



Legislative Newsletter

Keeping members informed on federal & state legislative priorities.

July 2022

Dear Members,

The 2022 legislative session ended on May 26, 2022, 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 required his action.

The 2022 legislative session was marked by significant polarization between those advocating for greater individual liberty and those focused on supporting public health. We saw a large number of bills introduced that were focused on COVID-related issues. Despite these challenges, NHHA had several high priority bills introduced this year and had several of them pass and ultimately signed into law.

Other priority bills for NHHA included workplace safety, reimbursement increases to Medicaid labor/delivery services and streamlining the professional licensing and criminal background check processes. We are happy to report that all of these bills were passed this year and have either been signed into law or will be signed into law within the next few weeks.

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

2022 New Hampshire Legislation

New State Laws Affecting Hospitals

(as of 7/20/2022)



HEALTHY 603 COALITION PRIORITY BILLS - VACCINE-RELATED BILLS

HB 1003, prohibiting health care providers from refusing to provide care or services based on patient vaccination status

Chapter 52 of the Laws of 2022

This bill amends **RSA 151:21** (Patients' Bill of Rights) to ensure that a patient shall not be denied admission, care, or services based solely on the patient's vaccination status.

Effective May 20, 2022

HB 1439, relative to health care facility visitation policies

Chapter 304 of the Laws of 2022

This bill amends **RSA 151:21** (Patients' Bill of Rights) to allow, with limited exception, a patient to designate a parent, spouse, family member, or other caregiver to be present while a patient receives care.

Effective July 1, 2022

HB 1455, relative to state enforcement of federal vaccination mandates

Chapter 305 of the Laws of 2022

This bill amends **RSA 275-H** to prohibit state enforcement of any federal law, order, or rule that requires an individual, as a condition of employment or any other activity, to provide proof of vaccination against COVID-19 or to submit more than once per month to COVID-19 testing. The provisions of the law do not apply to any health care facility, provider, or contractor subject to a federal vaccine requirement, so hospitals are exempt from this law.

Effective July 1, 2022

HB 1487, relative to the procedure for withdrawal from the vaccine registry

Chapter 307 of the Laws of 2022

This bill amends **RSA 141-C:20-f** to modify the process an individual must follow to withdraw from the state immunization registry.

Effective July 1, 2022

HB 1495, prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status

Chapter 263 of the Laws of 2022

This bill amends **RSA 9-G** to prohibit the state of New Hampshire and its political subdivisions from requiring any business to require vaccination or documentation

of vaccination or immunity, except for state agencies certifying a medical facility or provider which is subject to a Medicare or Medicaid vaccination requirement or under [RSA 141-C:20-a](#), I. Hospitals are not subject to the new law.

Effective June 24, 2022

[HB 1606, relative to administration of the state immunization registry](#)

Chapter 270 of the Laws of 2022

This bill amends [RSA 141-C:20-f](#) to require a patient to have the opportunity to opt-out or opt-in to the immunization registry. The bill also provides that a patient's personal data shall not be entered into the registry without their explicit consent.

Effective July 1, 2022

[HB 1608, relative to withdrawal from the state immunization registry](#)

Chapter 83 of the Laws of 2022

This bill requires the Department of Health and Human Services to inform the public of the opportunity for individuals to withdraw their COVID-19 vaccination status from the state immunization registry.

Effective May 20, 2022

[SB 288, establishing a committee to study the listing of immunizations in children](#)

Chapter 159 of the Laws of 2022

The bill establishes a Committee to Study the Listing of Immunizations for Children under [RSA 141-C:20-a](#), and take testimony from the Department of Health and Human Services and other interested parties about COVID-19 vaccines for school-aged children and childcare agencies.

Effective June 7, 2022

EMERGENCY MANAGEMENT / PUBLIC SAFETY

[SB 325, relative to local organization for emergency management and first responders](#)

Chapter 166 of the Laws of 2022

This bill amends [RSA 21-P:35](#) to include first responders in the definitions of emergency management for emergency management within the division of homeland security and emergency management.

Effective August 6, 2022

HEALTH CARE ACCESS

[HB 381, relative to laboratory testing](#)

Chapter 249 of the Laws of 2022

This bill amends [RSA 151:12-c](#) to allow laboratory testing without a licensed medical practitioner's order. The bill adds rulemaking authority for the purposes of the bill. The bill does not require a laboratory to offer such testing on a direct access basis.

Effective January 1, 2023

[HB 503, codifying the council on housing stability and relative to telehealth and](#)

medically assisted treatment for substance use disorder

Chapter 251 of the Laws of 2022

This bill amends various RSAs, **RSA 167:4-d**, **III(a)(2)**, **RSA 318-B:2**, **XVI**, **RSA 329:1-d**, **III and IV**, and **RSA 326-B:2**, **XII(c)** and **(d)** to remove certain in-person and physical location requirements for Medicaid reimbursement and under the Controlled Drug Act, the Nurse Practice Act and the physicians and surgeons acts to allow for medically assisted treatment for substance use disorder through telemedicine.

