



# 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:

Relay NH 1-800-735-2964

Fax (603) 271-7871

VOLUME XXXVIII, Number 50, December 13, 2018

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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: **Thursday, December 20, 2018 9:00 a.m.**  
Rooms 306/308, Legislative Office Building

a.	List of Final Proposals and Proposed Interim Rules for Review	13
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### JLCAR MEETING DATES AND RELATED FILING DEADLINES DECEMBER, 2018

The JLCAR has voted to hold its regularly scheduled monthly meetings for December, 2018 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
December 6	December 20	None

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2018-200	Geo 305.02 (b) & (c)	Board of Professional Geologists Amendment of Examination Fees.	1
2018-201	Elec 404.05	Electricians' Board Supervision.	3
2018-202	Rev 307.13	Department of Revenue Administration Qualified Regenerative Manufacturing Companies.	5

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>
(INT 2018-25)	He-W 639	Department of Health and Human Services Former Division of Human Services Granite Workforce Pilot Program.	7
(INT 2018-26)	He-W 837	Department of Health and Human Services Former Division of Human Services NH Granite Advantage Health Care Program.	9

Notice of Expedited Revisions to Agency Forms

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
EXRF 2018-2	Pol 301.04	Police Standards and Training Council Revision to PSTC "Form D Report of Medical History".	12

Notice Number 2018-200

Rule Number Geo 305.02(b) and (c)

1. Agency Name & Address:

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

2. RSA Authority: RSA 310-A:121, II(a)

3. Federal Authority: N/A

4. Type of Action:

Adoption \_\_\_\_\_

Amendment   X  

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

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

5. Short Title: **Amendment of Examination Fees**

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

**This proposal amends the Board’s fees for the fundamentals of geology examination and the fee for the practice of geology examination. The examination fee for the fundamentals of geology examination is increasing from \$250 to \$300, and the examination fee for the practice of geology examination is increasing from \$310 to \$360.**

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

**This proposal affects prospective professional geologists who have applied for licensure.**

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

Rule	Statute
Geo 305.02(b) and (c)	RSA 310-A:130

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

Name: **Thomas Broderick**

Title: **Attorney III**

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

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

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

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

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

NN 2018-200 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **January 24, 2019 at the conclusion of the public hearing.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **January 24, 2019 at 9:15 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 # 18:165, dated 09/24/18

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

The proposed rule will increase costs citizens seeking to become licensed as a professional geologist by \$100.

**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 examination fees for the Fundamentals of Geology are increased from \$250 to \$300 and the Practice of Geology from \$310 to \$360. In FY 2018, there were 10 examinations for the Fundamentals of Geology and 5 examinations for the Practice of Geology. Based on these totals, the increased fee for the Fundamentals of Geology would yield an additional \$500 (10 exams x \$50 increase) and the increased fee for the Practice of Geology would yield an additional \$250 (5 exams x \$50 increase), for a total increase of \$750.

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

There would be no impact on the State general fund or on any State special fund. Examination fees are instituted by the testing organization (Association of State Boards of Geology), collected by the NH Board of Professional Geologists and forwarded to the testing organization for developing and administering the examinations.

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

Citizens seeking to become licensed as a professional geologist who take the examinations will pay an additional \$50 for each. No cost to political subdivisions.

**C. To independently owned businesses:**

Independently owned businesses that pay the examination fees for their employees will pay an additional \$50 for each employee who takes an exam.

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 2018-201

Rule Number Elec 404.05

<p>1. Agency Name &amp; Address:</p> <p><b>NH Board of Electricians c/o Office of Professional Licensure and Certification 121 South Fruit Street Concord, NH 03301</b></p>	<p>2. RSA Authority: <u>RSA 319-C:6-a, VI, IX</u></p> <p>3. Federal Authority: <u>N/A</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption <u>X</u></p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Supervision**

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

**This proposed rule is intended to readopt without change an interim rule which was effective 10/4/18 and is scheduled to expire 4/2/19. The proposed rule continues to implement amendments to RSA 319-C:2, IV and V, defining “journeyman electrician” and “master electrician”, respectively, and RSA 319-C:2-a, on supervision of apprentice electricians, which went into effect June 12, 2018 as part of Chapter 243 of the Laws of 2018 (HB 1327). The amendments to Elec 404.05 on supervision contained in the interim rule, and now proposed to be readopted, specify supervision standards that are in line with the new statutory provisions, which provides for the supervision of apprentices by master electricians, and the supervision of up to 2 apprentices by journeymen electricians with at least one year of experience. The proposed amendments also address the supervision of an apprentice electrician by a journeyman with less than one year of experience.**

