



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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VOLUME XXXIV, Number 32, August 7, 2014

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

CONTINUED MEETING Previously Scheduled for August 7, 2014 Has Been Cancelled

REGULAR MEETING: **Thursday, August 21, 2014** 9:00 a.m.
Rooms 305/307, Legislative Office Building

CONTINUED MEETING: **Thursday, September 4, 2014** 9:00 a.m.
Rooms 305/307, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES AUGUST-DECEMBER, 2014

The JLCAR has voted to hold its regularly scheduled monthly meetings for August through December, 2014 on the third Thursdays listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
August 7	August 21	September 4
September 4	September 18	October 2
October 2	October 16	November 6
November 6	November 20	December 4
December 4	December 18	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>
2014-114	Lab 1300	Department of Labor Elevator and Accessibility Lift Inspection, Licensing and Reporting Procedures.	1
2014-115	Env-Dw 901	Department of Environmental Services Drinking Water Programs Groundwater Reclassification.	3
2014-116	Env-Hw 401.03, 508.03, 509.02, 703.03, 1110.04 (various paragraphs)	Department of Environmental Services Hazardous Waste Programs Hazardous Waste Wipes and Tanks.	5
2014-117	Ed 507.06, 507.07, 507.08, 614.03, & 614.06	Board of Education School Counseling and School Psychology.	8
2014-118	He-M 310	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Rights of Persons Receiving Developmental Services or Acquired Brain Disorder Services in the Community.	10

Notice Number 2014-114

Rule Number

Lab 1300

1. Agency Name & Address:	2. RSA Authority:	RSA 157-B: 18
New Hampshire Dept of Labor PO Box 2076 Hugh J. Gallen Office Park 95 Pleasant Street Concord, NH 03301	3. Federal Authority:	n/a
	4. Type of Action:	
	Adoption	
	Amendment	
	Repeal	
	Readoption	X
	Readoption w/amendments	X

5. Short Title: Elevator and Accessibility Lift Inspection, Licensing and Reporting Procedures

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

This proposal readopts with amendments an existing rule under RSA 157-B. Lab 1300 readopts codes for operating, repairing and inspecting elevators and accessibility lifts; includes procedures for licensing elevator and accessibility lift mechanics and inspectors; and also includes the procedure for reporting accidents involving elevators and accessibility lifts.

The proposed amendments are to carry out the intent of HB 385 (Chapter 252 of the laws of 2013) which adds new requirements for additional experience of applicants applying for NH elevator mechanics licenses before sitting for an exam.

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

Individuals working for private elevator companies, who install and repair elevators and accessibility lifts who apply for a NH license are affected by the new law and this amendment. The rule also applies to owners of elevators and accessibility lifts, however this amendment would not affect them.

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

Provision of the Proposed Rule	Specific Statute which the Rule Implements
Lab 1301	RSA 157-B: 2 - 18
Lab 1302	RSA 157-B: 4
Lab 1303	RSA 157-B: 8 & 157-B:8-a
Lab 1304	RSA 157-B: 15

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

Name: Christine D. Farmer

Title: Assistant Administrator

Address: NH Department of Labor
PO Box 2076
Concord NH 003301

Phone #: (603) 271-2599

Fax#: (603) 271-2668

E-mail: InspectionDiv@labor.State.nh.us

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

NN 2014-114 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: September 10, 2014

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

9. Public hearing scheduled for:

Date and Time: September 3, 2014 @ 9:00 am

Place: Ground Floor Conference Room
New Hampshire Dept. of Labor
Hugh J. Gallen Office Park
Spaulding Building
95 Pleasant Street
Concord, NH 03301

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

FIS # 14:106, dated 7/16/14

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:

This is an existing rule and the amendment creates no new or additional cost to political subdivisions of the State beyond the previous rule. Political subdivisions of the State have already been following requirements in these rules and they and their employees benefit by using elevators and accessibility lifts that are safer as a result of these safety requirements. Since this rule does not mandate or assign any new program or responsibilities, or any new cost where responsibilities are modified to any political subdivision of the State, the rule does not violate the constitutional provision, Part I, Art. 28a.

