

Legislative Report - July 2014

While two bills grabbed headlines this session: **SB369** Medicaid Enhancement Tax (MET) and **SB413** health insurance expansion, many more important bills flew “under the radar” but were important to Medical Society members. NHMS staff argued on your behalf, that physician services should not be taxed like hospitals (5.5% under the MET law) and NHMS staff stands ready to hold that position in the next legislative session.

Thank you to NHMS members and their staff who contacted legislators on several key bills over the past six months. Those personal constituent contacts helped NHMS prevail.

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.

An early “win” for physicians was the polite death (tabling) of **HB585**, relative to insurance parity for optometrists, which if enacted was the first step in government interference with private insurance contract reimbursement.

The State Senate heeded NHMS concerns when they killed, by a 21-3 vote, **HB583**, the bill to prohibit live experts at pretrial medical malpractice panel hearings. Shortly thereafter, the Senate rejected another trial attorney bill, when they sent **SB297**, relative to apportionment of damages, to interim study.

On the positive side, the legislature enacted many bills that were supported by NHMS:

- **HB263**, reporting a person as medically unfit to drive. This bill gives immunity to a provider who reports in good faith to the state DMV, a person who is medically unfit to operate a motor vehicle.
- **HB597**, requiring health facilities to have a “drug-free workplace” policy. This was in response to the unfortunate incident of the drug-seeking medical technician at Exeter Hospital who infected patients.
- **HB1434**, recognition of healthcare surrogates for incapacitated patients without an advance directive. This will make it legal for a spouse or other adult relative to speak for an incapacitated patient.
- **SB229**, relative to the use and disclosure of protected health information. This bill was requested by the New Hampshire Health Information Organization (www.NHHIO.org) for necessary amendments to the law for improved electronic exchange of patient records between providers.

New Hampshire
MEDICAL SOCIETY

ADVOCATING FOR PHYSICIANS & PUBLIC HEALTH SINCE 1791

2014 Legislation List updated 8/5/2014

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. = 2014 Chapter law number, Eff. = effective date.

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.

Bill Number, title, prime sponsor & hyperlink to bill text.	NHMS Position	Status
HOUSE BILLS		
HB217 imposing an extended term of imprisonment for assault against a health care provider. Rep. A. White Bill text	M	H - ITL
HB255 rel. to the workers' compensation law. Rep. Daniels Bill text	"O"	H – non-concur S – OTPam
HB263 rel. to reporting a person as medically unfit to drive. Rep. Sad. Bill text	S	Ch. 9 Eff. 7-13-14
HB326 rel. to licensure of polysomnographers by board of respiratory care practitioners. Rep. Devine Bill text	M	H - ED&A RIS
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	H ITL
HB465 repealing NH's atomic energy policy. Rep. Backus Bill text	O	H - S&T- RIS
HB469 rel. to time limits for regulatory boards and commissions to hold disciplinary proceedings. C. McGuire Bill text	M	Ch. 34 Eff. 1-1-15
HB476 medical care price disclosure & transparency. Rep. M. Garcia Bill text	O	H - HHS - RIS
HB489 rel. to the NHMMJUA. Rep. Hunt & Butler Bill text	M	Ch. 293 Eff. 11-1-14
HB490 rel. to tax on tobacco products other than cigarettes and establishing a tobacco use prevention and cessation program fund. Rep. Butynski Bill text	S	H - ITL
HB492 rel. to the legalization and regulation of marijuana. Rep. Vaillancourt Bill text	O	H - ITL

