

Legislative Report

June 2010

by Janet Monahan

The NH Medical Society (NHMS) had a very busy legislative session and can report **many successes**. Many thanks to your colleagues/members of the NHMS Legislative Committee for their interest and attendance at the five evening meetings – one in December, three in January and one in March. NHMS is grateful to all the physicians and physician staffers who came to Concord to testify and to everyone who called, e-mailed and wrote letters to legislators. Those personal contacts are critical to the legislative process! **Thank you.**

Happy ending: Once again, the trial attorneys introduced a half dozen bills with a potential negative impact on our tort system and/or on RSA 519-B, the pre-trial panel law. HB1196, HB1255, HB1256 and HB1258 were killed in the House. HB50, repeal of RSA519-B, was carried over from the previous session. HB50, HB1257 and HB1543 passed the House, but died in the Senate: HB1257 was killed by the Senate and the other two were tabled where they died at the end of the session.

Bills NHMS supported that were enacted: HB1541, prohibits the sale of e-cigarettes (nicotine delivery system) to minors. HB1537 amends the state Medicaid plan to cover preventive oral health services by PCPs who get special certification. HB1553, establishment of a maternal mortality review panel. HB1607, establishes a \$50,000 reasonable compensation “safe harbor” and a further study of the issue. (The Medical Society had worked with other groups in support of language that proposed basing “reasonable compensation” on federal law, rather than picking an arbitrary amount, like \$50,000.) SB320 allows HIV testing of an unconscious patient without consent when a health care worker has an occupational exposure. SB410 establishes a committee to study NH’s infant mortality and to develop proposals for remediation.

Bills defeated that NHMS opposed: HB1326, which proposed immunity from Board of Medicine discipline for physicians who prescribe long-term antibiotics for patients with chronic Lyme disease. HB1370, which would have required annual reporting of income and fees to the Dept. of Labor for physicians performing more than 10 IMEs (independent medical exams) per year. HB1536 would have required patients to “opt-in” (rather than opt-out) for any sharing of medical records as part of a state health information exchange. HB1555 proposed a conscientious exemption from childhood immunizations (NH currently has a religious exemption).

In a one-day special session, the House and Senate adopted the final budget bill that included, among hundreds of items, a repeal of the extension of the interest and dividends tax to distributions from LLCs and partnerships, and an increase in the tax on cigars and smokeless tobacco. Medical Society staff and physicians were able to work with legislators to amend other bills that we initially opposed, in order to make them more patient and/or physician “friendly.”

Please see the full list of bills that NHMS tracked starting on the next page. Read the text of bills, by going to the NH General Court website – the web address is on the next page, or view this list at www.nhms.org and simply click the hyperlink for an individual bill. If you have any questions on a bill, please contact Janet Monahan, 603 224-1909 or janet.monahan@nhms.org.

NH Medical Society 2010 Health Care Legislation 6-28-10

Please bookmark the **Legislative website** for easy access to copies & status of bills: <http://www.gencourt.state.nh.us/ie/>
 On the right side, under "Find a Bill," enter bill # (**HB**1234), select "Bill text" or "Docket" to find hearing date(s), roll calls, etc.
 If you are reading this on-line, simply click on the hyperlink for a bill to read the text.

KEY: NHMS Positions: M=monitor, O=oppose, S=support, "S"=support concept, "O" = oppose portions of the bill.
Status: H=House, S=Senate, Committee abbreviation & hearing date; ITL=inexpedient to legislate, OTP=ought to pass, OTPam=ought to pass with amendment, RIS = refer for interim study, T= tabled, C of C = Committee of conference;
 Ch.= Laws of 2010 Chapter number, Eff. = effective date. **Ch. and Eff. not available yet.