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

**This proposal affects all apprentice electricians seeking supervision, as well as journeyman and master electricians who seek to provide such supervision.**

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

Rule	Statute
Elec 404.05	RSA 319-C:2-a; RSA 319-C:6-a, VI, IX; RSA 319-C:10

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

Name: **Thomas Broderick**

Title: **Attorney III**

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

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

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

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

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

NN 2018-201 Continued

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

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **January 8, 2019 at 10:00 a.m.**

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

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

FIS # 18:214, dated 12/4/2018

**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 rule to the existing interim 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:

**This rules does 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 2018-202

Rule Number Rev 307.13

<p>1. Agency Name &amp; Address:</p> <p><b>Department of Revenue Administration</b>  <b>P.O. Box 457</b>  <b>Concord, NH 03302-0457</b></p>	<p>2. RSA Authority: <u>RSA 77-A:5-c, III; RSA 77-A:15, II</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>  X  </u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Qualified Regenerative Manufacturing Companies**

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

**Rev 300 contains the rules governing the Business Profits Tax. Rev 307.13 is being adopted to implement the exemption for qualified regenerative manufacturing companies provided by Laws of 2018, Chapter 157, including the election and reporting requirements of RSA 77-A:5-c, which became effective 7-29-18.**

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

**The group affected is enterprises electing treatment as qualified regenerative manufacturing companies.**

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

RULE	STATUTE
Rev 307.13	RSA 77-A:1, I, XXX; RSA 77-A:5-c; RSA 77-A:15, II

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

<p>Name: <b>Tracey Russo</b></p> <p>Address: <b>Legal Bureau</b>  <b>P.O. Box 457</b>  <b>concord, NH 03302-0457</b></p>	<p>Title: <b>Paralegal</b></p> <p>Phone #: <b>603-230-5027</b></p> <p>Fax#: <b>603-230-5932</b></p> <p>E-mail: <b>tracey.russo@dra.nh.gov</b></p> <p>TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)</p>
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NN 2018-202 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday, January 22, 2019**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time; **Thursday, January 10, 2019 @ 9:00 am**  
**New Hampshire Department of Revenue Administration**  
**Medical and Surgical Building**  
**109 Pleasant Street, 2<sup>nd</sup> Floor Training Room**  
**Concord, NH 03301**

Place:

**\*\*\*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 # 18:213 , dated 12/4/2018

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

Not applicable as this 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):**

**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.**



Proposed Interim Rule Number 2018-25 Rule Number He-W 639

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health &amp; Human Services Division of Public Health Services Food Protection Services 29 Hazen Drive Concord, NH 03301</b></p> <p>5. Filing Date: <b>December 5, 2018</b></p>	<p>2. RSA Authority: <u><b>RSA 167:3-c, I; Chapter Law 342:3, VI</b></u></p> <p>3. Federal Authority: <u><b>42 U.S.C. 1315, Pub.L. 111-148, 42 U.S.C 1396(a)(10)(A)(i)(VIII)</b></u></p> <p>4. Type of Action:</p> <p>Adoption <u><b>X</b></u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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6. Short Title: **Granite Workforce Pilot Program**

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

Name:	<b>Kim Reeve, Esq.</b>	Title:	<b>Legal Counsel- Admin Rules</b>
Address:	<b>NH Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301</b>	Phone #:	<b>271-9640</b>
		Fax#:	<b>271-5590</b>
		E-mail:	<b><u>kimberly.reeve@dhhs.nh.gov</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:

The proposed new rule, He-W 639, describes services, employer subsidies and employment support services available through the Granite Workforce Pilot Program (GWPP) to eligible Granite Advantage beneficiaries. The pilot program will use federal funds from the Temporary Assistance to Needy Families (TANF) program to assist Granite Advantage beneficiaries in meeting the 100 hour per month community engagement requirement.

