

Legislative Report - July 2016

Thank you to the NHMS Legislative Committee and the physicians who testified and/or contacted legislators over the past six months. In New Hampshire, the efforts of individuals can and do make a difference in the legislative process!

Prior authorization for prescription drugs was a front burner issue this year. **HB 1608**, the bill to require a standard form or electronic option for prescriptions was strongly opposed from January through May by health insurers and PBMs. Individual physician emails to House Commerce Committee legislators and to state senators were a key component in the Medical Society's successful strategy. **HB 1680**, the bill to renew the suspension of prescription drug prior authorizations for Medicaid patients with certain mental health conditions was extended for another twelve months. **SB 532**, the bill to clarify prior authorization requirements for substance use services was enacted after careful negotiations and heartfelt debate. Unfortunately, **SB 434**, the bill to mandate that prescription prior authorizations be valid for 12 months (instead of three months) did not pass and was sent to interim study.

Prescription **opioids** dominated a good part of the legislative session as well as the administrative rules process. Passage of **SB 576** in January addressed opioid prescribing, use of the NH Prescription Drug Monitoring Program (PDMP) and CME requirements for prescribers with DEA numbers. The enactment of **HB 1423** in June included the creation of a policy group to make recommendations for opioid prescription limits for acute pain and changed the exceptions for querying the NHPDMP. See the NHMS or Board of Medicine websites for specifics.

This will be my last legislative report, as I plan to retire in mid-September. Many thanks to all the physicians and their office staffers who helped provide me with testimony and critical information to support or oppose legislation over the past 29 years.

Janet Monahan

New Hampshire
MEDICAL SOCIETY

ADVOCATING FOR PHYSICIANS & PUBLIC HEALTH SINCE 1791

2016 Legislation List updated: 6/28/16

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. House or Senate motion / action: C of C = committee of conference, ITL = inexpedient to legislate, OTP = ought to pass, OTP am = ought to pass with amendment, RIS = refer for interim study, T = tabled. Ch. = 2016 Chapter Law. 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 (hyperlink to bill text), title, & prime sponsor	NHMS Position	Status
HOUSE BILLS		
HB1124 relative to the membership of the occupational therapy governing board and relative to equipment used in respiratory care practice. Rep. McGuire	M	Ch. 76 Eff. 7-18-16
HB1138 rel. to access to investigational drugs, biological products, and devices. Rep. Edelblut	M	Ch. 206 Eff. 6-6-16
HB1165 changing "incapacitated" to "vulnerable" in the adult protective services laws. Rep. Rogers	S	Ch. 59 Eff. 7-4-16
HB1159 rel. to sale of tobacco products. Rep. Hunt	S	H - COM RIS
HB1209 , rel. to consultations under telemedicine law. Rep. J MacKay	O	H - ITL
HB1210 rel.to prescriptions for controlled drugs by telemedicine. Rep. J MacKay	S	Ch. 221 Eff. 8-8-16
HB1213 repealing athletic trainer license requirements. Rep. Fromuth	O	H - ITL
HB1226 rel. to admin. of pharmaceutical agents by optometrists. Rep. Hoell	"S"	Ch. 83 Eff. 7-18-16
HB1250 rel. to medical neglect of children. Rep. K Rice	O	H – OTPam S – ITL
HB1257 relative to revocation or suspension of a driver's license because of physical impairment. Rep. Leeman	M	H - ITL
HB1266 legalizing firecrackers. Rep. Weyler	O	Vetoed
HB1269 extending the NH health care quality assurance commission. Rep. Rosenwald	S	Ch. 167 Eff. 6-3-16