HB582 repealing early offers for medical injury claims. Rep. Weber Bill text	O	C of C Non-concur
HB583 rel. to proceedings of medical injury claims screening panels. Rep. Weber Bill text	O	H – OTPam S – ITL
HB584 rel. to covered prescription drugs. Rep. Rosenwald Bill text	S	Ch. 120 Eff. 8-15-14
HB585 rel. to insurance parity for optometrists. Rep. Schlachman Bill text	O	H – T 198-143
HB597 rel. to a drug-free workplace for licensed health care facilities and providers. Rep. Copeland Bill text	S	Ch. 36 Eff. 8-25-14
HB654 rel. to licensure and renewal fees. Rep. C. McGuire Bill text	M	Ch. 167 Eff. 7-1-14
HB658 rel. to registration for medical technicians. Rep. Copeland Bill text	M	Ch. 295 Eff. 10-1-14
HB677 rel. to the certificate of need. Rep. Kurk Bill text	M	H - ITL
HB685 rel. to state agency communications. Rep. Leichman Bill text	M	Vetoed
HB1107 rel. to the retention of advance directives by hospitals. Rep. Beaudoin Bill text	M	H - ITL
HB1133 rel. to copies of records for applicants of public assistance programs. Rep. Porter Bill text	O	H– ITL
HB1158 rel. to insurance incentives to lower costs of health care. Rep. Kurk Bill text	M	H - COM – RIS
HB1159 providing immunity from criminal prosecution for seeking medical assistance with an emergency drug or alcohol overdose event. Rep. Sweeney Bill text	M	H – OTP S – JUD RIS
HB1170 repeals the death penalty. Rep. Cushing Bill text	M	H – OTPam S – T 24-0
HB1226 est. a committee to study end-of-life decisions. Rep. Weed Bill Text	M	H – OTP S –ITL
HB1242 rel. to deductibles, coinsurance, and out-of-pocket maximums under health insurance policies. Rep. Sherman Bill text	M	H – OTPam S – COM RIS
HB1280 permitting physician assistants to authorize walking disability plates and placards. Rep. Gidge Bill text	S	Ch. 94 Eff. 8-10-14
HB1281 rel. to co-payments for certain specialists. Rep. D. Sullivan Bill text	M	Ch. 299 Eff. 9-30-14 & 10-1-17
HB1292 creating an affirmative defense for a person who causes or aids another in committing suicide. Rep. O'Flaherty Bill text	O	H - ITL
HB1294 requiring that all providers be allowed to participate in the health exchange. Rep. Nelson Bill text	S	H - ITL
HB1296 adding a member to the therapeutic use of cannabis advisory board. Rep. Wright Bill text	S	Ch. 98 Eff. 8-10-14
HB1308 adding two members to the advisory council on workers' compensation. Rep. Goley Bill text	M	H – non-concur S – OTPam
HB1309 making a technical change to workers' compensation law. Rep. Goley Bill text	M	Ch. 21 Eff. 5-23-14

