2019 New Hampshire Legislation
New State Laws Affecting Hospitals

The 2018/2019 legislative session ended on June 27, 2019 with many bills being passed into law; below you’ll find a list of the bills that affect hospitals and health systems. The Governor has now acted on all the bills affecting hospitals, so this list has been updated.

The SFY 20/21 State Budget was one of our highest priorities this year. The budget, unfortunately, was vetoed by the Governor at the end of June 2019. Due to the veto, a 90 day Continuing Resolution (CR) was passed which will be in effect until the end of September. While discussions are ongoing, the budget conferees and the Governor’s office remain at an impasse to date.

There are many provisions in the budget that NHHA supports, including the funding to move the children’s services out of New Hampshire Hospital to a separate hospital, funding for the construction of a dedicated forensic hospital and rate increases for all Medicaid providers. In addition, the budget addresses our concern regarding the creation of a dedicated fund related to the proceeds for the Governor’s Commission on Alcohol and Other Drugs, as well as removing the repeal of the Graduate, Indirect Graduate Medical Education and Catastrophic Aid to Hospitals provisions. While no money was appropriated to these last three provisions, they remain as part of the DHHS budget, which allows for potential funding in the future.

A priority focus for the NHHA this session was to ensure that the settlement agreement signed in 2018 regarding the Medicaid Disproportionate Share Hospital (DSH) payments owed to hospitals is properly funded, which to date, has been appropriately maintained in the budget.

Our other major priority has been to ensure that the behavioral health crisis continues to be addressed by implementation of meaningful reforms to support increased inpatient capacity at New Hampshire Hospital, adequate
reimbursement for designated receiving facilities (DRFs), funds to renovate DRFs and reimbursement for emergency room boarding. Many components of the 10-Year Mental Health Plan were addressed this session by passing individual bills that focused on specific recommendations in the plan, while other recommendations were incorporated into the budget.

Additionally, reimbursement statutes were modified, among many other provisions, to ensure that hospitals are able to provide the patient care and access to services that are most needed. One such bill, SB 11, was signed into law by the Governor in May and efforts are underway to ensure compliance with all provisions of the law.

As with our entire legislative agenda and activities, it is your active involvement that enables us to be successful on your behalf. Our success is built upon that partnership, and we thank you for your leadership and engagement.

To download a list of bills affecting hospitals, the RSAs and the effective date, please click here.

** Links to the bills and affected statutes are provided below. Please note that the online RSAs are provided for ease of reference, however they have not yet been revised by the state of NH with the enacted changes.

**Behavioral Health**

**SB 11, Relative to Mental Health Services and Making Appropriations Thereof**  
Chapter 41 of the Laws of 2019  
SB 11 amends RSA 151:2, and RSA 41-F to:

- Authorizes the department of health and human services to use general surplus funds for designated receiving facilities and for voluntary inpatient psychiatric admissions.
- Makes an appropriation to the department of health and human services for the purpose of renovating certain existing facilities.
- Provides for potential rulemaking for involuntary admission hearing requirements.
- Requires insurers to reimburse certain facilities for emergency room boarding.

Effective May 21, 2019, insurer reimbursement section effective July 1, 2019

**SB 177, Relative to the Use of Physical Restraints on Persons who are Involuntarily Committed**  
Chapter 239 of the Laws of 2019  
SB 177 amends RSA 135-C to clarify when physical restraints may be used to transport a person being admitted to New Hampshire Hospital or a designated receiving facility.

Effective January 1, 2020

**SB 225, Adding Physician Assistants to Certain New Hampshire Laws**  
Chapter 278 of the Laws of 2019  
SB 225 amends RSA 135, RSA 135-C and RSA 464-A to insert physician
assistants into mental health statutes and to clarify the guardianship statute to allow for physician assistants and licensed advanced practice registered nurse to certify admissions with probate court review.

**Effective September 17, 2019**

**SB 292, Relative to Implementation of the New Mental Health 10-year Plan**

*Chapter 248 of the Laws of 2019*

SB 292 amends **RSA 126-A** to require the commissioner to submit a report containing the priorities for implementation of New Hampshire's 10-year mental health plan of 2018 by September 1, 2019 to the oversight committee on health and human services, the president of the senate, the speaker of the house of representatives, and the governor. This bill also requires the commissioner to submit an annual report thereafter relative to the status of fully implementing the 10-year mental health plan.

**Effective July 12, 2019**

**Community Benefits/Charitable Trusts**

**HB 552, Relative to Transparency and Standards for Acquisition Transactions in Health Care**

*Chapter 293 of the Laws of 2019*

HB 552 amends **RSA 7:19** to clarify the standards for acquisition transactions involving health care charitable trusts and the review required by the director of charitable trusts.

**Effective January 1, 2020**

**Health Care Information/Privacy**

**SB 111, Relative to the Collection of Health Care Data**

*Chapter 233 of the Laws of 2019*

SB 111 amends **RSA 126** to clarify the collection of health care discharge data.

**Effective July 12, 2019**

**Health Insurance/Other Insurance**

**HB 528, Relative to Insurance Reimbursement for Emergency Medical Services**

*Chapter 16 of the Laws of 2019*

HB 528 amends **RSA 417-F:2** to clarify the requirements of an insurer when reviewing a claim for emergency services.

**Effective July 9, 2019**

**SB 58, Relative to Reimbursement Rates for Low-dose Mammography Coverage**

*Chapter 226 of the Laws of 2019*

SB 58 amends **RSA 420-J:8** to clarify payment for low-dose 3-D mammography under the managed care law.