In 2018, Chapter Law 342 (SB 313) replaced the New Hampshire Health Protection Program (NHHPP), which expires on 12/31/18, with the Granite Advantage Health Care Program (Granite Advantage) under RSA 126-AA effective on January 1, 2019, and it establishes the GWPP to assist Granite Advantage beneficiaries in meeting the community engagement requirements. In accordance with SB 313, the Department of Health and Human Services filed a waiver amendment and extension with the Centers for Medicare and Medicaid Services (CMS) to continue its existing authority to implement work and community engagement requirements as a condition of continued eligibility under section 1902(a)(10)(A)(i)(VIII) [42 U.S.C 1396(a)(10)(A)(i)(VIII)] of the Social Security Act. The waiver was approved by CMS on November 30, 2018. The Department is entering into interim rulemaking pursuant to RSA 541-A:19, I(a) in order to meet the NH statutory requirement to implement the Granite Advantage program and the GWPP on 1/1/19.

INT 2018-25 Continued

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

**The proposed rule affects eligible Medicaid beneficiaries who voluntarily participate in GWPP to receive assistance with meeting the 100 hours a month community engagement requirement, and employers who hire GWPP participants.**

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

Rule Section	Statute Implemented
He-W 639.01	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.02	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.03	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.04	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.05	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.06	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.07	RSA 126-AA; RSA 376; RSA 376-A
He-W 639.08	RSA 126-AA; 2018 NH Chapter Law 342:2-9
He-W 639.09	RSA 126-AA; 2018 NH Chapter Law 342:2-9

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 provide a pilot work program for those receiving Medicaid coverage via the Granite Advantage Program.**

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

**December 20, 2018**

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

FIS # 18:202, dated November 29, 2018

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

Not applicable, as this is a new rule.

**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):**

There is no cost or benefit to the propose rule. Any cost or benefit is attributable to Chapter 342:2-9, Laws of 2018.

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

None.

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

None.

**C. To Independently owned businesses:**

None.

Proposed Interim Rule Number                      2018-26                      Rule Number                      He-W 837

<p>1. Agency Name &amp; Address:</p> <p><b>Dept. of Health &amp; Human Services Division of Public Health Services Food Protection Services 29 Hazen Drive Concord, NH 03301</b></p>	<p>2. RSA Authority:                      <u>RSA 126-AA:2, III(b) intro. &amp; (b)(4)</u></p> <p>3. Federal Authority:                      <u>42 U.S.C. 1315, Pub.L. 111-148, 42 U.S.C 1396(a)(10)(A)(i)(VIII)</u></p> <p>4. Type of Action:</p> <p>Adoption                      <u>  X  </u></p> <p>Amendment                      _____</p> <p>Repeal                      _____</p> <p>Readoption                      _____</p> <p>Readoption w/amendment                      _____</p>
<p>5. Filing Date:                      <b>December 6, 2018</b></p>	

6. Short Title:                      **NH Granite Advantage Health Care Program**

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

Name:	<b>Kim Reeve, Esq.</b>	Title:	<b>Legal Counsel- Admin Rules</b>
Address:	<b>NH Dept. of Health &amp; Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301</b>	Phone #:	<b>271-9640</b>
		Fax#:	<b>271-5590</b>
		E-mail:	<b><u>kimberly.reeve@dhhs.nh.gov</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:

The proposed new rule, He-W 837, describes the community engagement requirements for the Granite Advantage program, exemptions from the work and community engagement program, qualifying activities for community engagement, impacts of noncompliance with the community engagement requirement, and how to cure deficit community engagement hours.

In 2018, Chapter Law 342 (SB 313) replaced the New Hampshire Health Protection Program (NHHPP), which expires on 12/31/18, with the Granite Advantage Health Care Program (Granite Advantage) under RSA 126-AA effective on January 1, 2019. In accordance with SB 313, the Department of Health and Human Services filed a waiver amendment and extension with the Centers for Medicare and Medicaid Services (CMS) to continue its existing authority to implement work and community engagement requirements as a condition of continued eligibility under section 1902(a)(10)(A)(i)(VIII) [42 U.S.C 1396(a)(10)(A)(i)(VIII)] of the Social Security Act. The waiver was approved by CMS on November 30, 2018. The Department is entering into interim rulemaking in order to meet the NH statutory requirement to implement the program on 1/1/19.

