019 @ 9:00 am**

Place: **New Hampshire Department of Revenue Administration  
Medical and Surgical Building  
109 Pleasant Street, 2<sup>nd</sup> Floor Training Room  
Concord, NH 03301**

**\*\*\*The security procedures at the Department of Revenue Administration require all visitors to sign-in and present photo identification. If you plan on attending the public hearing, please bring photo identification with you.\*\*\***

NN 2019-2 Continued

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

FIS # 18:221 , dated 12/14/2018**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:

The rule does not mandate fees or additional local expenditures on a political subdivision of the State, and, therefore, does not violate Part I, Article 28-a of the N.H. Constitution.



Notice Number 2019-3

Rule Number

Cub 304.03; Cub 304.07;  
Cub 304.08; Cub 304.13;  
Cub 304.14

1. Agency Name &amp; Address:

**Current Use Board**  
**Department of Revenue Administration**  
**P.O. Box 457**  
**Concord, NH 03302-0457**

2. RSA Authority:

**RSA 79-A:4, IV**

3. Federal Authority:

4. Type of Action:

Adoption

**X**

Amendment

Repeal

Readoption

Readoption w/amendment

**X**5. Short Title: **Current Use Assessment Ranges**

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

Cub 304.03, Cub 304.07, Cub 304.08, Cub 304.13, and Cub 304.14 specify the assessment ranges established by the Current Use Board for open space land. Cub 304.03 is being adopted, and Cub 304.07, Cub 304.08, Cub 304.13, and Cub 304.14 are being readopted with amendments, in order to implement the assessment ranges recommended by the Board for open space land assessed on or after April 1, 2019.

Cub 304.03 on assessment ranges for farm land expired on 2-20-17 as an interim rule. It is being adopted without change. Cub 304.07 and Cub 304.08 on assessment ranges for forest land, and Cub 304.13 and Cub 304.14 on assessment ranges for unproductive land and wetland, respectively, are all being readopted with small increases to the assessment ranges.

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

**The groups affected are assessing officials and owners of open space lands under current use assessment.**

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

<b>RULE</b>	<b>STATUTE</b>
Cub 304.03	RSA 79-A:4, IV
Cub 304.07	RSA 79-A:4, IV
Cub 304.08	RSA 79-A:4, IV
Cub 304.13	RSA 79-A:4, IV
Cub 304.14	RSA 79-A:4, IV

NN 2019-3 Continued

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

Name: **Tracey Russo**Title: **Paralegal**Address: **Legal Bureau  
P.O. Box 457  
Concord, NH 03302-0457**Phone #: **603-230-5027**Fax#: **603-230-5932**E-mail: **tracey.russo@dra.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: **Thursday, February 14, 2019**

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

9. Public hearing scheduled for:

Date and Time: **Monday, February 4, 2019 @ 1:00 pm**Place: **New Hampshire Department of Revenue Administration  
Medical and Surgical Building  
109 Pleasant Street, 2<sup>nd</sup> Floor Training Room  
Concord, NH 03301**

**\*\*\*The security procedures at the Department of Revenue Administration require all visitors to sign-in and present photo identification. If you plan on attending the public hearing, please bring photo identification with you.\*\*\***

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

FIS # 18:229, dated 12/20/2018

**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 by an indeterminable amount to state citizens and independently owned businesses. Not applicable to Cub 304.03 which expired February 20, 2017. The expired Cub 304.03 is being adopted at its prior expired rate in accordance with the Current Use Board recommendation for the value of farmland in current use assessed on or after April 1, 2019, and there is no difference in cost when comparing the proposed rule to the expired rule. The range of value for farmland has not changed in over 15 years.

**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 Department of Revenue Administration states approximately 50 percent of taxable land in the state is subject to this alternative use (Current Use) valuation model. The proposed rates for Cub 304.07, Cub 304.08, Cub 304.13 and Cub 304.14 reflect minor changes in the valuation of the income-producing capacity of forest land and agricultural land in the state and are being readopted with amendments in order to implement the assessment ranges recommended by the Current Use Board for open space land assessed on or after April 1, 2019.