Bill Number, Title, and Revised Statutes Annotated (RSA) section amended or created for bills enacted.	NHMS Position	Status
HOUSE BILLS		
HB50 relative to proceedings of medical injury claims screening panels. http://www.gencourt.state.nh.us/legislation/2010/HB0050.html	O	H- OTPam S- T
HB 1160 prohibits the tanning of minors without a written order from a physician. http://www.gencourt.state.nh.us/legislation/2010/HB1160.html	"S"	H-HHS ITL
HB 1184. DHHS shall administer the unused Rx prg. RSA 318:58 http://www.gencourt.state.nh.us/legislation/2010/HB1184.html	M	Ch. 89 Eff. 7-24-10
HB 1186 prohibiting smoking within certain areas of New Hampshire state parks and historic sites. http://www.gencourt.state.nh.us/legislation/2010/HB1186.html	S	H – RRD RIS
HB 1194 prohibiting smoking on beaches at state parks. http://www.gencourt.state.nh.us/legislation/2010/HB1194.html	S	H –RRD RIS
HB 1196 relative to the time period interest is charged on judgments. http://www.gencourt.state.nh.us/legislation/2010/HB1196.html	O	H – JUD ITL
HB 1241 requires visual examinations for the issuance of drivers' licenses. http://www.gencourt.state.nh.us/legislation/2010/HB1241.html	S	H- TRAN ITL
HB 1255 prohibits apportionment of damages against a person who or entity which is immune by law from liability and against any person or entity unless such person or entity is made a party to the action pursuant to superior court rule. http://www.gencourt.state.nh.us/legislation/2010/HB1255.html	O	H – JUD ITL
HB 1256 restricting medical injury claims subject to pretrial screening panel review to claims exceeding \$250,000. http://www.gencourt.state.nh.us/legislation/2010/HB1256.html	O	H – JUD ITL
HB 1257 changing requirements for extensions of time for hearings by pretrial screening panels for medical injury claims. http://www.gencourt.state.nh.us/legislation/2010/HB1257.html	O	H – OTPam S- JUD ITL
HB 1258 establishes requirements for the award of costs and attorneys' fees incurred in the medical injury screening panel process. http://www.gencourt.state.nh.us/legislation/2010/HB1258.html	O	H – JUD ITL
HB 1309-FN requiring insurance coverage for infertility diagnosis and treatment up to the birth of a child. http://www.gencourt.state.nh.us/legislation/2010/HB1309.html	M	H – COM ITL
HB 1326. authorizes licensed physicians to prescribe long-term antibiotics for therapeutic purposes to patients diagnosed with Lyme disease. http://www.gencourt.state.nh.us/legislation/2010/HB1326.html	O	C of C No agreement
HB 1370 req. health care providers performing 10 or more independent examinations per year to file a report with the insurance department. http://www.gencourt.state.nh.us/legislation/2010/HB1370.html	O	H – OTPam S- COM ITL
HB 1371 allows an injured employee to record or have a witness present during the IME required under workers' compensation. RSA 281-A:38 II http://www.gencourt.state.nh.us/legislation/2010/HB1371.html	M	Ch. 227 Eff. 1-1-11
HB 1398 allowing a surviving spouse to have access to the deceased spouse's medical records when there is no estate administration. RSA 560-22 http://www.gencourt.state.nh.us/legislation/2010/HB1398.html	M	Ch. 260 Eff. 1-1-11

