

Legislative Report - July 2013

Thank you for all the time and effort New Hampshire Medical Society members and their staff put into supporting or opposing key pieces of legislation. The live testimony, letters, emails and phone calls from physicians have a profound impact on legislators!

Below are a few noteworthy bills. Please see the complete list for the status of all the bills that NHMS supported, opposed or monitored on your behalf. Please direct any questions to Janet Monahan at 603 224-1909 or janet.monahan@nhms.org.

Prescription Drugs

Compounded Drugs, HB313: In response to patients being infected by contaminated compounded drugs from Massachusetts, the New Hampshire definition of compounding was amended to make the process and products safer. NHMS worked with the Board of Pharmacy and physician specialties to insure that medical offices and hospitals would maintain access to certain, critical compounded medications.

Drug Testing of Health Care Workers, HB597: This bill was also introduced in response to a public outcry after patients were infected by contaminated needles that were shared by a medical technician abusing drugs. NHMS worked closely with the Hospital Association and legislators to review possible solutions. The bill was ultimately kept for further study to allow health care facilities to fine tune and/or adopt best practices to address drug diversion and patient safety. A legislative recommendation will be due this fall.

Prior Authorization, SB45: Language was amended to add a time limit to electronic prior authorizations for prescription drugs. *“A prescription that requires an exception for coverage shall be considered approved if the exception process exceeds 48 hours.”*

Step Therapy, SB92: Proposed to amend current law to prohibit insurers from requiring a patient to fail on the same medication on more than one occasion when continuously enrolled in the health plan. The bill has been retained for further study.

Public Health & Safety

Child Passenger Restraints, HB242: The law now requires children less than 57 inches in height and less than seven years of age to be secured in a child passenger device when riding in a motor vehicle. This positive safety change brings New Hampshire more in line with the rest of the country.

MCO Reporting, HB375: The bill requires the Medicaid managed care companies to report quarterly to Health and Human Services about their efforts to implement New Hampshire's 10-year mental health plan issued in 2008.

Therapeutic Cannabis, HB573: This year, medical marijuana had very strong bi-partisan support in the State House. Key legislators willingly worked with NHMS and the law enforcement community to adopt restrictions to limit access to marijuana to truly needy patients. NHMS also pushed for an oversight committee and data reporting in order to track the types of patients seeking certification for use of therapeutic cannabis as well as the specialties of the physicians and nurse practitioners certifying patients. NHMS is currently working with the Board of Medicine to develop a CME program for physicians on therapeutic cannabis.

Tobacco Tax, HB659: The bill proposed to raise the tobacco tax an additional \$.10 (beyond the automatic restoration of \$.10) and although the House supported it, the Senate majority was opposed to raising any taxes or fees this budget cycle. NHMS President Travis Harker, MD, MPH, developed an excellent report outlining the benefits to the state in health savings and new revenue with greater tobacco tax increases. Sadly, in spite of meetings with Senate leaders, the "no new taxes" philosophy prevailed. Dr. Harker's tobacco tax report is on the NHMS website, www.nhms.org, or [click here](#).

Vaccine Funding, HB664: A last-minute, non-germane amendment almost derailed this bill to equalize insurance company payments for New Hampshire's vaccine purchasing fund. Now, the self-insured companies that have access to the vaccine program will be paying their fair share.

Tort Reform

Early Offer, HB582: The bill to repeal the *Early Offer* law, which was enacted in 2012, was retained for further study by the House Judiciary Committee.

Offers of Proof, HB583: Another attempt by trial attorneys to alter the medical malpractice pre-trial panel law (RSA519-B) to not allow live witnesses was passed by the House and retained for further study by the Senate Judiciary Committee. (The final report by the RSA519-B Legislative Oversight Committee is due December 1, 2013.)

Workers' Compensation

Changes to Workers' Comp, HB255: This was a proposal with four changes to New Hampshire's worker compensation law: allow employers to select the health care provider during the first 10 days of a worker's injury; automatic generic substitution unless the prescriber specifies brand-name; establishment of a pilot program for a 90-day preferred provider network; and allowing employers to use a pharmacy benefits management program. The bill was retained by the House Labor Committee for further study.

IME Clarification, HB546: Passage of this bill now requires clarification to workers that *independent medical exams* are at the request of the employer or the employer's insurance company.

Controlled Rx, SB71: The bill creates a study of the use and misuse of prescription drugs in workers' compensation because of the high use and increasing cost to the system.

Generic Substitution, SB147: As of January 1, 2014, passage of this bill requires generic equivalents unless the prescriber states "medically necessary" for worker compensation patients.

2013 Legislation List updated 7/29/2013

KEY:

Bill: HB=House Bill, SB=Senate Bill

NHMS Positions: M = monitor, O = oppose, S = support, “S”= support concept or intent, “O” = oppose sections of the bill.