NN 2019-3 Continued

(Item 10. continued)

The proposed rules make the following changes to the range of assessed values for land in current use:

<b>Assessment Ranges for Forest Land Categories</b>				
	<b>Existing Rules</b>		<b>Proposed Rules</b>	
	Minimum	Maximum	Minimum	Maximum
White Pine	\$118	\$177	\$118	\$176
Hardwood	\$54	\$81	\$57	\$86
Other	\$37	\$56	\$38	\$57

  

<b>Assessment Ranges for Forest Land Categories with Documented Stewardship</b>				
	<b>Existing Rules</b>		<b>Proposed Rules</b>	
	Minimum	Maximum	Minimum	Maximum
White Pine	\$71	\$106	\$71	\$106
Hardwood	\$33	\$49	\$34	\$52
Other	\$22	\$34	\$23	\$34

	<b>Existing Rules</b>	<b>Proposed Rules</b>
<b>Unproductive Land</b> (per acre)	\$22	\$23
<b>Wetland</b> (per acre)	\$22	\$23

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

None.

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

To the extent state citizens own land falling within the affected categories, their costs may increase slightly based on the assessment changes. The proposed rules will result in a minor reapportionment of local tax burdens due to the changes in distribution of value and minimal impact to local tax rates.

**C. To independently owned businesses:**

To the extent independently owned businesses own land falling within the affected categories, their costs may increase slightly based on the assessment changes.

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

The rules do not mandate fees or additional local expenditures on a political subdivision of the state, and, therefore, do not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2019-4Rule Number Ed 306.18(c)

1. Agency Name &amp; Address:

**State Board of Education  
c/o Department of Education  
101 Pleasant Street  
Concord, NH 03301**

2. RSA Authority: **RSA 189:1; RSA 189:24**

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption \_\_\_\_\_

Amendment **X**

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment \_\_\_\_\_

5. Short Title: **School Year**

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

**Ed 306.18 addresses minimum standard for public school approval relative to the school year. Paragraph (c) of Ed 306.18 is being amended to address local school district concerns regarding rescheduling high school graduation dates because of snow and other emergency make-up days. The amendment allows schools to set the graduation date and not have to reschedule if there are more than 5 snow or emergency days in a school year.**

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

**Local school districts and their citizens are affected by these rules.**

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 or Federal Regulation Implemented
Ed 306.18(c)	RSA 189:1; RSA 189:24

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

Name: **Amanda Phelps**Title: **Administrative Rules  
Coordinator**

**Address: Department of Education  
101 Pleasant Street  
Concord, NH 03301**

Phone #: **(603) 271-2718**Fax#: **(603) 271-4134**E-mail: **amanda.phelps@doe.nh.gov**

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

NN 2019-4 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 19, 2019**

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

9. Public hearing scheduled for:

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

Place: **Department of Education, State Board Room, 101 Pleasant Street,  
Concord, NH 03301**

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

FIS # 18:228, dated 01/02/19

**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 rule to the existing 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):**

**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:

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the political subdivisions of the state. These rules clarify a process that is already in place regarding setting the graduation date for high school seniors. There is therefore no violation of Part I, Article 28-a.

Notice Number 2019-5Rule Number Ed 1400

1. Agency Name &amp; Address:

**State Board of Education  
c/o Department of Education  
101 Pleasant Street  
Concord, NH 03301**

2. RSA Authority: **RSA 193-E:2-a, V(b)**

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption **X**

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment \_\_\_\_\_

5. Short Title: **Learn Everywhere Program for High School Graduation Credit**

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

**Chapter Ed 1400, containing Ed 1401 through 1407, specifies a uniform application process pursuant to RSA 193-E:2-a, V(b) relative to the approval of alternative programs for granting credit leading to high school graduation.**

**Chapter Ed 1400 had formerly contained rules on career and technical education which had been readopted with amendments, effective 7-14-18, and renumbered as part of Chapter Ed 1300 on alternative education and regional career and technical education.**

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

**These rules shall apply to any for-profit or non-profit entity or any individual(s) that offers an educational program that meets the minimum standards for approval to grant credit leading to high school graduation. Also affected are New Hampshire school-age residents and school districts.**

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
Ed 1400	RSA 193-E:2-a, V(b)