HB 1426 permitting patients to bring their meds to the hospital. http://www.gencourt.state.nh.us/legislation/2010/HB1426.html	M	H-HHS ITL
HB 1431-FN. authorizes individuals to purchase health ins. from out-of state health ins. carriers selected by the ins. commissioner. http://www.gencourt.state.nh.us/legislation/2010/HB1431.html	M	H-COM ITL
HB 1435-FN requires that prescriptions submitted using an electronic or on-line medical history form establish a valid practitioner-patient relationship. A violation is a misdemeanor. RSA 318:1, 52-a http://www.gencourt.state.nh.us/legislation/2010/HB1435.html	S	Ch. 74 Eff. 1-1-11
HB 1444-FN, allowing the purchase of drugs from Canada. http://www.gencourt.state.nh.us/legislation/2010/HB1444.html	M	H – COM ITL
HB 1456 est. a comm.. to study the use of pesticides, herbicides, and their alternatives in residential neighborhoods, school properties, playgrounds, and other places children congregate. http://www.gencourt.state.nh.us/legislation/2010/HB1456.html	S	H-ENV RIS
HB 1479-FN requires body mass index be assessed in all pupils in grades one, 4, 7, and 10 who have not opted out for religious reasons. http://www.gencourt.state.nh.us/legislation/2010/HB1479.html	M	H-EDU ITL
HB 1493 est. a study on comprehensive mental health parity. http://www.gencourt.state.nh.us/legislation/2010/HB1493.html	M/S	Ch. ** Eff.
HB 1531 prohibiting NH physicians and medical staff from sharing patient records in a health info. exchange without the patient’s written consent. http://www.gencourt.state.nh.us/legislation/2010/HB1531.html	O	H – HHS ITL
HB 1537 DHHS to amend the Medicaid plan to permit PCPs to deliver preventive oral health services to children. Req. the PCPs to be certified before offering such services. RSA 126-A http://www.gencourt.state.nh.us/legislation/2010/HB1537.html	“S”	Ch. 76 Eff. 7-18-10
HB 1541-FN prohibit sale of e-cigarettes to minors. RSA 126-K:2 http://www.gencourt.state.nh.us/legislation/2010/HB1541.html	S	Ch. 113 Eff. 7-31-10
HB 1543 changes the annual rate of interest on judgments. http://www.gencourt.state.nh.us/legislation/2010/HB1543.html	O	H-OTPam S-T
HB 1548-FN rel. to ASCs reporting of hospital infections. RSA 151:33 http://www.gencourt.state.nh.us/legislation/2010/HB1548.html	M/S	Ch. 77 Eff. 7-1-11
HB 1553 est. a maternal mortality review panel for comprehensive, multidisciplinary reviews of maternal deaths in NH. RSA 132:29 http://www.gencourt.state.nh.us/legislation/2010/HB1553.html	S	Ch. 129 Eff. 8-8-10
HB1555 adds an exemption from immunization for conscientious beliefs. http://www.gencourt.state.nh.us/legislation/2010/HB1555.html	O	H- HHS ITL
HB1558 prohibiting the sale of certain energy drinks to minors. http://www.gencourt.state.nh.us/legislation/2010/HB1558.html	S	H-COM ITL
HB 1597-FN requires continuation of ins. coverage in the event of job loss until such time as the individual becomes eligible for other coverage or Medicare. Also prohibits denial of coverage for preexisting conditions. http://www.gencourt.state.nh.us/legislation/2010/HB1597.html	“S”	H-COM ITL
HB1607-FN- reasonable comp. deduction under the BPT. RSA 77-A:4 III http://www.gencourt.state.nh.us/legislation/2010/HB1607.html	M	Ch. ** Eff.
HB 1623 rel. to disposal of syringes, lancets, needles or any instrument adapted for the admin. of drugs by injection http://www.gencourt.state.nh.us/legislation/2010/HB1623.html	M	C of C no agreement
HB 1636-FN est. the real-time electronic controlled drug prescription monitoring program. The bill grants DHHS rulemaking. http://www.gencourt.state.nh.us/legislation/2010/HB1636.html	“S”	H-HHS ITL
HB 1649-FN rel. to health info. and patient rights. RSA 332-I http://www.gencourt.state.nh.us/legislation/2010/HB1649.html	“O”	Ch. 64 Eff. 1-1-11
HB 1667-FN req. controlled Rx be obtained by valid prescription or order of an authorized practitioner & eliminates req. for labeling and dispensing of containers of prescribed controlled Rx. RSA 318-B:15 http://www.gencourt.state.nh.us/legislation/2010/HB1667.html	M	Ch. 173 Eff. 1-1-11
HB 1679-FN-A establishes a soft drinks tax. \$\$ from the dedicated to fund for obesity prevention and treatment programs. http://www.gencourt.state.nh.us/legislation/2010/HB1679.html	S	H-W&M ITL
HB1692 est. a commission on primary care workforce issues. Bill is a result of the commission established under 2008, Ch. 367. http://www.gencourt.state.nh.us/legislation/2010/HB1692.html	S	Ch. 114 Eff. 6-1-10
HCR 21 RESOLUTION urging all members of Congress who vote in favor of a gov’t run health ins. option to enroll in that option and forgo their right to participate in the Federal Employees Health Benefits Program. http://www.gencourt.state.nh.us/legislation/2010/HCR0021.html	M	H-S&F ITL
HCR 30 A RESOLUTION urging the attorney general to investigate the merger between CMC and DHMC. http://www.gencourt.state.nh.us/legislation/2010/HCR0030.html	M	Ch. ** Eff.