Status: H = House, S = Senate, Committee abbreviation. House or Senate actions: ITL = inexpedient to legislate, OTP = ought to pass, OTP am = ought to pass with amendment, RIS = refer for interim study, T = tabled, Ch. = 2013 Chapter #, and Eff. = effective date.

Bill Number, Title, Sponsor & hyperlink to bill text.	NHMS Position	Status
HOUSE BILLS		
HB107 rel. to the losing party’s payment of the prevailing party’s costs in tort actions. Rep. Vaillancourt Bill text	M	H - ITL
HB131 payment for medical services for county prisoners. J. Belanger Bill text	M	H - ITL
HB132 rel. to responsibility for medical costs incurred by a person in custody. J. Belanger Bill text	M	H - ITL
HB180 rel. to the def. of “student athlete” and “student sports” for the management of concussion and head injury. Rep. Ladd Bill text	S	Ch. 19 Eff. 7-15-13
HB217 imposing an extended term of imprisonment for assault against a health care provider. Rep. A. White Bill text	M	CRIM retain
HB218 prohibiting interference with access to medical services and health insurance of New Hampshire citizens. Rep. Itse Bill text	M	H - ITL
HB232 rel. to the membership of the governor’s commission on alcohol and drug abuse prevention, intervention, and treatment. Rep. J. MacKay Bill text	S	Ch. 84 Eff. 8-18-13
HB236 rel. to membership of the council on autism spectrum disorders. Rep. Harding Bill text	S	Ch. 11 Eff. 7-6-13

HB242 rel. to child passenger restraint requirements. Rep. Kelly Bill text	S	Ch. 246 Eff. 1-1-14
HB255 rel. to the workers' compensation law. Rep. Daniels Bill text	"O"	LAB retain
HB271 NH will not accept expanded Medicaid. Rep. W. O'Brien Bill text	O	H - ITL
HB290 prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building. Rep. Burrige Bill text	M	H - ITL
HB293 rel. to the adverse events reporting system. Rep. Rosenwald Bill text	M	Ch. 27 Eff. 7-15-13
HB313 rel. to regulation of the compounding of drugs by pharmacists. Rep. D. Sullivan Bill text	S	Ch. 121 Eff. 1-1-14
HB326 rel. to licensure of polysomnographers by board of respiratory care practitioners. Rep. Devine Bill text	M	ED&A retain
HB329 requiring purchasers of medical equipment to be notified of the actual cost of such equipment at time of sale. Rep. Townsend Bill text	M	HHS retain
HB337 legalizing marijuana and cannabis. Rep. Warden Bill text	O	H - ITL
HB339, est. a committee to study existing debt collection laws and practices. (new title) Rep. C. Rice Bill text	M	Ch. 28 Eff. 5-16-13
HB356 est. a study of feasibility of the state transferring insurance under the ACA. Rep. Renzullo Bill text	M	H - ITL
HB375 req. certain health care organizations to report to DHHS regarding implementation of NH's 10-yr. mental health plan. Rep. MacKay Bill text	S	Ch. 41 Eff. 8-3-13
HB378 req. ODs to warn parents about the progression of myopia when prescribing distance lenses for children. Rep. Parison Bill text	O	H - ITL
HB384 parental consent for a mental health exam in schools. Rep. Itse Bill text	O	H - ITL
HB403 est. a committee to study end of life decisions. (new title) Rep. Weed Bill text	M	Vetoed
HB417 a study on creating a NH plan for Alzheimer's disease. Rep. Long Bill text	S	H - ITL
HB432 relative to health care costs for county and state inmates. Rep. Pantelakos Bill text	M	Ch. 85 Eff. 7-1-13
HB445 allowing public employers in the state to buy into the state health insurance plan. Rep. Hammond Bill text	M	H - ITL
HB451 repealing the license requirement for carrying a concealed pistol or revolver. Rep. Hoell Bill text	M	H - ITL
HB452 rel. to FDA approval of meds, equip. & therapies. Rep. Hoell Bill text	M	H - ITL
HB461 rel. to long-term care services. Rep. Donovan Bill text	M	HHS retain
HB462 rel. to an indep. review process under the medical assistance prg. Rep. Donovan Bill text	M	HHS retain
HB465 repealing NH's atomic energy policy. Rep. Backus Bill text	O	S&T - retain
HB469 rel. to time limits for regulatory boards and commissions to hold disciplinary proceedings. C. McGuire Bill text	M	ED&A retain