INT 2018-26 Continued

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

**The proposed rule affects the newly eligible Medicaid beneficiaries who are currently receiving their Medicaid benefits through the NH Health Protection Program. These beneficiaries will be transitioned to the Granite Advantage Health Care Program and if not otherwise exempted, be required to engage in 100 hours per month of qualifying community engagement activities as a condition of eligibility for Granite Advantage.**

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

<b>Rule Section</b>	<b>Statute Implemented</b>
He-W 837.01	RSA 126-AA; 42 U.S.C. §12101 et seq.; Pub. L. No. 93-112; Pub. L. 111-148; 42 CFR 435.916
He-W 837.02	42 CFR 435.603(a)-(h)
He-W 837.03	RSA 126-AA
He-W 837.04	RSA 126-AA; RSA 167:82,II(g); 42 CFR 435.4; 42 CFR 440.315(f)
He-W 837.05	RSA 126-AA; RSA 167:3-i; RSA 167:6, IV-VI; RSA 167:3-e; RSA 167:3-f; §1902(a)(10)(A)(ii)(XV); 42 CFR 435.4; 42 CFR 435.121; §1902(e)-(f); §1915(c); 42 U.S.C. Chapter 7; 42 U.S.C. 1381 et seq.
He-W 837.06	RSA 126-AA
He-W 837.07	RSA 126-AA; RSA 641:3; RSA 167:82,II(g)
He-W 837.08	RSA 126-AA; 45 CFR 475
He-W 837.09	RSA 126-AA; 45 CFR 400.75
He-W 837.10	RSA 126-AA; 42 U.S.C. §12101 et seq.
He-W 837.11	RSA 126-AA
He-W 837.12	RSA 126-AA; 24 CFR 5.2005; 24 CFR 5.2009
He-W 837.13	RSA 126-AA
He-W 837.14	RSA 126-AA; 24 CFR 5.2005; 24 CFR 5.2009
He-W 837.15	RSA 126-AA
He-W 837.16	RSA 126-AA
He-W 837.17	RSA 126-AA
He-W 837.18	RSA 126-AA
He-W 837.19	RSA 126-AA
He-W 837.20	RSA 126-AA
He-W 837.21	RSA 126-AA
He-W 837.22	RSA 126-AA; 42 CFR 435.916(f)
He-W 837.23	RSA 126-AA
He-W 837.24	RSA 126-AA
He-W 837.25	RSA 126-AA

INT 2018-26 Continued

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 implement the requirements of Chapter Law 342:1, Laws of 2018 (SB 313).**

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

**December 20, 2018**

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

FIS # 18:203, dated November 29, 2018

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

Not applicable, as this is a new rule.

**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):**

There is no cost or benefit to the propose rule. Any cost or benefit is attributable to Chapter 342:1, Laws of 2018.

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

None.

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

None.

**C. To Independently owned businesses:**

None.

## NOTICE FOR EXPEDITED REVISIONS TO AGENCY FORMS

Proposed Expedited Revision Number 2018-2 Form Number Form D

1. Agency Name &amp; Address:

**Police Standards and Training Council  
17 Institute Drive  
Concord NH 03301**

2. RSA Authority:

RSA 106-L:5, I

3. Federal Authority:

4. Short Title: **Revision to PSTC "Form D Report of Medical History"**

5. Explanation of the reason for the proposed readoption with amendment of the form:

**The reason for this readoption with amendment of the Police Standards and Training Council (PSTC) "Form D Report of Medical History" is to include an area for a medical provider to specify in his or her professional opinion, the medically and physiologically appropriate gender of the transgender police, corrections, or probation and parole officer applicant for fitness testing. The existing rule Pol 301.04 requires a physical examination for each applicant and sets forth the requirements on the existing form. The examination shall be conducted in order to provide all of the information specified on the "Form D Report of Medical History."**

6. Contact person for copies and questions about the proposed form:

Name: **David G. Parenteau**Title: **Law Enf. Training Specialist**Address: **Police Standards and Training  
Council  
17 Institute Drive  
Concord NH 03301**Phone #: **603-271-8278**Fax#: **603-271-1785**E-mail: **David.G.Parenteau@pst.nh.gov**TTY/TDD Access: Relay NH 1-800-735-2964 or  
dial 711 (in NH)7. Deadline for submission of materials in writing or in the electronic format specified: **December 20, 2018**

Fax

 E-mail Other format (specify):