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

Name: **Amanda Phelps**Title: **Administrative Rules  
Coordinator**

Address: **Department of Education  
101 Pleasant Street  
Concord, NH 03301**

Phone #: **(603) 271-2718**Fax#: **(603) 271-4134**E-mail: **amanda.phelps@doe.nh.gov**

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

NN 2019-5 Continued

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

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

9. Public hearing scheduled for:

Date and Time: **February 14, 2019 at 9:30 a.m.**

Place: **Department of Education, State Board Room, 101 Pleasant Street,  
Concord, NH 03301**

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

FIS # 18:226, dated 01/02/19

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**  
Not applicable, since these are new 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:

Relative to Part I, Article 28-a of the N.H. Constitution, there are no added costs for these proposed rules to the political subdivisions of the state. These rules provide the procedures for program approval for any for-profit or non-profit entity that wishes to offer credit for high school graduation, however no entity is required to seek approval. There is therefore no violation of Part I, Article 28-a.

Notice Number 2019-6

Rule Number Arch 301.02, 302-304, 307,  
308, 401.03, 401.05, 403.01-  
403.03, 403.08

1. Agency Name &amp; Address:

**NH Board of Architects  
c/o Office of Professional  
Licensure & Certification  
121 South Fruit Street  
Concord, NH 03301**

2. RSA Authority: **RSA 310-A:32, I(a)-(d), (k)**

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption **X**

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment **X**5. Short Title: **Licensure Requirements, Continued Status**

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

**The intended action is as follows:**

- (1) To readopt with amendment Arch 301.02 and Arch 302—304 to update the requirements for licensure for architects, including updates to the application for licensure, the qualifications for licensure, examination requirements, and requirements for reciprocity;
- (2) To readopt with amendment Arch 307.01, to make an editorial change;
- (3) To readopt with amendment Arch 308 to update the requirements for licensure for military spouses;
- (4) To readopt with amendment Arch 401.03 and Arch 401.05 to update the requirements for renewals and reinstatement;
- (5) To readopt with amendment Arch 403.01—403.03 to update the requirements for continuing education; and
- (6) To adopt Arch 403.08 to set forth requirements for reciprocity.

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

**This proposal affects those licensed as architects, as well as prospective licensees.**



NN 2019-6 Continued

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

<b>RULE</b>	<b>STATUTE(S) IMPLEMENTED</b>
Arch 301.02	RSA 310-A:32, I(a); RSA 310-A:38, I-III; RSA 310-A:39; RSA 310-A:42
Arch 302.01 - 302.02	RSA 310-A:32, I(b); RSA 310-A:38; RSA 310-A:39; RSA 310-A:40
Arch 303	RSA 310-A:43
Arch 303.01	RSA 310-A:32, I(c); RSA 310-A:43
Arch 304	RSA 310-A:45
Arch 304.01	RSA 310-A:32, I(b); RSA 310-A:45
Arch 307.01	RSA 310-A:32, I(k); RSA 310-A:42-a
Arch 308	RSA 332-G:7
Arch 400	RSA 310-A:46
Arch 401.05	RSA 310-A:32, I(d); RSA 310-A:46
Arch 401.05 intro. & (a) (8)	RSA 310-A:32, I (d), RSA 310-A:46-a
Arch 403.01 – 403.03	RSA 310-A:32, I (d), RSA 310-A:46, RSA 310-A:46-a
Arch 403.08	RSA 310-A:45

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

Name: **Thomas Broderick**

Title: **Attorney III**

Address: **121 South 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)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 1, 2019 at the conclusion of the public hearing.**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **February 1, 2019 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification  
121 South Fruit Street, Concord, NH 03301**

NN 2019-6 Continued

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

FIS # 18:223 , dated December 14, 2018**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 2019-7Rule Number Sep 200

## 1. Agency Name &amp; Address:

**NH Board of Septic System Evaluators  
c/o Office of Professional  
Licensure & Certification  
121 South Fruit Street  
Concord, NH 03301**

2. RSA Authority: RSA 541-A:16, I(b)-(d);  
RSA 541-A:30-a, I and III3. Federal Authority: n/a

## 4. Type of Action:

Adoption XAmendment       Repeal       Readoption       Readoption w/amendment       5. Short Title: **Procedural Rules**

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

The intended action is to adopt, for the first time, procedural rules for the Board of Septic System Evaluators, which was created effective January 1, 2017. These proposed rules include procedures for receiving complaints of misconduct, conducting hearings, receiving and ruling on petitions for rulemaking, receiving and ruling on requests for declaratory rulings, receiving and ruling on requests for explanations of adopted rules, and receiving and ruling on petitions for waivers.

