LEGISLATIVE COMMITTEE MINUTES

HB136

Bill as Introduced

22Mar2023... 0949h

2023 SESSION

23-0020
06/08

HOUSE BILL ***136***

AN ACT relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

SPONSORS: Rep. Merchant, Sull. 6

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires the department of health and human services seek authorization from the advisory council for the department of health and human services prior to adopting departmental rules.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 136 - AS AMENDED BY THE HOUSE

22Mar2023... 0949h

23-0020
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Rulemaking. Amend the introductory paragraph RSA 126-A:95 to read as follows:

The department shall ***work in collaboration with the advisory council established under RSA 126-A:96 to adopt rules pursuant to RSA 541-A, and prior to the department adopting any proposed rule, the department shall provide the council an opportunity to hold a roll call vote in support or opposition to any final proposed rule adopted*** [~~adopt rules~~] pursuant to RSA 541-A, necessary to implement and maintain the program including:

2 Effective Date. This act shall take effect 60 days after its passage.

22Mar2023... 0949h

2023 SESSION

23-0020
06/08

HOUSE BILL ***136***

AN ACT relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

SPONSORS: Rep. Merchant, Sull. 6

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HB 136 - VERSION ADOPTED BY BOTH BODIES

22Mar2023... 0949h

23-0020
06/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 115
HB 136 - FINAL VERSION

22Mar2023... 0949h

2023 SESSION

23-0020
06/08

HOUSE BILL ***136***

AN ACT relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

SPONSORS: Rep. Merchant, Sull. 6

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires the department of health and human services seek authorization from the advisory council for the department of health and human services prior to adopting departmental rules for the controlled drug prescription health and safety program.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 115
HB 136 - FINAL VERSION

22Mar2023... 0949h

23-0020
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115:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 30, 2023
Effective Date: August 29, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: April 19, 2023

HEARINGS

Wednesday	04/26/2023
(Day)	(Date)

Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 337-FN**	relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.
9:15 a.m.	**HB 215**	relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.
9:30 a.m.	**HB 136**	relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 337-FN

Rep. Merchant	Rep. Ulery	Rep. C. McGuire	Rep. Rochefort
Rep. Cushman	Sen. Carson	Sen. Prentiss	

HB 215

Rep. M. Pearson	Rep. McMahon	Rep. Nagel	Rep. Palmer
Rep. J. Murphy			

HB 136

Rep. Merchant

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

HB 136, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

Hearing Date: April 26, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill requires the department of health and human services seek authorization from the advisory council for the department of health and human services prior to adopting departmental rules.

Sponsors:
Rep. Merchant

Who supports the bill: Rep. Gary Merchant

Who opposes the bill: None
Who is neutral on the bill: None

Summary of testimony presented:

Prime Sponsor
Representative Gary Merchant

- Rep. Merchant introduced HB 136 and stated that this bill fundamentally allows the advisory council to the Prescription Drug Monitoring Program, to have the opportunity to voice their opinion about a roll call before it goes to the Joint Legislative Committee on Administrative Rules (JLCAR).
- Noted that JLCAR can hold a roll call vote to support or oppose a rule. Rep. Merchant added that he believes that it's important that JLCAR hears the opinion of the advisory council.
- Clarified that this bill does not take away the Departments obligation to be responsible for the rule, just requires the advisory councils opinion is heard.
- Sen. Altschiller asked whether this legislative fix of RSA 126 due to the DHHS feeling that they weren't being heard at the JLCAR level.
- Rep. Merchant answered that the intent of this bill is just to codify best practice. This would just require JLCAR to listen to the advisory board prior to holding a

roll call on a rule. Re-emphasized that this does not change the department's authority for rulemaking.

- Provided that this bill is from the advisory council and that he sits on the council and wants to make sure that the voice of this council is heard on the journey of rulemaking.
- Sen. Pearl questioned what advisory council this bill is referring to.
- Rep. Merchant responded that this advisory council under statute is called the Controlled Drug Prescription and Safety Program but it is commonly referred to as the Prescription Drug Monitoring Program (PDMP).
- This bill was drafted in collaboration with the department as well.
- Sen. Altschiller clarified the process where the advisory council is in collaboration with DHHS to discuss and support or oppose rules through the hearing of everybody's voice.
    - Rep. Merchant responded that Sen. Altschiller's understanding is correct.

PJ
Date Hearing Report completed: May 5, 2023

Speakers

SENATE EXECUTIVE DEPARTMENTS & ADMINISTRATION COMMITTEE

Date 04/26/23 Time 9:30 A.M. Public Hearing on **HB 136**

relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

Please check box(es) that apply.