FINAL PROPOSALS FOR COMMITTEE REVIEW ON DECEMBER 20, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-122	Saf-C 3300	Department of Safety, Commissioner Modular Buildings and Building Components Rules.
2018-123	Ret 300	N.H. Retirement System Participation in the Retirement System.
2018-124	Ret 400	N.H. Retirement System Code of Ethics.
2018-132	He-P 822	Department of Health and Human Services Former Division of Public Health Services Home Care Service Providers Licensing.
2018-133	Ret 200	N.H. Retirement System Rules of Practice and Procedure.
2018-135	Saf-C 5000 Various	Department of Safety, Commissioner Display Fireworks Rules.
2018-141	Pol 302.01	Police Standards & Training Council Training Required.
2018-142	Mtec 301.01, 302.06, 304.01, 401.02, 401.04	Board of Registration of Medical Technicians Definitions, Legal Address, Application, Renewal of Registration, and Reinstatement of Registration.
2018-150	Ahp 100	Board of Directors, Office of Licensed Allied Health Professionals Organizational Rules.
2018-151	Ahp 300	Board of Directors, Office of Licensed Allied Health Professionals Fees Charged by the Governing Boards.
2018-152	Ahp 600	Board of Directors, Office of Licensed Allied Health Professionals Allied Health Organizational Forms.
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.
2018-166	Env-A 2800	Department of Environmental Services Air Related Programs Sand & Gravel Sources, Non-Metallic Mineral Processing Plants, Cement & Concrete Sources.
2018-167	He-W 742.02(b)	Department of Health and Human Services Former Division of Human Services Utility Expenses Incurred Separately.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON DECEMBER 20, 2018

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2018-168	He-W 606.101, 644.01, 740.01, 766.02, 806.101, & 844.01	Department of Health and Human Services Former Division of Human Services Telephone Redeterminations, Personal Interviews, and Excluded Income. <i>*This item will be placed on the December 20<sup>th</sup> Agenda only if it is filed by December 12<sup>th</sup>. The 14-day filing deadline pursuant to RSA 541-A:12, I has been waived.</i>
2018-169	Ins 1403.02(e)	Insurance Department Automobile Insurance, Rating Practices.
2018-172	Rev 1400	Department of Revenue Administration Utility Property Tax.
2018-173	Ve-H 203, 204, 206, 220	Board of Managers of N.H. Veterans Home Procedural Rules.
2018-174	Ve-H 300 & 400	Board of Managers of N.H. Veterans Home Residency, Admission, Transfer, and Discharge Rules.
2018-175	Ins 2400	Insurance Department Actuarial Opinion and Memorandum.
2018-176	Env-A 1603-1604	Department of Environmental Services Air Related Programs Sulfur Content Limitations.
2018-177	Env-Wq 1900	Department of Environmental Services Water Quality and Quantity Programs Instream Flow Rules.
2018-178	He-W 570.08(f)(1)a. & 570.13	Department of Health and Human Services Former Division of Human Services Pharmaceutical Services.
2018-179	He-M 520	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Children's Special Medical Services.
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



PROPOSED INTERIM RULES FOR COMMITTEE REVIEW ON DECEMBER 20, 2018

<u>Proposed Interim #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2018-25	He-W 639	Department of Health and Human Services Former Division of Human Services Granite Workforce Pilot Program.
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

<u>Document # (Final Proposal)</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective Expires</u>
12659 (FP 2018-128)	Ins 6202	Insurance Department Ancillary Health Minimum Standards for Hospital Confinement Fixed Indemnity and Other Fixed Indemnity Coverage.	11/5/2018 11/5/2028
12660 (FP 2018-44)	Mid 301-304, 306.01, 306.02, 405.02(a)(2) intro. & (a)(2)t.	Midwifery Council Certification Requirements for Midwifery.	11/5/2018 11/5/2028
12661 (FP 2018-35)	Ed 501.01, 501.02, 502.01, 510, 511, 512	Board of Education Certification Standards for Educators on Code of Professional Conduct, Investigations and Disciplinary Proceedings, and Denial of Certification.	11/9/2018 11/9/2028
12662 (FP 2018-105)	Ed 507.22 and 612.19	Board of Education Digital Learning Specialist.	11/9/2018 11/9/2028
12663 (INT 2018-18)	Cdfa 300	Community Development Finance Authority Community Development Block Grant Rules.	11/15/2018 5/14/2019
12664 (FP 2018-80)	Env-Dw 701	Department of Environmental Services Drinking Water Programs Public Water Systems: Purpose and Applicability; Units of Measure; Definitions.	1/1/2019 1/1/2029
12665 (FP 2018-81)	Env-Dw 702-706	Department of Environmental Services Drinking Water Programs Drinking Water Quality Standards for Public Water Systems.	1/1/2019 1/1/2029
12666 (FP 2018-82)	Env-Dw 707	Department of Environmental Services Drinking Water Programs Public Water Systems: General Monitoring Requirements, Laboratory Analytical Methods.	1/1/2019 1/1/2029
12667 (FP 2018-83)	Env-Dw 708	Department of Environmental Services Drinking Water Programs Public Water Systems: Sampling Schedules.	1/1/2019 1/1/2029
12668 (FP 2018-84)	Env-Dw 710-713	Department of Environmental Services Drinking Water Programs Public Water Systems: Monitoring and Compliance Requirements.	1/1/2019 1/1/2029
12669 (FP 2018-85)	Env-Dw 718-719	Department of Environmental Services Drinking Water Programs Public Water Systems: Recordkeeping and Reporting.	1/1/2019 1/1/2029
12670 (FP 2018-48)	Ph 1600	Pharmacy Board Pharmacy Interns.	11/17/2018 11/17/2028