HB1325 rel. to death with dignity for certain persons suffering from a terminal condition. Rep. Winters Bill text	O	H - ITL
HB1328 rel. to licensure of insurance exchange navigators. Rep. Sandblade Bill text	M	H - COM – RIS
HB1330 prohibiting the disclosure by search warrant of privileged individual medical records. Rep. Kurk Bill text	M	H – OTPam S – JUD RIS
HB1344 disposal of sharps waste by retail establishments. Rep. White Bill text	M	H - E&A - RIS
HB1351 prohibiting tanning for persons under 18 years. Rep. Miller Bill text	S	H - ITL
HB1391 rel. to blood drawn from patients with hemochromatosis. Rep. Weyler Bill text	M	H - HHS – RIS
HB1395 requiring the DHHS to perform an audit of billing practices under the Medicaid managed care program. Rep. Martel Bill text	M	H – ITL
HB1411 restoring moneys to DHHS. Rep. Almy Bill text	S	H – OTPam S – ITL
HB1434 rel. to surrogate health care decision making by a family member or friend. Rep. Harding Bill text	S	Ch. 239 Eff. 1-1-15
HB1442 rel. to mental health courts. Rep. Harding Bill text	S	Ch. 222 Eff. 7-14-14
HB1446 rel. to synthetic marijuana. Rep. Kris Roberts Bill text	M	H - HHS – RIS
HB1468 est. a committee to study the effects of increasing workers' compensation benefits and to study payment schedules for medical reimbursement. Rep. Flanagan Bill text	M	H – ITL
HB1484 rel. to newborn DNA sequencing. Rep. Kurk. Bill text	"O"	Ch. 63 Eff. 1-1-15
HB1501 requiring licensing of outpatient abortion facilities. Rep. Souza Bill text	O	H – ITL
HB1502 rel. to induced termination of pregnancy statistics. Rep. Souza Bill text	O	H - HHS - RIS
HB1503 including "fetus" in the definition of "another" for the purpose of certain criminal offenses. Rep. Rideout Bill text	O	H – OTPam S – T
HB1504 providing that life begins at conception. Rep. Hoell Bill text	O	H – ITL
HB1509 rel. to including nonprofit charitable enterprises in the business enterprise tax and lowering the rate of the tax. Rep. Hess Bill text	M	H – ITL
HB1535 extending the study of barriers to the use of telehealth. Rep. Richardson Bill text	S	H - ITL
HB1538 rel. to medical intervention in provision of midwife services. Rep. Lambert Bill text	M	H –ITL
HB1539 rel. to the repeal date of the CON law. Rep. Tucker Bill text	M	H – ITL
HB1541 allowing health ins. policies to be sold without mandates. Rep. O'Brien Bill text	M	H – ITL
HB1572 commission to create a state plan for Alzheimer's disease & req. certain training & education programs regarding Alzheimer's disease & related dementia. Rep. Long Bill text	M	Ch. 67 Eff. 5-27-14
HB1611 adding certain products to the controlled drug act. Rep. Emerson Bill text	M	H – ITL
HB1612 rel. to health insurance cost-reduction incentives. Rep. Kurk Bill text	M	H - COM – RIS
HB1613 rel. to payment of the Medicaid enhancement tax. Rep. Wallner Bill text	M	H - C of C S –no C of C
HB1615 rel. to emergency prescriptions. Rep. Williams Bill text	S	Ch. 311 Eff. 1-1-15
HB1616 making changes to the therapeutic cannabis laws. Rep. Wright Bill text	M	H - HHS - RIS

HB1623 prohibiting a licensed alternative treatment center from advertising therapeutic cannabis. Rep. Schlachman Bill text	M	H - ITL
HB1625 rel. to penalties for possession of marijuana in the amount of one ounce or less and the cultivation of marijuana plants. Rep. Schroadter Bill text	"O"	H – OTPam S – refused bill
HJR12 requesting that Anthem extend its coverage to include one hospital in every county in New Hampshire. Rep. Cloutier Bill text	M	H - ITL