HB1273 requiring a medical care provider to inform a woman who is discovered to have dense breast tissue. Rep. Prudhomme-O'Brien	O	H - ITL
HB1309 adding PTSD to qualifying medical conditions under therapeutic use of cannabis. Rep. Lachance	O	H - ITL
HB1310 est. a study health care for all residents of NH. Rep. Leishman	M	H - HHS RIS
HB1316 rel. to hospital rates for self-pay patients. Rep. Hunt	S	Ch. 139 Eff. 7-26-16
HB1328 limiting pregnancy terminations to pregnancies of 20 weeks or less. Rep. J Hagan	O	H - ITL
HB1399 requiring licensure of outpatient abortion clinics. Rep. Souza	O	H - ITL
HB1423 rel. to rulemaking for prescribing controlled drugs. Rep. Rosenwald	"S"	Ch. 213 Eff. 6-7-16
HB1437 rel. to health insurance fraud and abuse reporting. Rep. Sad	M	H - ITL
HB1453 rel. to qualifying medical conditions for purposes of therapeutic cannabis. Rep. Luneau	O	Ch. 173 Eff. 8-2-16
HB1463 rel. to mandatory vaccines. Rep. Burt	O	H - LAB RIS
HB1478 est. a commission to develop a structure for the implementation of an alternative contract for health care payments. Rep. Williams	M	H – OTP S – HHS RIS
HB1490 rel. to collaborative practice between pharmacists and health care practitioners. Rep. MacKay	S	Ch. 214 Eff. 8-6-16
HB1493 rel. to ownership of DNA. Rep. Kurk	M	H – OTPam S – JUD RIS
HB1516 rel. to balance billing. Rep. Luneau	O	H - COM RIS
HB1537 rel. to testing for Lyme disease. Rep. P. Brown	O	H - ITL
HB1541 prohibiting placement of certain persons with a mental illness in the secure psychiatric unit, and authorizing the commissioner of the department of corrections to seek therapeutic alternatives. Rep. Cushing	M	H - HHS RIS
HB1557 rel. to alcohol and drug treatment programs. Rep. Kurk	M	H - T
HB1560 rel. to abortion procedures. Rep. Moore	O	H - ITL
HB1570 repealing the law governing access to reproductive health care facilities. Rep. Hoell	O	H – OTPam S – T
HB1605 prohibiting the use of latex gloves and utensils in the food service industry. Rep. S. Smith	S	H – OTPam S – ITL
HB1608 rel. to uniform prior authorization forms. Rep. Fothergill	S	Ch. 228 Eff. 6-9-16
HB1610 legalizing possession and cultivation of MJ for personal use. Rep. Sylvia	O	H - T
HB1619 rel. to the use of narcan. Rep. Hopper	S	H - HHS RIS
HB1623 prohibiting an abortion based on genetic abnormalities. Rep. Cordelli	O	H - ITL
HB1625 rel. to banning abortion after viability. Rep. Murphy	O	H - ITL
HB1626 rel. to drug take-back programs. Rep. Sullivan	M	H – OTPam S – ITL
HB1627 rel. to the protection of infants born alive. Rep. Groen	O	H - ITL
HB1631 rel. to penalties for possession of marijuana. Rep. Schroadter	"S"	H – OTP S –ITL
HB1636 prohibiting abortions once an unborn child can feel pain. Rep. Groen	O	H - ITL

