



Legislative Newsletter

Keeping members informed on federal & state legislative priorities.

August 15, 2023

Dear Members,

The 2023 legislative session ended on June 29, 2023, with many bills being passed into law. This document includes the bills from the 2023 session that affect hospitals and health systems.

NHHA had several high priority bills introduced this year including expanding warrantless arrests to protect health care workers, staff agency transparency legislation, targeted reimbursement increases for many Medicaid providers that are intended to assist in addressing barriers to discharge from hospitals, as well as ongoing efforts to streamline the professional licensing and certification processes. We are happy to report that all of these bills were passed this session and have been signed into law.

The SFY 24/25 State Budget was one of the highest priorities for NHHA this session. The House and Senate passed the compromised budget bill (HB 1 and HB 2) on June 8, 2023, in an extraordinary way, on a voice vote in the House. This was after long, last-minute negotiations between House Republican and Democratic leaders, as well as Senate leaders on both sides of the aisle.

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

State Update

2023 New Hampshire Legislation

New State Laws Affecting Hospitals



STATE BUDGET

HB 1 and HB 2 – SFY 24/25 State Budget

Chapters 79 and 106 of the Laws of 2023

State budget highlights include several bills that were incorporated into the final version of HB 2:

- HB 300 - prohibiting the disposal of certain food waste (Page 93, section 352)
- SB 36 – relative to systems of care for healthy aging (Page 142, Section 568)
- SB 86 – provider rate increases (Pages 62-65, Sections 238-241)
- SB 145 – housing champions (Pages 119-122, Sections 462-467)
- SB 175 – Medicaid coverage for mothers (Pages 106 - 110, Sections 412- 422)
- SB 234 – Alzheimer’s awareness program (Pages 135-136, Sections 530-533)
- SB 263 – extending the NH Granite Advantage (GA) Health Care Program for 7 years and reestablishing the commission to evaluate the effectiveness of GA program (Pages 103-105, Sections 402-411)
- Modifications to the Healthcare Violence Prevention Commission – now falls under Department of Labor (Pages 55-59, Sections 207 – 214)
- OPLC – minor changes to Allied Health and Pharmacy Boards (Pages 72-75, Page 79-85, Sections 277-282, Sections 304-318, and Sections 320-322)
- Continuation of the Suspension of Graduate Medical Education Payments and Suspension of Catastrophic Aid Payment to Hospitals (Page 54, Sections 199 and 200)
- AG/Charitable Trusts (Pages 128-130, Section 490)
- DHHS Hospital Care Coordination Position established (Page 140, Section 554)

Effective July 1, 2023

BEHAVIORAL HEALTH

SB 85, relative to emergency behavioral health services and behavioral health crisis programs

Chapter 240 of the Laws of 2023

This bill amends **RSA 135-C** and **RSA 417-F** to 1) define behavioral health crisis programs within the mental health treatment laws, 2) create a commission to study behavioral health crisis programs and 3) limit pre-authorization requirements for emergency behavioral health services.

Effective August 8, 2023

HEALTH CARE ACCESS

SB 240, relative to conditions for genetic testing

Chapter 230 of the Laws of 2023

This bill amends **RSA 141-H:2, IV** to permit disclosure of genetic testing or genetic analysis to clinical entities participating in the clinical care of the patient. The bill also clarifies that specific informed consent from the patient is required when such disclosure is made for clinical research purposes.

Effective October 3, 2023

HB 262 relative to laboratory testing by licensed naturopaths

Chapter 32 of the Laws of 2023

This bill amends **RSA 151:12-c, I** to add naturopathic doctors to the definition of “licensed medical practitioner” for health facilities authorized for laboratory testing.

Effective July 16, 2023

HB 323, relative to establishing a committee on emerging medical technologies

Chapter 128 of the Laws of 2023

This bill amends **RSA 126-A:15** to establish a joint legislative committee on emerging medical technologies.

Effective June 30, 2023

HEALTH CARE INFORMATION/PRIVACY

SB 105, relative to information collected by the division of vital records administration as part of the live birth worksheet.

Chapter 211 of the Laws of 2023

This bill amends **RSA 5-C:14** to limit the potential criminal penalty for misinformation on a birth worksheet to that required for the birth certificate; and requires the birth worksheet to be retained for 7 years rather than indefinitely.

Effective August 4, 2023

HEALTH INSURANCE

SB 72, relative to provider credentialing procedures.

Chapter 98 of the Laws of 2023

This bill amends **RSA 420-J:4, IV** to direct a carrier to act on a change of status request within a specified period of time or notify the provider of the reason for the delay or inability to act. The bill also directs the insurance commissioner to accept and record complaints regarding health carrier compliance with credentialing procedures.

Effective August 19, 2023

LICENSING AND CERTIFICATION

HB 109, relative to the occupational therapy practice act

Chapter 37 of the Laws of 2023

This bill amends **RSA 326-C:1** by revising the statutory definitions relative to the

practice of occupational therapy.
Effective July 18, 2023

[HB 188, relative to the duration of physical therapy](#)

Chapter 231 of the Laws of 2023

This bill amends **RSA 328-A:9, II** to remove the requirement that a physical therapist refer a patient to a health care provider if there is no documented improvement after 25 days of treatment.