Effective June 24, 2022

HB 1390, relative to access to language translation services in telemedicine

Chapter 197 of the Laws of 2022

This bill amends **RSA 310-A:1-g**, **V** to require language access services for limited-English proficient speakers and deaf or hard of hearing individuals when healthcare services are provided through telemedicine.

Effective June 17, 2022

HEALTH CARE INFORMATION / PRIVACY

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet

Chapter 180 of the Laws of 2022

This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the Division of Vital Records Administration under **RSA 5-C:19** and **5-C:20**.

Effective June 7, 2022

HEALTH INSURANCE

HB 1622, relative to notice that a health care provider is no longer accepting new patients and relative to mental health parity

Chapter 84 of the Laws of 2022

This bill amends **RSA 420-J:8** to require contracts between health care providers and carriers to include a provision that the provider notify the carrier when the provider is no longer accepting new patients. The bill also amends **RSA 417-E:1** to ensure that coverage for biologically based mental illness meet the same access standards and coverage as for any other type of health care for physical illness.

Effective January 1, 2023

LICENSING AND CERTIFICATION

HB 1018, relative to the board of medical imaging and radiation therapy

Chapter 104 of the Laws of 2022

This bill amends **RSA 328-J:1** to change the Board of Medical Imaging and Radiation Therapy into an advisory board within the Office of Professional Licensure and Certification.

Effective July 26, 2022

HB 1030, relative to alternate experience for licensed nursing assistant
Chapter 31 of the Laws of 2022

This bill amends **RSA 326-B:21-a** to clarify requirements for alternate experience licensure of nursing assistants.

Effective July 2, 2022

HB 1466, relative to the off-label use of prescription drugs and relative to pharmacy prescriptions

Chapter 306 to the Laws of 2022

This bill amends **RSA 329:17** by clarifying the circumstances under which a physician, physician assistant, and advanced practice registered nurse may prescribe a drug for an off-label indication. The bill also prohibits disciplinary action against a pharmacist for filling a valid prescription for off-label use.

Effective July 1, 2022

SB 220, relative to establishing a committee to study licensure of mental health professionals

Chapter 125 of the Laws of 2022

This bill establishes a committee to study licensure of mental health professionals. The committee will study and make recommendations relative to licensure of mental health professions under the Board of Licensing for Alcohol and Other Drug Use Professionals, Board of Medicine, Board of Mental Health Practice, Board of Nursing, and Board of Psychology.

Effective May 27, 2022

SB 228, relative to the regulation and practice of physician assistants

Chapter 148 of the Laws of 2022

This bill amends **RSA 328-D** by modifying the regulation of physician assistants and creating a collaborative model for physician assistants.

Effective August 6, 2022

SB 229, relative to pharmacist administration of vaccines

Chapter 274 of the Laws of 2022

This bill amends **RSA 318:16-b** to modify the requirements for the administration of vaccines and permits certified pharmacy technicians to administer vaccines.

Effective September 22, 2022

SB 277, relative to emergency or temporary health care licenses

Chapter 132 of the Laws of 2022

This bill amends **RSA 310-A:1-I** by extending the expiration date for the emergency licensing process and the emergency or temporary licensing of health care workers enacted in 2021, (**SB 155-FN**), converts the temporary or emergency licenses issued to permanent licenses, and extends the repeal dates of those provisions.

Effective June 3, 2022, and is repealed on June 30, 2023

SB 330, establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office

Chapter 219 of the Laws of 2022

This bill establishes a Committee to Study and Make Recommendations Relative to the Office of Professional Licensure and Certification, and the Licensure of Professions Under Boards, Councils, and Commissions Within the Office. This bill also creates a statutory oversight committee for the Office of Professional Licensure and Certification which shall be effective for 5 years.

Effective June 17, 2022 – establishing the study committee

Effective January 1, 2023 – establishing the statutory oversight committee

SB 382, relative to licensure requirements for telehealth services and relative to licensure of physicians and physician assistants through reciprocity agreements

Chapter 174 of the Laws of 2022

This bill amends **RSA 310-A:1-g** to clarify licensure requirements for healthcare professionals providing services by means of telemedicine or telehealth. The bill also authorizes the Office of Professional Licensure and Certification to enter into reciprocity agreements with other states to facilitate the licensure of out-of-state physicians and physician assistants in New Hampshire.