HB1648 rel. to sales by pharmacists under the controlled drug act. Rep. J. Ward	O	H - ITL
HB1651 est. a commission to study the collection of child abuse data. Rep. Berrien	S	Ch. 229 Eff. 6-9-16
HB1661 rel. to conversion therapy seeking to change a person's sexual orientation. Rep. Schleien	S	C of C – no agreement
HB1662 rel. to abortion-inducing drugs. Rep. Wuelper	O	H - ITL
HB1663 prohibiting buying, selling, and experimenting on unborn infants or bodily remains resulting from abortion. Rep. Souza	O	H - ITL
HB1665 adopting the interstate medical licensure compact. Rep. Sherman	S	Ch. 70 Eff. 7-4-16
HB1675 rel. to the legalization and taxation of marijuana. Rep. Brewster	O	H - ITL
HB1680 extending the suspension of prior auth. requirements for a community mental health program on drugs used to treat mental illness. Rep. Sherman	S	Ch. 211 Eff. 6-6-16
HB1681 establishing a commission on hypodermic syringes and needles. Rep. Hannon	S	Ch. 212 Eff. 6-6-16
HB1684 prohibiting the use of public funds, employees, and facilities in assisting or performing abortions. Rep. Hoell	O	H - ITL
HB1695 rel. to a health system public data resource plan for NH and establishing a special fund and relative to cost effectiveness of programs implemented within state agencies. Rep. Sherman	M	C of C – no agreement
HB1696 requesting a modification of the New Hampshire health protection program. Rep. Lachance	S	Ch. 13 Eff. 4-5-16, 7-1-17, 12-1-17
HB1698 rel. to an integrative approach to substance abuse disorders. V. Fraser	M	H - ITL
HB1699 est. a licensed alcohol and drug counselor in the bureau of EMS to develop a training program for fire and emergency medical services personnel and making an appropriation therefor. Rep. Hinch	S	H – T
HB1700 rel. to insurance coverage for abuse-deterrent opioid drug products. Rep. Sherman	M	H – ITL
HB1701 relative to specialty care in drop-in or walk-in clinics. Rep. Hannon	M	H – T
HCR10 requesting an investigation on whether benzodiazepines contribute to suicides by veterans. Rep. Abramson	M	H - T

SENATE BILLS

SB303 rel. to medical costs covered by motor vehicle liability policies. Sen. D'Allesandro	S	S - COM RIS
SB325 rel. to vaccines administered by pharmacists. Sen. Soucy	O	S - OTPam H – HHS RIS
SB330 rel. to licensure of medical imaging technologists and radiation therapists. Sen. Carson	S	Ch. 54 Eff. 7-1-16
SB361 banning the sale and possession of synthetic urine and urine additives. Sen. Forrester	M	Ch. 240 Eff. 1-1-17
SB369 requiring public schools to include drug and alcohol education as part of their health education curriculum. Sen. Stiles	S	Ch. 301 Eff. 8-20-16
SB401 rel. to insurance coverage for prescription eye drops. Sen. Carson	S	Ch. 326 Eff. 8-23-16

SB417 rel. to employment contract restrictions upon physicians. Sen. Sanborn	S	Ch. 194 Eff. 8-5-16
SB419 rel. to certain changes in the law governing the therapeutic use of cannabis. Sen. Reagan	M	Ch. 247 Eff. 6-10-16
SB424 rel. to transition provisions for licensure of master licensed alcohol and drug counselors, and est. a study. Sen. Fuller Clark	M	Ch. 248 Eff. 6-10-16
SB426 est. an end-of-life choices study commission. Sen. Feltes	M	S - OTP H - ITL
SB430 est. a commission to study long-term peer-to-peer recovery services in NH. Sen. Sanborn	M	S - OTPam H - ITL
SB431 rel. to data submission by insurers. Sen. Stiles	O	Ch. 250 Eff. 6-10-16
SB432 rel. to itemized bills for medical services. Sen. Stiles	O	S - OTPam H - COM RIS
SB434 rel. to prior authorizations for prescription medicine. Sen. Stiles	S	S - COM RIS
SB435 rel. to the reporting of the unauthorized diversion of controlled drugs. Sen. Carson	"S"	S - JUD RIS
SB447 rel. to the controlled drug prescription health and safety program and est. a commission to study Narcan. Sen. Sanborn	"S"	Ch. 1 Eff. 1-21-16, 1-1-17
SB448 rel. to rates for self-pay patients & notice of allowable benefits. Sen. Stiles	O	S - COM RIS
SB464 est. a statewide drug offender grant program and relative to transferring certain revenues to the revenue stabilization reserve account. Sen. Bradley	S	Ch. 264 Eff. 6-15-16
SB481 rel. to a special health care service license. Sen. Bradley	S	Ch. 198 Eff. 7-1-16
SB485 est. a state grant program to assist state and local law enforcement agencies in addressing the opioid crisis. Sen. Forrester	M	House rejected C of C report
SB488 requiring reasonable accommodations for pregnant workers. Sen. Fuller Clark	S	Ch. 232 Eff. 6-9-16
SB512 relative to health care associated infections. Sen. Carson	M	Ch. 192 Eff. 8-2-16
SB515 relative to child neglect and other changes to the child protection act. Sen. Reagan	"O"	Ch. 308 Eff. 7-1-16
SB516 rel. to preventing violence in health care facilities. Sen. Woodburn	S	S - ITL
SB522 making an appropriation to the pharmacy board for technology upgrades for the PDMP. Sen. Bradley	S	Ch. 329 Eff. 6-24-16
SB523 rel. to the NH PDMP and establishing a commission to study requiring controlled drugs and controlled drug analogs to be provided in abuse-deterrent formulation. Sen. Sanborn	"O"	Ch. 309 Eff. 6-21-16
SB530 est. a commission to study volunteer health services. Rep. Forrester	S	Ch. 274 Eff. 6-16-16
SB532 rel. to prior authorization for substance abuse treatment. Sen. Stiles	S	Ch. 275 Eff. 1-1-17
SB533 rel. to the Gov's commission on alcohol and drug abuse ... and making appropriations to the commission, DOJ, and DHHS. Sen. Woodburn	S	Ch. 330 Eff. 6-24-16
SB535 est. a grant program for high schools for heroin and opiate prevention education. Sen. Forrester	S	S - OTP H - ITL
SB540 prohibiting the possession, use, or sale of kratom. Sen. Fuller-Clark	S	S - OTPam H - T

