



Legislative Newsletter

Keeping members informed on federal & state legislative priorities.

August 2021

Dear Members,

The 2021 legislative session ended on June 24, 2021, 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 not yet acted on all the bills that impact hospitals, so this list will be updated as he finalizes all the bills that require his action.

The 2021 legislative session began how the 2020 session ended – completely virtual. Challenges related to such a format continued throughout most of the session. While some legislators met in-person on a limited basis for hearings and session days, the public was not allowed into the State House or Legislative Office Building until the State of Emergency was lifted by the Governor in mid-June. Having limited in person access to legislators proved to be especially difficult. Despite these challenges several high priority bills were reintroduced this year that were delayed due to the pandemic in 2020.

The SFY 22/23 State Budget was one of the highest priorities this year. The House and Senate passed the compromise budget bill ([HB 1](#) and [HB 2](#)) on June 24, 2021, after a lengthy Committee of Conference process and the Governor signed it into law. While there are some controversial policy provisions in the budget that were not supported by NHHHA, the overall financial components of the budget support hospitals and health care providers, including maintaining the Medicaid rate increases that were passed into law in 2019, and ensuring that the 2018 settlement agreement regarding the Disproportionate Share Hospital (DSH) payments due to hospitals is properly funded. The budget also provides much needed funding for behavioral health programs, to include mobile crisis units, transitional housing and much more.

Other priority bills for NHHHA included updating the advance care planning statute, establishing a committee to study workplace safety, the reporting of health care associated infections, the adoption of liability protections for health care providers during the pandemic and allowing for the integration of controlled drug prescription health and safety program information with electronic medical records. We are happy to report that all of these bills were passed this year with most having been signed into law. We are awaiting a couple more bills to be signed,

which should occur in the near future.

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

*** 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 with the enacted changes.*



State Update

2021 New Hampshire Legislation New State Laws Affecting Hospitals (as of 8/5/21)

HEALTH CARE DECISION MAKING

SB 74, relative to advance directives for health care decisions

Chapter 176 of the Laws of 2021

SB 74 amends **RSA 137-J** to revise a number of definitions related to advance care planning, redefines “near death” to “actively dying” and further defines the role of a surrogate. It also allows for consent to clinical trials or experimental treatments.

Effective Dates:

Section 2 (Clinical Trials/Experimental Treatments) - July 1, 2021

Remainder - July 30, 2021

LICENSING AND CERTIFICATION

HB 94, relative to licensure renewal dates for certain governing boards under the office of professional licensure and certification.

Chapter 3 of the Laws of 2021

HB 94 amends **RSA 310-A**, **RSA 328-F**, **RSA 316-A**, **RSA 328-G**, and **RSA 315** to revise the procedure and timeframe for license renewals of allied health professionals, body art practitioners, podiatrists, chiropractors, acupuncturists, and veterinarians.

Effective Date: June 22, 2021

HB 369-FN, relative to the use of physical agent modalities by occupational therapists.

Chapter 41 of the Laws of 2021

HB 369 amends **RSA 326-C** to revise the rulemaking requirements regarding ultrasound or electrical physical agent modalities by occupational therapy

practitioners.

Effective Date: July 16, 2021

HB 567, permitting certain military personnel, emergency medical technicians, and paramedics to apply for licensure as a nursing assistant.

Chapter 97 of the Laws of 2021

HB 567 amends [RSA 326-B](#) to permit certain current or former military service members to apply for a license as a nursing assistant in New Hampshire.

Effective Date: July 1, 2021

SB 57, relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks.

Chapter 76 of the Laws of 2021

SB 57 amends [RSA 318](#) to define “remote processing” and “non-dispensing activities” and set criteria for pharmacists, pharmacy technicians or pharmacy interns to engage in remote processing.

Effective Date: June 11, 2021

SB 155, codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic.

Chapter 121 of the Laws of 2021

SB 155 amends various RSAs, to include [RSA 326-B](#), [RSA 310-A](#), [RSA 318](#) which:

- Establishes the position of temporary health partner.
- Authorizes emergency licensing of medical providers (including senior nursing students).
- Authorizes COVID-19 testing by pharmacists and pharmacy technicians.
- Permits out-of-state pharmacies providing investigational drugs to clinical trial participants in New Hampshire to be temporarily licensed as mail-order pharmacies.
- Provides for the continued temporary licensure of healthcare workers through the office of professional licensure and certification.
- Authorizes pharmacy technicians to administer COVID-19 vaccines.

Effective Date: July 9, 2021

PRESCRIPTION DRUGS

SB 45, relative to the controlled drug prescription health and safety program

Chapter 148 of the Laws of 2021

SB 45 amends [RSA 126-A](#) to have DHHS to enter into agreements or contracts to facilitate the Prescription Drug Monitoring Program (PDMP) to share information with practitioner’s electronic health record keeping system. The provider is responsible for disclosing to the public that the practitioner may access and use information contained in the program.

Effective Date: July 23, 2021

PUBLIC HEALTH/HEALTH PROMOTION

HB157, relative to the state health improvement plan and the state health assessment and state health improvement plan advisory council

Chapter 35 of the Laws of 2021

HB 157 amends **RSA 126-A** to revise components of the state health improvement plan and revises the membership and duties of the state health assessment and state health improvement plan advisory council.

Effective Date: May 17, 2021

HB 600, relative to funding for newborn screening

Chapter 145 of the Laws of 2021

HB 600 amends **RSA 132:10** to allow for newborn health screening fees to be offset by reimbursement from commercial insurance, Medicaid, or other payors, paid to hospitals for such tests.

Effective Date: November 20, 2021

QUALITY & PATIENT SAFETY

HB 131, relative to reporting of health care associated infections.

Chapter 79 of the Laws of 2021

HB 131 amends **RSA 151** to clarify the information that hospitals must report regarding infections, to be consistent with federal Centers for Medicare and Medicaid Services Hospital Inpatient Quality Reporting Program, Center for Disease Control and Prevention or the National Quality Forum requirements.

Effective Date: August 17, 2021

STATE GOVERNMENT / AGENCIES

SB 162, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure

Chapter 122 of the Laws of 2021

SB 162 requires DHHS to draft a plan, in collaboration with all New Hampshire hospitals, that details the necessary emergency services offered for medical treatment of both physical and behavioral health by September 1, 2021.

Effective Date: July 9, 2021

SB 149, adopting omnibus legislation on health and human services

Chapter 179 of the Laws of 2021

SB 149 amends **RSA 21-P** regarding health facilities carrying out “emergency management” functions pertaining to the state of emergency declared under state and/or federal law in response to COVID-19. No organization or person shall be liable as a result of compliance with emergency order or rule.

Effective Date: July 30, 2021

TAXES / FEES

SB 3, clarifying the tax treatment of federal Paycheck Protection Program loans

Chapter 74 of the Laws of 2021

SB 3 amends **RSA 77-A** to exclude under the business profits tax the business income of a taxpayer received by reason of forgiveness of indebtedness or created under the federal Paycheck Protection Program (PPP).

Effective Date: June 10, 2021

WORKFORCE / PROFESSIONAL

SB 120, relative to physician assistant medical services through the Manchester Veterans Administration Medical Center

Chapter 151 of the Laws of 2021

SB 120 amends **RSA 328-D:2-a** to modify the requirements for out-of-state or out-of-country physician assistants and state-licensed physician assistants to offer medical services through the Veterans Administration.

Effective Date: September 21, 2021

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

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