SENATE BILLS

SB308 Once a PBM or insurer determines how much it will pay for a prescription, the amount may not be lowered. RSA 318:470h http://www.gencourt.state.nh.us/legislation/2010/SB0308.html	M	Ch. 202 Eff. 8-21-10
SB318 allows optometrists and ophth. to dispense and sell therapeutic contact lenses for a fee. RSA 318:42, 327:1 http://www.gencourt.state.nh.us/legislation/2010/SB0318.html	M	Ch. 37 Eff.7-17-10
SB320 allows an individual who has had an occupational exposure to an unconscious person's blood or bodily fluids to be expeditiously tested for HIV. http://www.gencourt.state.nh.us/legislation/2010/SB0320.html	S	Ch. ** Eff.
SB331 directs the governor's commission on alcohol and drug abuse prevention, intervention and treatment to est. a task force on substance use disorder treatment for Medicaid eligible individuals. http://www.gencourt.state.nh.us/legislation/2010/SB0331.html	S	S- OTPam H- HHS ITL
SB371 est. a minimum lettering size for warning statements concerning drinking alcoholic beverages during pregnancy posted at liquor stores and liquor licensees. http://www.gencourt.state.nh.us/legislation/2010/SB0371.html	S	S- OTPam H- RR ITL
SB392 req. public hearings concerning health care cost increases in health care services and relative to hospital billing for services to uninsured patients. (new title) RSA 420-G:14 http://www.gencourt.state.nh.us/legislation/2010/SB0392.html	M	Ch. 240 Eff. 7-1-10
SB408 est. a law governing purchasing alliances which may be formed for the purposes of purchasing health insurance. RSA 420-L http://www.gencourt.state.nh.us/legislation/2010/SB0408.html	M	Ch. ** Eff.
SB410 est. a committee to study NH's rate of infant mortality and develop proposals for remediation. http://www.gencourt.state.nh.us/legislation/2010/SB0410.html	S	Ch. 43 Eff. 5-18-10
SB420 req. that insurers providing Rx benefits allow the use of a pharmacy that is not a mail-order pharmacy. RSA 415-A http://www.gencourt.state.nh.us/legislation/2010/SB0420.html	M	Ch. ** Eff.
SB450 rel. to costs and expenditures at the DHHS. http://www.gencourt.state.nh.us/legislation/2010/SB0450.html	M	C of C no agreement
SB468 Limits non-economic damages, contingent fees, liability for emergency treatment, and wrongful death recoveries & provides for payment of future damages. http://www.gencourt.state.nh.us/legislation/2010/SB0468.html	S	S – T
SB497 rel. to the reasonable comp. deduction under the business profits tax. RSA 77-A:4 III http://www.gencourt.state.nh.us/legislation/2010/SB0497.html	S	C of C no agreement
SB505 est. the NH health care services cost review comm. and est. assessment on certain hosp. to fund the operation of the comm.. RSA 21-S http://www.gencourt.state.nh.us/legislation/2010/SB0505.html	"O"	Ch. 224 Eff.