SB541 est. a commission to study provider rates. Sen. Prescott	M	S – OTPam H – ITL
SB542 rel. to criminal interference with health services. Sen. Woodburn	S	S – T
SB576 rel. to the penalty for possession and use of fentanyl-class drugs, insurance coverage for substance use disorders, the acceptance of general funds by the PDMP, the membership of the board of medicine and prescribers of controlled drugs. Sen. Bradley	“S”	Ch. 2 Eff. 1-21-16 & 1-1-17
Retained/Referred 2015 BILLS		
HB383 rel. to the immunization/vaccination registry. Rep. Kurk	“S”	H – OTPam S – HHS RIS
HB386 reducing the rate of the business profits tax. Rep. Spillane	M	H - ITL
HB477 rel. to WC benefits and est. payment schedules. Rep. Flanagan	O	H - ITL
HB560 including a fetus in the definition of “another” for the purpose of certain criminal offenses. Rep. Rideout	O	H – Non-concur S – OTPam
HB593 permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. Rep. Wright	O	H – OTP S - HHS RIS
HB628 rel. to indemnification of health care facilities under certain circumstances. Rep. Sherman	S	Ch. 284 Eff. 1-1-17
HB629 rel. to induced termination of pregnancy statistics. Rep. Souza	O	H - OTPam S – T
SB3 rel. to payment for reasonable value of services. Sen. Daniels	O	S - COM – RIS
SB25 rel. to epinephrine administered in schools. Sen. D’Allesandro	S	Ch. 39 Eff. 7-2-16
SB45 establishing a committee to study opioid use in workers’ compensation cases. Sen. Sanborn	“S”	S – OTPam H – OTPam, S - nonconcur
SB137 cost-sharing parity for oral anti-cancer therapies. Sen. Bradley (see HB508)	S	S – OTPam H – ITL
SB147 granting immunity from criminal prosecution to a person who reports a drug or alcohol related emergency. Sen. Kelly	M	S - JUD – re-refer
SB178 rel. to optometrist participation in vision insurance plans. Sen. Stiles	M	S – OTP H – ITL
SB203 rel. to review of eligibility for workers' compensation. Sen. Soucy	M	Ch. 294 Eff. 9-19-16
SB219 rel. to breastfeeding. Sen. Fuller-Clark	S	S – OTPam H – T