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

This proposal affects those licensed as septic system evaluators. This proposal also affects members of the public who may wish to file a complaint with the board, file a rulemaking petition with the board, request a declaratory ruling, or request an explanation of an adopted rule.

## NN 2019-7 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 or Federal Statutes Which the Rule Implements
Sep 201.01	RSA 541-A:16, I(b) intro.
Sep 202.01	RSA 541-A:16, I(b) intro.; RSA 541-A:7
Sep 202.02	RSA 541-A:16, I(b) intro.; RSA 541-A:7
Sep 203.01	RSA 541-A:7; RSA 541-A:16, I(b) intro.
Sep 203.02	RSA 541-A:7; RSA 541-A:16, I(b) intro.; RSA 541-A:30, II; RSA 541-A:31, I
Sep 204.01	RSA 541-A:16, I(b)(2)
Sep 204.02	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(k)
Sep 204.03	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(j)
Sep 205.01	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(f)
Sep 206.01	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(a)
Sep 206.02	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(a)
Sep 206.03	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(a)
Sep 207.01	RSA 541-A:16, I(b)(2)
Sep 208.01	RSA 541-A:16, I(b)(2); RSA 541-A:31, III
Sep 208.02	RSA 541-A:16, I(b)(2); RSA 541-A:30, III
Sep 208.03	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(b)
Sep 208.04	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(c); RSA 541-A:31, V
Sep 208.05	RSA 541-A:16, I(b)(2); RSA 541-A:31, VII and VII-a
Sep 209.01	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(g); RSA 541-A:32
Sep 209.02	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(g); RSA 541-A:32
Sep 209.03	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(g)
Sep 209.04	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(g)
Sep 210.01	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(h)
Sep 211.01	RSA 541-A:16, I(b)(2)
Sep 211.02	RSA 541-A:16, I(b)(2)
Sep 212.01	RSA 541-A:16, I(b)(2)
Sep 212.02	RSA 541-A:16, I(b)(2)
Sep 212.03	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(a)
Sep 213.01	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(d) and (e)
Sep 213.02	RSA 541-A:16, I(b)(2); RSA 541-A:32, I-IV

NN 2019-7 Continued

*(Item 6.(c) continued)*

<b>Rule</b>	<b>Specific State or Federal Statutes Which the Rule Implements</b>
Sep 213.03	RSA 541-A:16, I(b)(2); RSA 541-A:33
Sep 213.04	RSA 541-A:16, I(b)(2); RSA 541-A:34
Sep 213.05	RSA 541-A:16, I(b)(2)
Sep 213.06	RSA 541-A:16, I(b)(2); RSA 541-A:30-a, III(i)
Sep 213.07	RSA 541-A:16, I(b)(2); RSA 541-A:35
Sep 213.08	RSA 541-A:16, I(b)(2)
Sep 214.01	RSA 541-A:16, I(b)(2); RSA 541-A:38
Sep 215.01	RSA 541-A:16, I(c); RSA 541-A:4
Sep 215.02	RSA 541-A:16, I(c); RSA 541-A:4
Sep 216.01	RSA 541-A:16, I(c); RSA 541-A:11, I
Sep 216.02	RSA 541-A:16, I(c); RSA 541-A:11, I
Sep 216.03	RSA 541-A:16, I(c); RSA 541-A:11, I
Sep 216.04	RSA 541-A:16, I(c); RSA 541-A:11, I
Sep 216.05	RSA 541-A:16, I(c); RSA 541-A:11, I
Sep 217.01	RSA 541-A:16, I(d)
Sep 217.02	RSA 541-A:16, I(d)
Sep 217.03	RSA 541-A:16, I(d); RSA 541-A:16, II
Sep 217.04	RSA 541-A:16, I(d)
Sep 217.05	RSA 541-A:16, I(d)
Sep 218.01	RSA 541-A:16, I(b) intro.; RSA 541-A:11, VII
Sep 218.02	RSA 541-A:16, I(b) intro.; RSA 541-A:11, VII
Sep 219.01	RSA 541-A:16, I(b) intro.; RSA 541-A:22, IV