Effective August 6, 2022

SB 397, relative to the mental health counseling compact and the interstate compact on the placement of children

Chapter 277 of the Laws of 2022

The bill creates a new chapter under **RSA 330-D** to provide for the adoption of the mental health counseling compact and exempts certain child placements from the interstate compact on the placement of children under **RSA 170-A**.

Effective June 24, 2022

MEDICAID

HB 103 and SB 422, establishing an adult dental benefit under the state Medicaid program

Chapters 285 and 319 of the Laws of 2022

These bills amend **RSA 126-A:5** by requiring the Commissioner of the Department of Health and Human Services to solicit information and to contract with dental managed care organizations to provide dental care to persons under the Medicaid managed care program. The bill also appropriates the settlement funds received by the state from its settlement with the Centene Corporation to the Department of Health and Human Services for the purpose of funding the non-federal share of the adult dental benefit program and to complete the Medicaid Care Management SFY 20 Risk Corridor calculation.

Effective July 1, 2022

HB 1526, relative to income eligibility for in and out medical assistance and relative to the executive committee for the mental health counseling compact

Chapter 265 of the Laws of 2022

This bill repeals a previous law that suspended the Department of Health and Human Services from implementing improvements to the income eligibility requirement of in and out medical assistance and appropriates the necessary funds to implement the law.

Effective January 1, 2023

HB 1661, relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development

Chapter 272 of the Laws of 2022

This bill (a large, omnibus bill) amends various statutes under Department of Health and Human Services. The bill also allows the Department to increase the Medicaid reimbursement rates for facility-based birthing services provided at hospitals by 25 percent, in the aggregate, based on the rate in effect as of June 30, 2022. The bill also appropriates \$2,400,000 for fiscal year ending June 30, 2023 for the purpose of increasing the rates.

Effective July 1, 2022

PRESCRIPTION DRUGS

SB 335, relative to collaborative pharmacy practice agreements

Chapter 168 of the Laws of 2022

This bill amends **RSA 318:1** to clarify that a collaborative pharmacy practice agreement is an agreement between a pharmacist and attending practitioner.

Effective August 6, 2022

PUBLIC HEALTH / HEALTH PROMOTION

SB 419, establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks

Chapter 278 of the Laws of 2022

This bill amends **RSA 127** by establishing a Commission to Study the Delivery of Public Health Services in New Hampshire Through Regional Public Health Networks and continued development of coordinated responses to public health incidents and emergencies in New Hampshire.

Effective June 24, 2022

SB 279, establishing a study committee on harm reduction and overdose prevention programs

Chapter 90 of the Laws of 2022

The bill establishes a Committee to Study Harm Reduction and Overdose Prevention Programs on the state and local levels in New Hampshire, working with the Department of Health and Human Services, other state and local agencies, and stakeholders, to develop specific recommendations for legislation to authorize such programs.

Effective May 20, 2022

STATE GOVERNMENT / AGENCIES

SB 393, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility

Chapter 229 of the Laws of 2022

This bill amends **RSA 623-C** to clarify when the use of restraints on pregnant women in county or state correctional custody is allowed.

Effective August 16, 2022

SB 423, relative to a closed loop referral system in the department of health and human services

Chapter 99 of the Laws of 2022

This bill amends **RSA 126-A:4** to establish privacy and security requirements for a closed loop referral system established by the Department of Health and Human Services or an entity under contract with the Department.

Effective May 20, 2022

SB 375, relative to requirements for charitable organizations

Chapter 173 of the Laws of 2022

This bill amends **RSA 7** by 1) Prohibiting New Hampshire state agencies and officials from imposing filing or reporting requirements that are more stringent than those established in RSA 7:19 through RSA 7:32-l or other areas of statutory or common law, and 2) Increasing the amount of revenue, gains, and other support required of charitable organizations for the filing of additional audited statements to the attorney general to \$2,000,000.

Effective August 6, 2022

TAXES / FEES

HB 1221, relative to the rate of the business profits tax, and relative to payment by the state to political subdivisions of an amount equal to a portion of retirement system contributions of political subdivision employers

Chapter 189 of the Laws of 2022

This bill amends **RSA 77-A:2** to reduce the rate of the business profits tax for tax years ending on or after December 31, 2023. This bill also provides for a one-time payment by the state of an amount equal to 7.5 percent of required political subdivision employer contributions made to the state retirement system for group I teachers and group II members.

Effective June 17, 2022

WORKFORCE / PROFESSIONAL

HB 1659, relative to criminal history background checks for certain health care workers

Chapter 85 of the Laws of 2022

This bill amends **RSA 326-B:24** to establish the provision for temporary employment in a residential care facility or as a licensed nursing assistant by persons awaiting the results of a criminal history background check. The bill also amends **RSA 151:2-d** to allow for criminal record checks to be done by a third party, in addition to the Department of Safety.

Effective May 20, 2022

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