SPEAKING	*FAVOR*	*OPPOSED*	*NAME (Please print)*	*REPRESENTING*
☑	☑	☐	Rep Gary Merchant	Self
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Testimony

State of New Hampshire

REPRESENTATIVE GARY MERCHANT
SULLIVAN, DISTRICT 6

Testimony HB 136
Senate – Executive Departments and Administration
April 26, 2023

Good morning, Mr. Chairman, members of the Senate Executive Departments and Administration and members of the public. For the record, I am Representative Gary Merchant for Sullivan County, District #6, representing Claremont and Croydon.

I am a member of the advisory council to the controlled drug prescription health and safety program, commonly referred to as the prescription drug monitoring program. The advisory council is composed of representatives from multiple stakeholder communities as law enforcement, physicians, dentists, veterinarians, nurse practitioners, pharmacists, hospitals, boards of medicine, nursing, pharmacy, and state agencies as DHHS, the office of the Attorney General and the General Court. This esteemed body of learned individuals provides an important and essential voice to the department on strategies and operations essential to the program.

During a meeting, DHHS administration made a comment that the department does not need approval of the council to enact rules. HB 136 simply ensures best practice, that is, the advisory council has an opportunity to voice their support or opposition to any rule being promogulated by the department; and that the council be provided an opportunity to hold a roll call vote on the final proposed rule to be adopted. HB 136 was drafted in collaboration and cooperation with the Department of Health and Human Services.

For these reasons, I ask the committee to support HB 136 as amended and recommend Ought to Pass to the full Senate.

Respectfully,

Gary Merchant

272 Pleasant Street
Claremont, NH 03743
603-558-1389
gary.merchant@leg.state.nh.us

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # 136

Hearing date: 4/26

Executive Session date: 4/26

Motion of: OTP **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☑	☐	☐	☑	☐
Sen. Carson,VC	☑	☑	☐	☑	☐
Sen. Gendreau	☑	☐	☐	☑	☐
Sen. Perkins-Kwoka	☑	☐	☐	☑	☐
Sen. Altschiller	☑	☐	☑	☑	☐

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☑	☐	☐	☑	☐
Sen. Carson,VC	☑	☐	☑	☑	☐
Sen. Gendreau	☑	☐	☐	☑	☐
Sen. Perkins-Kwoka	☑	☑	☐	☑	☐
Sen. Altschiller	☑	☐	☐	☑	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of: _____ **Vote:** _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

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Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

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Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson,VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Reported out by: Perkins Kwoka

Notes:_____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 27, 2023

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 136**

AN ACT	relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Rebecca Perkins Kwoka
For the Committee

HB136 allows the advisory council to the Prescription Drug Monitoring Program to have the opportunity to provide input via a roll call on proposed rules before they are adopted by the Department. This allows for an additional input to improve the rulemaking process in the Department of Health and Human Services.

Phil Jasak 271-1403

FOR THE CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 136, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking. Ought to Pass, Vote 5-0.
Senator Rebecca Perkins Kwoka for the committee.

HB136 allows the advisory council to the Prescription Drug Monitoring Program to have the opportunity to provide input via a roll call on proposed rules before they are adopted by the Department. This allows for an additional input to improve the rulemaking process in the Department of Health and Human Services.

General Court of New Hampshire - Bill Status System

Docket of HB136

Docket Abbreviations

Bill Title: relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

Official Docket of **HB136.:**

Date	Body	Description
12/23/2022	H	**Introduced** 01/04/2023 and referred to Health, Human Services and Elderly Affairs
2/8/2023	H	Public Hearing: 03/01/2023 09:30 am LOB 210-211
3/1/2023	H	Executive Session: 03/08/2023 11:00 am LOB 201-203
3/16/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0949h** 03/13/2023 **(Vote 20-0; CC) HC 16** P. 10
3/22/2023	H	Amendment **#2023-0949h**: AA VV 03/22/2023 **HJ 11** P. 17
3/22/2023	H	**Ought to Pass with Amendment** 2023-0949h: MA VV 03/22/2023 **HJ 10** P. 16
3/24/2023	S	Introduced 03/23/2023 and Referred to Executive Departments and Administration; **SJ 12**
4/19/2023	S	**Hearing:** 04/26/2023, Room 103, SH, 09:30 am; **SC 19**
4/27/2023	S	Committee Report: Ought to Pass, 05/11/2023; Vote 5-0; CC; **SC 21**
5/11/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 05/11/2023; **SJ 14**
6/20/2023	S	Enrolled Adopted, VV, (In recess 06/15/2023); **SJ 20**
6/20/2023	H	Enrolled (in recess of) 06/15/2023 **HJ 16** P. 14
7/19/2023	H	Signed by Governor Sununu 06/30/2023; Chapter 115; Eff: 08/29/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 136 **Senate Committee:** EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

___ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Phillip Tisak 7/7/23

Committee Aide **Date**

Senate Clerk's Office AK