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

Name: **Thomas Broderick**Title: **Attorney III**Address: **121 South Fruit Street**Phone #: **(603) 271-3103****Concord, NH 03301**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)

NN 2019-7 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 6, 2019 at the conclusion of the public hearing.**

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

9. Public hearing scheduled for:

Date and Time: **February 6, 2019 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification, 121 South Fruit Street, Concord, NH 03301**

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

FIS # 18:225, dated January 2, 2019

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

Not applicable as these are new 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 2019-8Rule Number Sep 600

1. Agency Name &amp; Address:

**NH Board of Septic System Evaluators  
c/o Office of Professional Licensure  
and Certification  
121 South Fruit Street  
Concord, NH 03301**

2. RSA Authority: RSA 310-A:204 and 207, I(f)3. Federal Authority: n/a

4. Type of Action:

Adoption XAmendment           Repeal           Readoption           Readoption w/amendment           5. Short Title: **Standards of Practice**

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

**The intended action is to adopt as new rules chapter Sep 600, which will establish the minimum standards of practice for conducting septic system evaluations.**

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

**This proposal affects those licensed as septic system evaluators.**

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

<b>Rule</b>	<b>Specific State or Federal Statutes Which the Rule Implements</b>
Sep 601.01	RSA 310-A:207, I(f); RSA 310-A:204
Sep 602.01	RSA 310-A:207, I(f); RSA 310-A:204
Sep 603.01	RSA 310-A:207, I(f); RSA 310-A:204
Sep 604.01	RSA 310-A:207, I(f); RSA 310-A:204

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

Name: **Thomas Broderick**Title: **Attorney III**

Address: **121 South Fruit Street  
Concord, NH 03301**

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)

NN 2019-8 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **February 6, 2019 at the conclusion of the public hearing.**

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

9. Public hearing scheduled for:

Date and Time: **February 6, 2019 at 9:30 a.m.**

Place: **Office of Professional Licensure and Certification, 121 South Fruit Street, Concord, NH 03301**

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

FIS # 18:232, dated January 3, 2019

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

Not applicable as these are new 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.**



Proposed Interim Rule Number 2019-1

Rule Number He-E 501

1. Agency Name &amp; Address:

Dept. of Health and Human Services  
 Division of Long Term Supports and Services  
 Bureau of Elderly and Adult Services  
 105 Pleasant St.  
 Concord, NH 03301

2. RSA Authority: RSA 161-F: 4

3. Federal Authority: 42 USC 1397

4. Type of Action:

Adoption

Amendment

Repeal

Readoption

X

Readoption w/amendment

5. Filing Date: January 2, 2019

6. Short Title: The Social Services Block Grant (Title XX)

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

Name: Allyson Zinno

Title: Administrative Rules Coordinator

Address: NH Dept. of Health & Human Services  
 Administrative Rules Unit  
 129 Pleasant Street  
 Concord, NH 03301

Phone #: 271-9604

Fax#: 271-5590

E-mail: [allyson.zinno@dhhs.nh.gov](mailto: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/arv/comment.htm>

8. Summary explaining the effect of the rule:

He-E 501 describes the services funded under Title XX of the Social Security Act, known as the Social Services Block Grant Act. In New Hampshire, these funds are administered by the NH Department of Health and Human Services, Division of Long Term Supports and Services, Bureau of Elderly and Adult Services. The Department contracts with other organizations to provide Title XX services. Recipients of Title XX services are eligible adults age 60 and older and eligible adults between the ages of 18 and 60 who have a chronic illness or disability. Title XX services enable these adults to maintain their health and independence, and include adult day program services, adult in-home care, essential services (chore, emergency support and respite services), home-delivered meals and homemaker services. If these services are not in place, it is unlikely that these adults could stay in the community, which would result in premature institutionalization. Most of He-E 501 is scheduled to expire on January 12, 2019.

The Department of Health and Human Services (Department) is proposing to file an interim rule pursuant to RSA 541-A:19, I(e) to minimize the time between the expiration of the rules and their subsequent readoption by the agency. The provisions of He-E 501 that are not expiring have been included so that the proposal as a whole is understandable.