Notice Number	2014-115	Rule Number	Env-Dw 901
1. Agency Name & Address:		2. RSA Authority:	RSA 485-C:4, I, II, & IV
NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095		3. Federal Authority:	n/a
		4. Type of Action:	
		Adoption	
		Amendment	
		Repeal	
		Readoption	
		Readoption w/amendment	X

5. Short Title: Groundwater Reclassification

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

The existing rules implement the voluntary groundwater reclassification program established in RSA 485-C. The rules are scheduled to expire on October 28, 2014, and so are proposed to be readopted. **If this rulemaking extends beyond that date, the existing rules will continue in place as provided in RSA 541-A:14-a, I, subject to the conditions stated therein.** As part of the readoption, revisions are proposed to improve clarity by editing existing language, adding language where needed, identifying statutory requirements more clearly, and reorganizing existing provisions.

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

The rules affect any local entity* that has already requested and received a groundwater reclassification or that chooses to request a groundwater reclassification.

* "Local entity" is defined as "a town or city, acting through a planning board, conservation commission, water department, health officer, or other duly constituted municipal unit; a village district established under RSA 52 or its predecessor statutes; an entity established by intergovernmental agreement under RSA 53-A; or a supplier of water for wellhead protection areas tributary to wells owned by the public water system."

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

Rule Section(s)	State Statute(s) Implemented
Env-Dw 901.01 - Env-Dw 901.04	RSA 485-C:1
Env-Dw 901.05	RSA 485-C:5, I
Env-Dw 901.06	RSA 485-C:1-2
Env-Dw 901.07	RSA 485-C:5
Env-Dw 901.08	RSA 485-C:9, II & III
Env-Dw 901.09 - Env-Dw 901.10	RSA 485-C:9, V(a)
Env-Dw 901.11	RSA 485-C:9, IV
Env-Dw 901.12	RSA 485-C:9
Env-Dw 901.13	RSA 485-C:9, VI
Env-Dw 901.14	RSA 485-C:9, II(a)
Env-Dw 901.15	RSA 485-C:9, III(a)
Env-Dw 901.16	RSA 485-C:1
Env-Dw 901.17 - Env-Dw 901.18	RSA 485-C:8, II
Env-Dw 901.19	RSA 541-A:22, IV

NN 2014-115 Continued

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

Name:	Holly Green	Title:	Water Supply Land Protection Grant Program and DWGB Rules Coordinator
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-3114
		Fax#:	(603) 271-0656
		E-mail:	Holly.Green@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Tuesday, September 30, 2014**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, September 22, 2014 at 1:30 PM**

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

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 14:112, dated 07/29/14:

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

When compared to the existing rules, the proposed rules may increase costs for political subdivisions by an indeterminable amount.

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:

The proposed rules clarify requirements for implementing the voluntary groundwater reclassification program established in RSA 485-C. Costs to a local entity will be incurred only if the entity chooses to request a reclassification of groundwater to class GAA or class GA1. (Groundwater classes are defined in the rule.) The most significant costs of such reclassification are attributable to the statutory requirement, found in RSA 485-C, to complete an inventory of potential contamination sources and to manage contamination sources if the request is approved. Costs attributable exclusively to the proposed rule are nominal, such as to provide a description of the informational meeting if one is held, and a requirement to provide copies of applicable U.S. Geological Survey maps.

C. To independently owned businesses:

None.

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

The proposed rules do not change any costs for any political subdivision of the state that has requested and received a groundwater classification under RSA 485-C. The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.

