



# Legislative Newsletter

*Keeping members informed on federal & state legislative priorities.*

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September 2021

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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 now acted on all the bills that impact hospitals, so this list has been updated to include all the bills that required 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 and have been signed into law.

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.

***\*Asterisk indicates a bill that has been passed and added to this document since August 5, 2021, when the most recent Legislative Newsletter was released.***

***\*\* 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 9/1/21)

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#### ENERGY/ENVIRONMENT

***\*HB 413, establishing a solid waste working group on solid waste management planning, relative to composting, and establishing a statewide solid waste disposal reduction goal***

Chapter 188 of the Laws of 2021

HB 413 amends **RSA 149-M** to establish a working group to assist the department of environmental services plan for the state's solid waste future. NHAHA has a seat on the working group and will be appointing a hospital member to sit on the working group.

***Effective Date: August 10, 2021***

#### 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 479, relative to pharmacist provider status, nicotine cessation therapy, and pharmacy benefit manager requirements**

Chapter 189 of the Laws of 2021

HB 479 amends **RSA 126-A** to allow pharmacists to provide certain services covered by Medicaid and authorizes pharmacists to provide nicotine cessation therapy pursuant to a standing order from a provider. The bill also prohibits pharmacy benefit managers from requiring additional accreditation of health care providers.  
**Effective Date: January 1, 2022**

**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**

**\*HB 572, relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines**

Chapter 192 of the Laws of 2021

HB 572 amends **RSA 318** to allow licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry, and requires the report of any adverse reactions.  
**Effective Date: November 8, 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 58, relative to the administration of occupational regulation by the office of professional licensure and certification**

Chapter 197 of the Laws of 2021

SB 58 amends **RSA 310-A** to make changes to the statutory provisions governing the regulatory boards and commissions for health professions to conform with the oversight and administration of the office of professional licensure and certification (OPLC).

**Effective Date: July 1, 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**

**\*HB 143, relative to an electronic prescription drug program and establishing licensure and requirements for licensed social workers, licensed social work associates, and social work conditional licenses**

Chapter 183 of the Laws of 2021

HB 143 amends **RSA 318** to requiring electronic prescribing for controlled drugs under certain circumstances. The bill also establishes under the board of mental health practice licenses and requirements for licensure and conditional licensure for licensed social workers and licensed social work associates.

**Effective Dates: January 1, 2022 (electronic prescription drug program)**

**October 9, 2021 (social worker licensure provisions)**

**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**

**\*SB 100, establishes a committee to study workplace safety in health care settings**

Chapter 221 of the Laws of 2021

SB 100 establishes a Committee to Study Workplace Safety in Health Care Settings. The legislative committee shall solicit testimony from many stakeholders, including NHHA, Health Care Association, Home Health and Hospice Association and Nurses Association. The committee shall make a report with its findings and any recommendations for proposed legislation on or before February 15, 2022.

**Effective Date: August 23, 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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