INT 2019-1 Continued

9. Listing of people, enterprises, and government agencies affected by the rule:

**Individuals and entities affected by He-E 501 include eligible adults age 60 and older and eligible adults between the ages of 18 and 60 who have a chronic illness or disability, and organizations that contract with the Department to provide Title XX services.**

**The Department will be seeking input from stakeholders as we prepare for regular rulemaking at the end of the interim rule period.**

10. 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-E 501.01-501.27	RSA 161-F:4; 42 USC 1397

11. Summary of the effect upon the state if the rule were not adopted:

**If the rule is not adopted, the Department cannot continue providing Title XX services that will assist eligible adults to stay in the community.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**January 18, 2019**

13. The fiscal impact statement prepared by the Legislative Budget Assistant

**No fiscal impact statement is required with this interim rule.**

Proposed Interim Rule Number	2019-2	Rule Number	He-P 803
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<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health and Human Services Health Facility Licensing Unit 129 Pleasant Street Concord, NH 03301</b></p> <p>5. Filing Date: <b>January 2, 2019</b></p>	<p>2. RSA Authority: <b>RSA 151:9, I</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 40px;">Adoption _____</p> <p style="padding-left: 40px;">Amendment _____</p> <p style="padding-left: 40px;">Repeal _____</p> <p style="padding-left: 40px;">Readoption <b>X</b> _____</p> <p style="padding-left: 40px;">Readoption w/amendment _____</p>
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6. Short Title: **New Hampshire Nursing Home Rules**

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

Name: <b>Allyson Zinno</b>	Title: <b>Administrative Rules Coordinator</b>
Address: <b>NH Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301</b>	Phone #: <b>271-9604</b> Fax#: <b>271-5590</b> E-mail: <b><u><a href="mailto:allyson.zinno@dhhs.nh.gov">allyson.zinno@dhhs.nh.gov</a></u></b>

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. Summary explaining the effect of the rule:

**Most of He-P 803 is scheduled to expire on January 26, 2019, except for He-P 803.04 on initial license application requirements. The Department of Health and Human Services (Department) is proposing to readopt He-P 803 as an interim rule pursuant to RSA 541-A:19, I(d) to continue the rules which would otherwise expire prior to the completion of the readoption of the rules in the regular process by the Department. He-P 803 establishes the classification of and licensing requirements for all nursing home facilities. Without these rules the Department is unable to license these facilities. Although He-P 803.04 is not expiring, it is included so that the proposal as a whole is understandable.**

9. Listing of people, enterprises, and government agencies affected by the rule:

**These rules affect any individual, agency, partnership, corporation, government entity, association, or other legal entity operating a nursing home, except all facilities listed in RSA 151:2, II(a)-(g) and all entities which are owned or operated by the State of New Hampshire pursuant to RSA 151:2, II(h).**

INT 2019-2 Continued

10. 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 803.01 – He-P 803.03	RSA 151:9,I(a) and (b)
He-P 803.04 – He-P 803.07	RSA 151:2,I and II and RSA 151:9,I
He-P 803.08	RSA 151:9,I(a)
He-P 803.09	RSA 151:9,I(e) and RSA 151:6-a
He-P 803.10	RSA 151:9,I(a) and (b)
He-P 803.11	RSA 151:9,I(e) and RSA 151:6
He-P 803.12	RSA 151:9,I(f), (g), (l), and (m)
He-P 803.13	RSA 151:9,I(f), (h), and (l)
He-P 803.14 – He-P 803.27	RSA 151:9,I(a)

11. Summary of the effect upon the state if the rule were not adopted:

**Without He-P 803 the Department is unable to license nursing home facilities.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**January 18, 2019**

13. The fiscal impact statement prepared by the Legislative Budget Assistant

**No fiscal impact statement is required with this interim rule.**

Proposed Interim Rule Number 2019-3Rule Number He-C 1550

1. Agency Name &amp; Address:

**Dept. of Health & Human Services  
Office of the Commissioner  
129 Pleasant St.  
Concord, NH 03301**

2. RSA Authority: RSA 126:27

3. Federal Authority: \_\_\_\_\_

4. Type of Action:

Adoption X

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment \_\_\_\_\_

5. Filing Date: **January 4, 2019**6. Short Title: **Submission of Health Care Facility Financial Data**

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 Street  
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>

8. Summary explaining the effect of the rule:

The proposed interim rule, He-C 1550, specifies the requirements for health care facilities licensed under RSA 151 to file financial health care data with the Department, including the types of financial data to be filed, the timeframes and format for filing, the penalties for not filing required data, and provisions for the confidentiality of such data.