SENATE BILLS

SB91 rel. to drug use not approved by the FDA. Sen. Carson. Bill text	"S"	Ch. 226 Eff. 9-12-14
SB92 prohibiting multiple prescription drug failures. Sen. Carson Bill text	S	Ch. 2 Eff. 4-21-14
SB204 rel. to medical conditions covered by workers' compensation. Sen. D'Allesandro Bill text	M	Ch. 242 Eff. 11-1-14
SB213 est. a registry for physician orders for life-sustaining treatment. Sen. Reagan Bill text	S	Ch. 328 Eff. 7-1-15
SB226 rel. to reporting health care associated infections. Sen. Stiles Bill text	M	Ch. 8 Eff. 5-14-14
SB229 rel. to the use and disclosure of protected health information. Sen. Bradley Bill text	S	Ch. 189 Eff. 9-9-14
SB234 rel. to procedural changes in the law governing therapeutic use of cannabis. Sen. Reagan Bill text	M	Ch. 72 Eff. 7-26-14
SB244 establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms. Sen. Watters Bill text	M	S – OTPam H – ITL
SB250 rel. to ambulatory surgical facilities. Sen. Sanborn Bill text	M	S - HHS – RIS
SB254 rel. to the governor's commission on alcohol and drug abuse prevention, intervention, and treatment. Sen. Watters Bill text	S	Ch. 18 Eff. 7-22-14
SB256 requiring health care facilities to implement a process to inform patients on palliative care options. Sen. Reagan Bill text	M	S - HHS - RIS
SB259 est. a palliative care center for health care consumers and providers and continually appropriating a special fund. Sen. Reagan Bill text	M	Ch. 228 Eff. 9-12-14
SB270 est. a commission to study mental health in NH. Sen. Fuller Clark Bill text	S	Ch. 253 Eff. 7-22-14 & 11-1-15
SB297 rel. to apportionment of damages. Sen. Carson Bill text	O	S - JUD - RIS
SB298 est. a permanent commission on post-traumatic stress disorder and traumatic brain injury. Sen. Carson Bill text	S	Ch. 135 Eff. 6-16-14
SB299 prohibiting insurance companies from discriminating regarding reimbursements based on forms of licensure issued by the board of medicine. Sen. Pierce Bill text	M	S - COM – RIS
SB308 rel. to innovation in the delivery of health care. Sen. Odell Bill text	S	S – non-concur H –OTPam
SB309 rel. to the NH vaccine assoc. Sen. Bradley Bill text	M	Ch. 199 Eff. 7-11-14

SB318 est. the crime of domestic violence. Sen. Soucy Bill text	M	Ch. 152 Eff. 1-1-15
SB319 rel. to access to reproductive rights facilities. Sen. Soucy Bill text	M	Ch. 81 Eff. 7-10-14
SB340 requiring the insurance department to hold public hearings before approval of products to be sold on the health exchange. Sen. Cataldo Bill text	S	Ch. 201 Eff. 8-10-14
SB342 rel. to medical examinations for workers' compensation. Sen. Soucy Bill text	M	S - ITL
SB353 recodifying RSA 168-B, relative to surrogacy. Sen. Bradley Bill text	M	Ch. 248 Eff. 7-21-14
SB356 rel. to agreements between health care providers and patients regarding prescription drugs and workers' compensation. Sen. D'Allesandro Bill text	O	S - COM – RIS
SB360 rel. to itemized bills for medical services. Sen. Fuller Clark Bill text	O	S – OTPam H – ITL
SB369 rel. to Medicaid enhancement tax. Sen. Odell Bill text	S	Ch. 158 Eff. 6-30-14
SB380 requiring an insurer participating in the health exchange to include access to a hospital in each county of the state. Sen. Pierce Bill text	M	S – ITL
SB383 relative to certain claims available under the medical payments portion of a motor vehicle liability policy. Sen. D'Allesandro Bill text	"O"	S - ITL
SB384 est. a committee to study how to regulate and control synthetic drugs in NH. Sen. Kelly Bill text	M	Ch. 207 Eff. 7-11-14
SB396 rel. to child restraints. Sen. Odell Bill text	M	Ch. 324 Eff. 9-30-14
SB402 rel. to insurance coverage for pediatric vision screenings. Sen. Pierce Bill text	M	S - ITL
SB406 rel. to certain health care data. Sen. Bradley Bill text	M	S - HHS – RIS
SB412 rel. to managed care network adequacy and federal health care reform. Sen. Gilmour Bill text	M	S – ITL
SB413 rel. to health insurance coverage. Sen. Morse Bill text	S	Ch. 3 Eff. 3-27-14, etc.
SB419 establishing a medical malpractice panel and insurance oversight committee. Sen. Bradley Bill text	S	Ch. 212 Eff. 7-11-14
SB421 est. a committee to study the law requiring all exceptions to prescription drug benefits under the managed care law to be approved within 48 hours. Sen. Soucy Bill text	M	Ch. 213 Eff. 7-11-14
SB422 rel. to the definition of pharmacy benefits manager (PBM). Sen. Soucy Bill text	M	Ch. 150 Eff. 8-15-14