**Effective September 10, 2019**

**Licensing and Certification**
HB 615, Relative to the Regulation of Pharmacies and Pharmacists
Chapter 264 of the Laws of 2019
HB 615 amends RSA 318 to clarify the regulation of pharmacies and pharmacists by the board of pharmacy, including procedures of the board, exceptions to possessing prescription drugs, license expirations and renewals, and establishing the licensure of drug distribution agents.
Effective September 17, 2019

SB 80, Relative to Applicants to the Board of Mental Health Practice from Other States, Membership on the Board of Mental Health Practice, and Insurance Credentialing of Out-of-State Mental Health Practitioners and Psychologists
Chapter 228 of the Laws of 2019
SB 80 amends RSA 330-A and RSA 420-J-4 to modify the membership of the licensing board of mental health practice and the insurance credentialing of out-of-state mental health practitioners and psychologists.
Effective September 10, 2019

SB 97, Relative to Special Health Care Services Licenses and Establishing a Committee to Study Providing Certain Health Care Services While Ensuring Increased Access to Affordable Health Care in Rural Areas of the State
Chapter 155 of the Laws of 2019
SB 97 amends RSA 151:2-e to clarify the Commissioner of Health and Human Services requirement's under rule-making relative to special health care services licenses and establishes a legislative study committee to review the delivery of and access to health care in rural areas of the state.
Effective July 1, 2019

SB 273, Relative to the Regulation of Nursing Assistants by the Board of Nursing
Chapter 284 of the Laws of 2019
SB 273 amends RSA 326-B to clarify statute regarding fees and terminology and establishes a Legislative Study Committee to study the regulation of nursing assistants by the board of nursing.
Effective July 19, 2019

Medicaid

HB 725, Including Medicaid Care Organizations Under the Managed Contractor Requirements for Provider Care Law
Chapter 182 of the Laws of 2019
HB 725 amends RSA 126-A to clarify certain credentialing and quality assurance for Medicaid managed care organizations.
Effective September 8, 2019

SB 258, Relative to Telemedicine and Telehealth Services
Chapter 258 of the Laws of 2019
SB 258 amends RSA 167:4-d and RSA 415-J:2 to add definitions and clarifications to the insurance and Medicaid statutes relative to telemedicine.
Effective October 11, 2019 (Medicaid statute changes) and January 1, 2020 (Insurance Statute changes)
**Prescribed Drugs**

**HB 284, Relative to Biennial Controlled Substance Inventories Conducted Under the Controlled Drug Act**
*Chapter 8 of the Laws of 2019*
HB 284 amends RSA 318-B:12 to clarify requirements of persons required by federal law to conduct biennial controlled substance inventories every odd-numbered year.
**Effective July 9, 2019**

**HB 359, Relative to Warning Labels on Prescription Drugs Containing Opiates**
*Chapter 201 of the Laws of 2019*
HB 359 amends RSA 318-B and RSA 12-J:3 to require any drug which contains an opiate dispensed by a health care provider or pharmacy to have an orange sticker on the cap and a warning label regarding the risks of the drug. It also requires a handout on the risks of opioids to be developed.
**Effective January 1, 2020**

**SB 120, Relative to the Controlled Drug Prescription Health and Safety Program**
*Chapter 303 of the Laws of 2019*
SB 120 amends RSA 318-B to transfer the controlled drug prescription health and safety program, also known as the Prescription Drug Monitoring Program (PDMP), to the office of professional licensure and certification and to update the composition of the PDMP Advisory Council.
**Effective September 27, 2019**

**Public Health**

**SB 85, Reestablishing the Commission to Study Environmentally Triggered Chronic Illness**
*Chapter 229 of the Laws of 2019*
SB 85 amends RSA 126-A to reestablish a commission to study environmentally triggered chronic illnesses. NHHA has a seat on the commission.
**Effective July 12, 2019**

**Quality & Patient Safety**

**SB 26, Relative to the New Hampshire Health Care Quality Assurance Commission**
*Chapter 222 of the Laws of 2019*
SB 26 amends RSA 151-G to change the name of the New Hampshire health care quality assurance commission to the NH health care quality and safety commission and makes the commission permanent.
**Effective July 12, 2019**

**SB 119, Directing Hospitals to Develop an Operational Plan for the Care of Patients with Dementia**
*Chapter 194 of the Laws of 2019*
SB 119 amends RSA 151:2 to require hospitals to complete and implement an
operational plan for the recognition and management of patients with dementia or delirium in acute care settings.

Effective January 1, 2020

**Workforce/Professional**

**HB 637, Relative to Criminal Background Checks by Employers and Public Agencies**

*Chapter 297 of the Laws of 2019*

HB 637 amends various RSAs: 106-B, 151:2, 317-A, 328-E, 331-A

to require the division of state police to maintain an accessible electronic database containing public criminal history record information needed as a condition for occupational licensure. The law also removes the notarization requirement for requesting a criminal history records check.

Effective July 1, 2019

**SB 100, Relative to Discrimination in Employment Based on Criminal Background Checks**

*Governor Vetoed*

SB 100 amends RSA 275 to prohibit discrimination in employment based on criminal background checks. Hospitals are exempted from this prohibition due to other requirements of state and federal laws.

Effective TBD (180 days after its passage)

*For information on all bills tracked by NHHA, go to http://bills.nhha.org/*