The former rule expired on 1/1/2019, and this proposal will minimize the time between expiration of the rule and its subsequent readoption pursuant to RSA 541-A:19, I(e). The proposed interim rule is being adopted without changes from the expired rule; however, the Department notes that RSA 151-C, cited in the rule and used for the definition of "confidential information," has been repealed effective 6/30/2016. The Department is ascertaining whether He-C 1550 is needed, and if the Department determines that the rule is necessary, it will enter into regular rulemaking and will address the citation to RSA 151-C at that time.

9. Listing of people, enterprises, and government agencies affected by the rule:

**All health care facilities licensed under RSA 151 are affected by this rule.**

INT 2019-3 Continued

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

<b>Rule</b>	<b>Statute Implemented</b>
He-C 1550.01	RSA 126:25
He-C 1550.02	RSA 126:25
He-C 1550.03	RSA 126:25, I(a)
He-C 1550.04	RSA 126:25, I(a)-(c)
He-C 1550.05	RSA 126:25
He-C 1550.06	RSA 126:29
He-C 1550.07	RSA 126:28; RSA 151-C:2, XI

11. Summary of the effect upon the state if the rule were not adopted:

**If the interim rule were not adopted, the Department would not be able to have specific requirements for the submission of health care facility financial information from nursing homes, acute care hospitals, residential care facilities, specialty hospitals or other health care facilities licensed under RSA 151.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

**January 18, 2019**

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable.

**Not applicable.**

FINAL PROPOSALS FOR COMMITTEE REVIEW ON JANUARY 18, 2019

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-74	Ed 403.03, 405.01, 407.01	Board of Education Non-public School Approval.
2018-135	Saf-C 5000 Various	Department of Safety, Commissioner Display Fireworks Rules.
2018-143	He-E 804	Department of Health and Human Services Division of Elderly and Adult Services Nursing Assistant Training Reimbursement.
2018-145	Pda 301, 303-310	Pease Development Authority Rules Regulating Pilots and Pilotage.
2018-159	Nur 301.01, 301.02, 302.03, 303.02, 303.05, 304.03	Board of Nursing Application Procedure.
2018-168	He-W 606.92, 644.01, 740.01, 766.02, 806.92, & 844.01	Department of Health and Human Services Former Division of Human Services Telephone Redeterminations, Personal Interviews, and Excluded Income.
2018-170	He-W 606.30, 628.02, & 637.04	Department of Health and Human Services Former Division of Human Services Expanded List of Healthcare Providers Authorized to Complete Exemption and Incapacity Forms for Financial Assistance to Needy Families (FANF).
2018-183	Env-Wq 1000 various sections & paragraphs	Department of Environmental Services Water Quality and Quantity Programs Amendments Regarding Individual Sewage Disposal System Loading Calculations, Amended ISDS Plans, Daily Flow Calculations.
2018-194	He-C 5001.01(e) & 5002.01	Department of Health and Human Services, Commissioner Payments to Non-Public Disproportionate Share Hospitals and Uncompensated Care Fund Reporting.
2018-195	He-C 701	Department of Health and Human Services, Commissioner Assessment and Evaluation of Persons Eligible for Involuntary Civil Commitment as Sexually Violent Predators.

EXPEDITED REVISIONS TO AGENCY FORMS FOR COMMITTEE REVIEW  
ON JANUARY 18, 2019

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
EXRF 2018-2	Pol 301.04	Police Standards and Training Council Revision to PSTC "Form D Report of Medical History".

PROPOSED INTERIM RULES FOR COMMITTEE REVIEW ON JANUARY 18, 2019

<u>Proposed Interim #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2019-1	He-E 501	Department of Health and Human Services Division of Elderly and Adult Services The Social Services Block Grant (Title XX).
INT 2019-2	He-P 803	Department of Health and Human Services Former Division of Public Health Services New Hampshire Nursing Home Rules.
INT 2019-3	He-C 1550	Department of Health and Human Services, Commissioner Submission of Health Care Facility Financial Data.