Various paragraphs of Env-Hw 401.03,
Env-Hw 508.03, Env-Hw 509.02,
Env-Hw 707.03, and Env-Hw 1110.04

Notice Number 2014-116

Rule Number

1. Agency Name & Address:

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

2. RSA Authority: RSA 147-A:3, I, III, IV, VI, & XIII

42 U.S.C. §§6921 - 6939e;

3. Federal Authority: 40 CFR Parts 260 - 279

4. Type of Action:

Adoption

Amendment

X

Repeal

Readoption

Readoption w/amendment

5. Short Title: Hazardous Waste Wipes and Tanks

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

Env-Hw 100 - 1100 implements RSA 147-A by establishing requirements for the generation, storage, treatment, transportation, and disposal of hazardous waste. Certain sections of the rules are proposed to be amended to incorporate new federal exclusions for solvent-contaminated wipes and to update state requirements for the inspection of hazardous waste storage tanks that are operated by hazardous waste generators, hazardous waste facilities, or handlers of universal waste pesticides.

Specifically, the proposed revisions to Env-Hw 401.03(a)(11), (b)(28), (k) and (l) reflect the new federal exclusions for solvent-contaminated wipes at 40 CFR 261.4(a)(26) and (b)(18). Those regulations establish management requirements for wipes, including accumulation time limits, labeling requirements, and containment requirements. The proposed rules are more stringent than the federal rules in three areas. First, the proposed rules would require a generator to keep records of the name and address of each facility that has received the wipes for the prior three years and documentation that for the past three years wipes have been sent for cleaning or disposal within 180 days of generation. (EPA requires the generator to maintain information only about the facility currently receiving the wipes and documentation compliance with the 180-day time limit.) Second, the proposed rules prohibit the disposal of wipes in New Hampshire solid waste landfills but would allow disposal in New Hampshire solid waste combustion facilities (*e.g.*, Wheelabrator in Penacook) and in solid waste landfills and combustion facilities in other states that have adopted the federal exclusion. Third, the proposed rules prohibit the use of wipes to clean up spills of more than 12 fluid ounces, in order to prevent improper use of the exemption to avoid disposal of free liquids as hazardous waste.

The proposed exemption in Env-Hw 401.03(b)(29) would clarify that wipes contaminated with used oil (a listed waste in New Hampshire) are exempt from regulation provided no other listed wastes are present and the wipes do not exhibit a hazardous characteristic.

Current New Hampshire rules require all hazardous waste tank systems to be inspected for leaks and deterioration at least once each operating day, including weekends and holidays if the tank is storing any hazardous waste. As part of its Burden Reduction Initiative, EPA provided flexibility for tank inspections by decreasing the inspection frequency to at least once per week if the operator of the tank either uses leak detection equipment or has established workplace practices to ensure leaks are promptly identified. The proposed rules would adopt EPA's provisions allowing weekly inspections instead of daily inspections.

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

The rules affect generators of hazardous waste; owners and operators of hazardous waste treatment, storage, or disposal facilities; and handlers of universal waste pesticides.

NN 2014-116 Continued

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

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Hw 401.03(a) intro & (11), (b) intro & (28)-(29), (k), and (l)	RSA 147-A:3, I, IV & VI	40 CFR 261.4
Env-Hw 508.03 intro & (b)	RSA 147-A:3, IV, VI, XIII	40 CFR 261.5
Env-Hw 509.02(a) intro & (7)	RSA 147-A:3, IV, VI, XIII	40 CFR 262.34
Env-Hw 707.03 intro & (b)	RSA 147-A:3, III, IV, VI, XIII	40 CFR 265
Env-Hw 1110.04 intro & (c)	RSA 147-A:3, IV, VI, XIII	40 CFR 273

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

Name: Wendy S. Bonner Title: HW Regulatory Manager
Address: NH Dept. of Environmental Services Phone #: (603) 271-2937
29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-2456
Concord, NH 03302-0095 E-mail: wendy.bonner@des.nh.gov

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Friday, September 12, 2014**

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

9. Public hearing scheduled for:

Date and Time: **Thursday, September 4, 2014 at 9:00 AM**

Place: **Rooms 213-214, DES Offices, 29 Hazen Drive, Concord NH**

NN 2014-116 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 14:113 , dated 07/30/14:

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 decrease costs to political subdivisions and independently owned businesses involved with the generation of hazardous waste, and decrease state restricted revenue to the Hazardous Waste Cleanup Fund by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate. However, in the absence of rules hazardous waste generators, transporters, and facilities would be required to comply with federal requirements established by Subtitle C of the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6921-6939e, and 40 CFR Parts 260-279. Additionally, if rules are not readopted the state will lose \$413,000 of federal funds provided annually to implement the Resource Conservation and Recovery Act Subtitle C program.