HB475 timing of release of patients from NH Hospital. Rep. Sandblade Bill text	O	H - ITL
HB476 medical care price disclosure & transparency. Rep. M. Garcia Bill text	O	HHS retain
HB483 rel. to information regarding abortion. Rep. Cormier Bill text	O	H - ITL
HB489 rel. to the NHMMJUA. Rep. Hunt & Butler Bill text	M	H – OTPam S – ED&A retain
HB490 rel. to tax on tobacco products other than cigarettes and est. a tobacco use prevention and cessation prg. fund. Rep. Butynski Bill text	S	W&M retain
HB492 rel. to the legalization and regulation of marijuana. Rep. Vaillancourt Bill text	O	CRIM retain
HB499 est. a commission to study funding mechanisms for increasing the number of mental health beds statewide. Sen. Gidge Bill text	M	H - ITL
HB529 rel. to the regulation of health clubs. Rep. C. McGuire Bill text	M	COM retain
HB544 repealing the prohibition on a state-based health exchange. Rep. Butler Bill text	S	COM retain
HB546 rel. to medical exams under workers' compensation. Rep. Goley Bill text	M	Ch. 256 Eff. 1-1-14
HB556 est. a committee to study the resolution of barriers to the use of telehealth technology in NH. Rep. J. MacKay Bill text	S	Ch. 112 Eff. 6-25-13
HB573 re. to the use of cannabis for therapeutic purposes. (new title) Rep. Schlachman Bill text	"O"	Ch. 242 Eff. 7-23-13
HB582 repealing early offers for medical injury claims. Rep. Weber Bill text	O	JUD retain
HB583 rel. to proceedings of medical injury claims screening panels. Rep. Weber Bill text	O	H – OTPam S – JUD retain
HB584 rel. to covered prescription drugs. Rep. Rosenwald Bill text	S	HHS retain
HB585 rel. to insurance parity for optometrists. Rep. Schlachman Bill text	O	COM retain
HB597 rel. to Rx testing for certain health care workers. Rep. Copeland Bill text	O	HHS retain
HB633 rel. to prescription refills. Rep. D. McGuire Bill text	M	H – OTPam S – ITL
HB654 rel. to licensure and renewal fees. Rep. C. McGuire Bill text	M	W&M retain
HB658 rel. to registration for medical technicians. Rep. Copeland Bill text	M	ED&A retain
HB659 increasing the tobacco tax. Rep. Rosenwald Bill text	S	H – OTPam S – ITL
HB664 rel. to the NH vaccine association. Rep. Harding Bill test	S	Ch. 260 Eff. 7-24-13
HB668 rel. to group and individual health insurance market rules. Rep. Schlachman Bill text	M	H – OTPam S – ITL
HB677 rel. to the certificate of need. Rep. Kurk Bill text	M	HHS retain

SENATE BILLS

SB17 est. a commission to study palliative care and associated quality of life initiatives. Sen. Gilmour Bill text	S	Ch. 225 Eff. 7-15-13
SB24 rel. to Medicaid rates. Sen. Reagan Bill text	O	Ch. 80 Eff. 8-18-13
SB45 rel. to electronic prescriptions. Sen. Stiles Bill text	S	Ch. 262 Eff. 9-22-13
SB71 est. a study of the use and misuse of prescription drugs in workers' compensation cases. Sen. D'Allesandro Bill text	M	Ch. 161 Eff. 6-28-13
SB81 authorizing phlebotomists and EMTs to withdraw blood alcohol concentration tests. Sen. Rausch Bill text	M	Ch. 63 Eff. 6-6-13
SB83 rel. to controlled drug prescription health and safety program. Sen. Bradley Bill text	S	Ch. 79 Eff. 6-7-13
SB87 rel. to the patient's bill of rights. Sen. Gilmour Bill text	S	Ch. 265 Eff. 1-1-14
SB91 rel. to drug use not approved by the FDA. Sen. Carson. Bill text	S	COM re-referred
SB92 prohibiting multiple prescription drug failures. Sen. Carson Bill text	S	S – OTP H – COM retain
SB117 rel. to pharmacy benefits managers. Sen. Soucy Bill text	M	Ch. 182 Eff. 7-2-13
SB130 exempting special hosps or rehab. from the MET. Sen. Morse Bill text	M	S - T
SB135 rel. to the regulation of the practice of genetic counseling. Sen. Carson Bill text	M	Ch. 271 Eff. 7-1-13
SB140 req. a pharmacy to substitute generically equivalent drugs for any prescription paid for by state funds. Sen. Woodburn Bill text	M	S – OTPam H – ITL
SB147 rel. to prescription drugs in workers' compensation cases. Sen. D'Allesandro Bill text	M	Ch. 131 Eff. 1-1-14
SB166 rel. to critical incident stress management and crisis intervention services. Sen. D'Allesandro Bill text	M	Ch. 74 Eff. 6-6-13
SB170 rel. to advance directives pertaining to life-sustaining treatment. Sen. Gilmour Bill text	S	Ch. 224 Eff. 1-1-14
SB171 relative to the council for children and adolescents with chronic health conditions. Sen. Hosmer Bill text	M	Ch. 113 Eff. 8-24-13
SB194 requiring the department of health and human services to implement the Medicaid family planning expansion. Sen. Odell Bill text	S	Ch. 92 Eff. 6-20-13

Please bookmark the Legislative website for easy access to copies & status of bills:

<http://gencourt.state.nh.us/>

On the right side, under "Find a Bill," enter bill # (HB1234), select "Bill text" or "Docket" to find hearing date(s), roll calls, etc.