Effective October 7, 2023

[HB 409, \(Second New Title\) relative to the organization of the office of professional licensure](#)

Chapter 235 of the Laws of 2023

This bill amends **RSA 310**, **RSA 326-B**, **RSA 328-J: 13** and **RSA 330-A:2** to reorganize the office of professional licensure and certification.

Effective July 15, 2023

[HB 426, relative to the regulation of pharmacist-in-charge and pharmacies](#)

Chapter 152 of the Laws of 2023

This bill amends **RSA 318** by removing references to pharmacists-in-charge and replacing them with “permit holder”.

Effective September 26, 2023

[HB 500, relative to prescribing opioids via telehealth medicine](#)

Chapter 25 of the Laws of 2023

This bill amends **RSA 329:1-d** and **RSA 326-B:2** and modifies the procedure for physicians, physician assistants and APRNs to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine.

Effective May 12, 2023

[HB 594-FN, relative to the licensure of out-of-state applicants to boards or commissions organized under the office of professional licensure and certification](#)

Chapter 111 of the Laws of 2023

This bill amends **RSA 310-A** to authorize the Office of Professional Licensure and Certification to issue licenses to out-of-state applicants who are licensed in another state, if the other state's licensing requirements are substantially similar to those in New Hampshire.

Effective August 27, 2023

[HB 655, relative to the office of professional licensure and certification](#)

Chapter 112 of the Laws of 2023

This bill amends **RSA 310** and consolidates administrative authority for the Office of Professional Licensure and Certification (OPLC) in a new chapter of law.

Effective July 1, 2023

[SB 44, relative to license requirements for certain alcohol and other drug use professionals](#)

Chapter 203 of the Laws of 2023

This bill amends **RSA 330-C** to adjust the licensing requirements for alcohol and other drug use professionals.

Effective October 3, 2023

SB 49, relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC

Chapter 108 of the Laws of 2023

This bill amends **RSA 310-A:1-e** to make the Office of Professional Licensure and Certification fund a non-lapsing fund, a portion of which shall be used for capital expenditures and to lower fees, and mandates a biennial report be made on the expenditures of the fund.

Effective June 26, 2023

SB 83, relative to the signature authority of an advanced practice registered nurse or a certified midwife

Chapter 61 of the Laws of 2023

This bill amends **RSA 326-B** to allow an advanced practice registered nurse or certified midwife, acting within the scope of their practice, to certify a document in the place of a physician.

Effective July 31, 2023

SB 207, (Third New Title) relative to mental health critical incident intervention and management, and relative to mental health practice

Chapter 224 of the Laws of 2023

This bill amends **RSAs 153-A:17-a** and **330-A** to 1) revise the definition of critical incident stress management team to include members of a union of emergency response/public safety workers and 2) allows for conditional licensing of clinical mental health counselors and marriage and family therapists.

Effective October 3, 2023

MEDICAL LIABILITY

SB 65, (New Title) relative to screening panels for medical injury claims

Chapter 97 of the Laws of 2023

This bill amends **RSA 519-B** by repealing the entire statute relative to screening panels for medical injury claims.

Effective July 1, 2023

PRESCRIPTION DRUGS

HB 66, (New Title) establishing a committee to study non-pharmacological treatment options for patients with chronic pain

Chapter 3 of the Laws of 2023

This bill establishes a committee to study non-pharmacological treatment options to treat patients with chronic pain and the creation of a pilot program that supports and encourages non-pharmacological treatment options.

Effective April 26, 2023

HB 223, relative to prescription drugs

Chapter 22 of the Laws of 2023

This bill amends **RSA 318-B:9** to create an exception to the 34-day limit on prescription refills of schedule III topical androgens if the prescription specifies it is being used for the treatment of chronic low testosterone replacement therapy.

Effective January 1, 2024

SB 34, relative to the controlled drug prescription health and safety program

Chapter 140 of the Laws of 2023

This bill amends **RSA 126-A:91** and **RSA 126-A:93** and makes various technical changes to the controlled drug prescription health and safety program. The bill was a request of the Department of Health and Human Services.

Effective August 29, 2023

SB 35, relative to RSV vaccine administration

Chapter 53 of the Laws of 2023

This bill amends **RSA 318:16-b** to authorize pharmacists, pharmacy interns, and licensed advanced pharmacy technicians to administer an RSV vaccine to adults.

Effective June 1, 2023

QUALITY/PATIENT SAFETY

SB 58, relative to arrests without a warrant while in the care of a medical professional on the premises of a residential care or health care facility

Chapter 227 of the Laws of 2023

This bill amends **RSA 594:10, I** to allow for arrests without a warrant with probable cause, if a person, through actual or threatened violence, interferes in the provision of medically necessary health care services by a licensed medical professional.

Effective August 4, 2023

SUBSTANCE USE DISORDER

HB 287, removing fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act

Chapter 186 of the Laws of 2023

This bill amends **RSA 318-B:1** to remove fentanyl and xylazine testing equipment from the definition of drug paraphernalia in the controlled drug act.

Effective October 3, 2023

WORKFORCE / PROFESSIONAL

SB 149, relative to nurse agencies

Chapter 242 of the Laws of 2023

This bill amends **RSA 326-M** and establishes a licensing and application process for nurse agencies.

Effective October 7, 2023

For information on all bills tracked by NHHA, go to <https://www.nhha.org/resources-reports/nh-legislation/>.

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