3. Cost and benefits of the proposed rule(s):**A. To State general or State special funds:**

The proposed rules will result in an indeterminable decrease in revenue to the Hazardous Waste Cleanup Fund as a result of the proposed exemption for disposable solvent contaminated wipes, and the potential for some generators to lower their generator classification. The Department does not have the data to determine the number of hazardous disposable wipes currently generated in the State nor the number of these wipes that would be eligible for the exemption to determine the decrease in revenue. Additionally, the Department is not able to estimate the number of generators that may be able to change their generator classification as a result of the proposed rule to determine the decrease in revenue. No impact on State general funds.

B. To State citizens and political subdivisions:

To the extent political subdivisions utilize the disposable wipes exemption, they may have a decrease in costs. No impact on State citizens.

C. To independently owned businesses:

To the extent an independently owned business is a hazardous waste generator they may have a decrease in costs. Hazardous waste generators that utilize the exemptions for solvent-contaminated wipes may have a decrease in costs associated with reduced fees imposed by RSA 147-B, and some hazardous waste generators may be able to lower their generator classification. Additionally, hazardous waste generators may experience a decrease in costs related to the decrease in the inspection frequency for hazardous waste tanks.

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

The changes proposed in the rules modify an existing program, but the result will be to reduce costs to anyone who is subject to the rules including political subdivisions. The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision, and so do not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2014-117

Rule Number Ed 507.06, Ed 507.07, Ed 507.08, Ed 614.03, and Ed 614.06

1. Agency Name & Address:

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

2. RSA Authority: RSA 21-N:9,II(r)-(s)

3. Federal Authority:

4. Type of Action:

Adoption ☒Amendment ☐Repeal ☐Readoption ☐Readoption w/amendment ☐

5. Short Title: School Counseling and School Psychology

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

Ed 507.06, 507.07, and 507.08 identify the certification requirements for School Counseling Director, School Counselor, and School Psychologist. Ed 614.03 and Ed 614.06 also identify the requirements for teacher preparation programs for school counseling and school psychology. These rules had expired April 2013 and July 2014, but are being adopted again with changes to provide updated standards for school counseling and school psychology.

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

Those seeking certification as school counselors and school psychologist

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 507.06	RSA 186:11, X(a)
Ed 507.07	RSA 186:11, X(a)
Ed 507.08	RSA 21-N:9, II(s)
Ed 614.03	RSA 21-N:9, II(r)
Ed 614.06	RSA 21-N:9, II(r)

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

Name: Mary Mayo

Title: Rules Coordinator

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

Phone #: 271-3189

Fax#: 271-4034

E-mail: Mary.Mayo@doe.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.education.nh.gov/legislation/adopt_amend_repeal.htm

NN 2014-117 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: September 23, 2014

X Fax

X E-mail

X Other format (specify):

mary.mayo@doe.nh.gov

9. Public hearings are scheduled for:

Date and Time **September 9, 2014 11 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 # 14:117 , dated 7/31/2014

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

Portions of the previous rules expired in April 2013 and July 2014, respectively. The Department has continued to operate under the provisions of the expired rules. There is no difference in cost when comparing the proposed rules to the expired 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 proposed 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 NH Constitution.**

Notice Number	2014-118	Rule Number	He-M 310
1. Agency Name & Address: Dept. of Health & Human Services Bureau of Developmental Services State Office Park South 105 Pleasant Street Concord, NH 03301		2. RSA Authority: RSA 171-A:3; RSA 171-A:14, V; RSA 137-K:3, IV	
		3. Federal Authority: _____	
		4. Type of Action:	
		Adoption _____	
		Amendment _____	
		Repeal _____	
		Readoption _____	
		Readoption w/amendment X	

5. Short Title: **RIGHTS OF PERSONS RECEIVING DEVELOPMENTAL SERVICES OR ACQUIRED BRAIN DISORDER SERVICES IN THE COMMUNITY**

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

He-M 310 defines the rights of applicants for service or persons who have been found eligible for services under RSA 171-A:6 and who are being served in the community or in a state-operated designated receiving facility. Individuals might have additional rights under RSA 151:21, patients' bill of rights for residents of health care facilities. The rule summarizes fundamental rights, personal rights, service-related rights, rights of persons in community residences, and termination and suspension criteria.