OBJECTION RESPONSES FOR COMMITTEE REVIEW ON JANUARY 18, 2019  
IF FILED PRIOR TO THE MEETING

<u>Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
FP 2018-122	Saf-C 3300	Department of Safety, Commissioner Modular Buildings and Building Components Rules.
INT 2018-26	He-W 837	Department of Health and Human Services Former Division of Human Services NH Granite Advantage Health Care Program.



NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
12688 (Emergency)	He-E 806.31(k)	Department of Health and Human Services Division of Elderly and Adult Services Nursing Facility Reimbursement - Budget Adjustment Factor.	12/7/2018 6/5/2019
12689 (FP 2018-7)	Rab 302.09, 302.17, 304.01, 306.01, 307.04, 307.08, 308.01(d), 401.02	Real Estate Appraiser Board Apprentice Classification, Certificate and License Requirements; Continued Status.	12/18/2018 12/18/2028
12690 (FP 2018-21)	Nuh 301-306, 401.03-500	Board of Examiners of Nursing Home Administrators Application Procedures; Continued Status; Ethical Standards.	12/19/2018 12/19/2028
12691 (EXEMPT)	Fis 1105.03, 1105.05, & 1105.06	Fish and Game Department Lobster Licenses - Under 5 Pot, Part-time Commercial and Limited Commercial Lobster and Crab Licenses; Lobster, Lobster Meat, and Crab Dealer Licenses; Landing License for Lobster and Crabs.	12/22/2018 Exempt
12692 (FP 2018-160)	Nur 804.02(a)(6), 806.02(b)	Board of Nursing Written Verification of Program Completion; Clinical Component of Program Curriculum.	12/22/2018 12/22/2028
12693 (FP 2018-166)	Env-A 2800	Department of Environmental Services Air Related Programs Sand & Gravel Sources, Non-Metallic Mineral Processing Plants, Cement & Concrete Sources.	12/22/2018 12/22/2028
12694 (FP 2018-176)	Env-A 1603-1604	Department of Environmental Services Air Related Programs Sulfur Content Limitations.	12/22/2018 12/22/2028
12695 (FP 2018-177)	Env-Wq 1900	Department of Environmental Services Water Quality and Quantity Programs Instream Flow Rules.	12/22/2018 12/22/2028
12696 (FP 2018-126)	Phy 308	Governing Board of Physical Therapists Physical Therapy Compact.	12/27/2018 12/27/2028
12697 (FP 2018-165)	He-W 606.104(b) intro. & (b)(12) and 699.05(d) intro., (d)(3) intro., & (d)(3)b.	Department of Health and Human Services Former Division of Human Services Emergency Assistance and Verification.	12/31/2018 12/31/2028
12698 (FP 2018-178)	He-W 570.08(f)(1)a. & 570.13	Department of Health and Human Services Former Division of Human Services Pharmaceutical Services.	12/28/2018 12/28/2028

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<u>Document #</u> <u>(Final</u> <u>Proposal)</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
12699 (FP 2018-179)	He-M 520	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Children's Special Medical Services.	12/28/2018 12/28/2028
12700 (FP 2018-180)	He-M 523	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Family Support Services to Children and Young Adults with Chronic Health Conditions.	12/28/2018 12/28/2028
12701 (FP 2018-140)	Pda 400	Pease Development Authority Rules Regarding Duties of Harbor Masters and Assignment of Harbor Masters Areas.	12/29/2018 12/29/2028
12702 (FP 2018-132)	He-P 822	Department of Health and Human Services Former Division of Public Health Services Home Care Service Provider Agencies (HCSPA).	1/3/2019 1/3/2029
12703 (FP 2018-167)	He-W 742.02(b)	Department of Health and Human Services Former Division of Human Services Utility Expenses Incurred Separately.	1/3/2019 1/3/2029
12704 (FP 2018-169)	Ins 1403.02(e)	Insurance Department Automobile Insurance, Rating Practices.	1/7/2019 1/7/2029
12705 (FP 2018-175)	Ins 2400	Insurance Department Actuarial Opinion and Memorandum.	4/1/2019 4/1/2029