NOTICE OF ADOPTED RULES

<u>Document #</u> (Final Proposal)	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
12671 (FP 2018-58)	Ph 800	Pharmacy Board Pharmacy Technicians.	11/17/2018 11/17/2028
12672 (FP 2018-59)	Frl 102.01(g), 104.01, 211, 214, & 216	Board of Registration of Funeral Directors and Embalmers Definitions; Record of Board Actions; Nonadjudicative Investigations & Hearings; Waivers of Substantive Rules; Explanation After Adoption. <i>(As organizational and practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i>	11/20/2018
12673 (FP 2018-60)	Frl 304, 308, 500, & 701	Board of Registration of Funeral Directors and Embalmers Unlicensed Personnel; Eye Procurement; Ethical and Professional Standards; Preparation Room Requirements and Equipment.	11/20/2018 11/20/2028
12674 (INT 2018-24)	He-P 806	Department of Health and Human Services Former Division of Public Health Services Non-Emergency Walk-In Care Centers.	11/20/2018 5/20/2019
12675 (FP 2018-104)	Env-Dw 800	Department of Environmental Services Drinking Water Programs Public Notification by Public Water Systems.	1/1/2019 1/1/2029
12676 (FP 2018-146)	He-W 602.08, 602.10, & 602.15	Department of Health and Human Services Former Division of Human Services Eligibility for Extensions to the 60-Month Lifetime Limit on Receipt of Financial Assistance to Needy Families (FANF).	11/20/2018 11/20/2028
12677 (FP 2018-147)	He-P 1900	Department of Health and Human Services Former Division of Public Health Services Indoor Smoking Rules.	11/20/2018 11/20/2028
12678 (FP 2018-158)	Agr 3300	Department of Agriculture, Markets, and Food Testing of Domestic Animals.	11/20/2018 11/20/2028
12680 (FP 2018-144)	He-P 2101-2108, 2170	Department of Health and Human Services Former Division of Public Health Services Beverages and Bottled Water.	11/27/2018 11/27/2028
12681 (FP 2018-148)	He-W 513	Department of Health and Human Services Former Division of Human Services Substance Use Disorder (SUD) Treatment and Recovery Support Services.	11/27/2018 11/27/2028
12682 (EXEMPT)	Saf-C 7401 & 7402	Department of Safety, Commissioner New Hampshire Statewide Patient Care Protocols.	11/28/2018 Exempt

NOTICE OF ADOPTED RULES

<u>Document #</u> (Final Proposal)	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
12683 (FP 2018-121)	He-M 522	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Eligibility and the Process of Providing Services for Acquired Brain Disorder.	11/30/2018 11/30/2028
12684 (FP 2018-155)	He-C 6341	Department of Health and Human Services, Commissioner Certification Payment Standards for Communication Access Services.	11/30/2018 11/30/2028
12685 (FP 2018-149)	Ins 2702	Insurance Department Parity in Mental Health and Substance Use Disorder Benefits.	12/3/2018 12/3/2028
12686 (FP 2018-157)	Ins 4701.08(c), 4702.08(c), 4703.08(c), 4704	Insurance Department Travel Insurance, Disclosures.	12/3/2018 12/3/2028

Declaratory Ruling

<u>Document #</u>	<u>Agency and Description of Ruling</u>	<u>Decision</u>
12679	Board of Registration in Optometry DECLARATORY RULING - Issued pursuant to Opt 215.01 and under RSA 327:1, IV and RSA 327:1, VI. Concerning whether the treatment by the Petitioners of dry eyes by using either an Intense Pulsed Light (IPL) therapy device or a non-ablative radiofrequency (RF) device falls within the scope of practice of the "practice of optometry" as defined in RSA 327:1, IV so long as the treatment is not "surgery" as defined in RSA 327:1, IV. (eff 11-19-18)	11/19/2018