Proposed changes to the rule include:

- **Aligning definitions with more current versions;**
- **Specifying federal voting guidelines;**
- **Allowing a charge of not more than fifty cents per page for copies of records;**
- **Referencing RSA 126-U regarding restraint of minors;**
- **Updating other references and language; and**
- **Pursuant to 42 CFR 441.301(c)(4)(vi)(F), allowing the rights of individuals in community residences to be modified based on a documented, clinical need if certain conditions have been met and the informed consent of the individual or guardian has been granted.**

The rules were due to expire on August 4, 2014, but are subject to extension pursuant to RSA 541-A:14-a.

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

Persons with developmental disabilities or acquired brain disorders receiving services in the community, as well as the providers of such services, are affected by this rule.

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

<u>Rule</u>	<u>Specific State Statutes the Rule Implements</u>
He M 310.01	RSA 171-A:8; 11-15; 29; RSA 137-K-3, IV
He M 310.02	RSA 171-A:8; 11-15; 29
He M 310.03	RSA 171-A:15; RSA 137-K-3, IV
He M 310.04	RSA 171-A:14, I; RSA 137-K-3, IV
He M 310.05	RSA 171-A:14; 29; RSA 137-K-3, IV
He M 310.06	RSA 171-A:11-13; RSA 137-K-3, IV
He M 310.07	RSA 171-A:8; RSA 137-K-3, IV
He M 310.08	RSA 171-A:8; RSA 137-K-3, IV
He M 310.09	RSA 171-A:14, II, III, IV; 29; RSA 137-K-3, IV; 42 CFR 441.301(c)(4)(vi)(F)

NN 2014-118 Continued

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

Name: **Michael Holt** Title: **Rules Coordinator**
Address: **Dept. of Health and Human Services** Phone #: **271-9234**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: **michael.holt@dhhs.state.nh.us**
Concord, NH 03301

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: **Thursday, September 4, 2014**

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

9. Public hearing scheduled for:

Date and Time: **Thursday, August 28, 2014 at 10:00 a.m.**

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

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

FIS # **14:111**, dated **07/29/14**

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

When compared to the existing rules, the proposed rules will increase costs to certain State citizens by an indeterminable amount.

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:**

Under the proposed rules citizens, including the individual receiving services, an attorney or other advocate representing the individual, will pay the \$0.50 per page for copies of records. Electronic records will be made available for the actual cost of reproduction. In the current rules, there is no charge for the first 25 copies and the charge for copies in excess of 25 is \$0.25. There will be no impact on political subdivisions.

- C. **To Independently owned businesses:**

None.

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

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.

EXTENSION OF PUBLIC COMMENT DEADLINE

Notice Number 2014-91Rule Number Ins 3601 Various Sections

1. Agency Name & Address:

**N.H. Insurance Department
21 South Fruit Street
Concord, NH 03301**

2. RSA Authority: **RSA 400-A:15, I.; RSA
415-D:12**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment **X**

Repeal _____

Readoption _____

Readoption w/amendment **X**5. Short Title: **Ins 3601 Long-Term Care Insurance**

6. In accordance with RSA 541-A:11, III, the public comment deadline for this proposed rule has been extended past its scheduled date for which notice appeared in the Rulemaking Register on **06/26/14** under Notice Number **2014-91**.

7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **August 15, 2014**

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

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

Name: **David Sky**Title: **LAH Actuary**

Address: **N.H. Insurance Department
21 South Fruit Street
Concord, NH 03301**

Phone #: **271-2261**Fax#: **271-1406**E-mail: **david.sky@ins.nh.gov**

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