

New Hampshire Medical Society

For the betterment of public health since 1791

Legislative Report

7 North State Street
Concord, NH 03301-4018
(603) 224-1909
NH Toll Free 800 564-1909
WWW.nhms.org

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The 2011 Legislative Session had a change in party majorities and new leadership in both the NH House and State Senate. There were many new faces in both bodies which kept the NH Medical Society staff busy getting to know the freshman legislators. We wish to acknowledge and thank the NHMS Legislative Committee for their time and input at the six evening meetings – one in November, one in December, one in January, two in February and the last one in April. NHMS is also 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.**

Bills NHMS supported that were enacted:

HB71, authorizing pharmaceutical take-back programs for old or unused Rx.

HB111, allowing re-dispensing of sealed drugs within an institution.

HB489, establishing a health information exchange organization for electronic records.

SB102, establishing a study commission on the effects of PTSD and traumatic brain injury on soldiers.

SB170, requiring the NH JUA to distribute its excess surplus funds to policyholders.

Bills defeated that NHMS opposed:

HB416, adding an exemption from immunization for conscientious beliefs.

HB422, prohibiting vaccinations in public schools.

HB513, allowing physician assisted suicide.

The House Judiciary Committee continues to be challenging; however, the perennial trial attorney bills to undermine or repeal the medical malpractice pre-trial panel law (RSA 519-B) were stalled in the Committee with the help of House leadership: HB199 and HB261.

The Lyme Disease bill (HB295) was changed to **not** amend the NH Medical Practice Act (RSA 329), but instead to require the Board of Medicine to post an informational statement on its website.

There are nearly three dozen bills that were retained or rereferred by House and Senate committees. These bills will have work sessions in the fall for action by the House and/or Senate in January of 2012.

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 the 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.

2011 NH Medical Society Legislation List 1-06-12

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 # (**HB1234**), select "Bill text" or "Docket" to find hearing date(s), roll calls, etc.
 If you are reading this On-line, highlight the link, right click, and select "open hyperlink" to read the text.

KEY:

Bill: HB=House Bill, SB=Senate Bill, HJR= House Joint Resolution

Revised Statutes Annotated (RSA) : <http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm> scroll down to search for RSA #.

NHMS Positions: M=monitor, O=oppose, S=support, "S"=support concept, "O" = oppose portions of the bill.

Status: H=House, S=Senate, Committee abbreviation; ITL=inexpedient to legislate, OTP=ought to pass, OTPam = ought to pass with amendment, retained/referred = stays in committee for action in 2012; RIS = Referred to Interim Study; T= tabled. Ch=2011 Chapter #; Eff. = effective date.

HOUSE BILLS

Bill #	NH law affected or proposed	Bill Title	NHMS Position	Status
HB51	RSA 519-B:3, II	Rel. to screening panel members for screening panels for medical injury claims http://www.gencourt.state.nh.us/legislation/2011/HB0051.html	O	Ch. 161 Eff. 1-1-12
HB58	RSA 153-A:16, III	Rel. to inter-facility transfers of critical access hospital patients. http://www.gencourt.state.nh.us/legislation/2011/HB0058.html	M	Ch. 62 Eff. 7-15-11
HB71	RSA 318-E (new)	Authorizing est. of pharmaceutical drug take-back programs. http://www.gencourt.state.nh.us/legislation/2011/HB0071.html	S	Ch. 63 Eff. 7-1-11
HB89		Req. the AG to file lawsuits challenging the PPACA and the US Environmental Protection Agency's cap and trade program. http://www.gencourt.state.nh.us/legislation/2011/HB0089.html	M	H - OTPam S - T
HB95	RSA420-B:19, I	Permitting an insurer to operate a HMO as a line of business. http://www.gencourt.state.nh.us/legislation/2011/HB0095.html	M	Ch. 39 Eff. 7-8-11
HB96	RSA 420-G:6	Rel. to issuance of individual health ins. policies by health carriers. http://www.gencourt.state.nh.us/legislation/2011/HB0096.html	M	H-ITL
HB111	RSA 318:58,IV(a)	Rel. to redispensing unused drugs. http://www.gencourt.state.nh.us/legislation/2011/HB0111.html	S	Ch. 41 Eff. 7-8-11
HB118		Rel. to reporting a person medically unfit to drive. http://www.gencourt.state.nh.us/legislation/2011/HB0118.html	S	H-ITL
HB126	RSA 415-K	prohibiting interference with access to medical services and health insurance of New Hampshire citizens. http://www.gencourt.state.nh.us/legislation/2011/HB0126.html	M	H-ITL
HB156	RSA 78:7	Reducing the rate of the tobacco tax. http://www.gencourt.state.nh.us/legislation/2011/HB0156.html	O	H - OTP S- T
HB158	RSA 275-A:4-b	Rel. to misuse of SS#'s. http://www.gencourt.state.nh.us/legislation/2011/HB0158.html	M	H - OTPam S -rerefer
HB165		Est. a committee to study contract negotiations between health insurance companies and health care providers. http://www.gencourt.state.nh.us/legislation/2011/HB0165.html	M	H-ITL
HB187	RSA 77-A:5,X	Rel. to the carry forward periods for BET credit against the BPT. http://www.gencourt.state.nh.us/legislation/2011/HB0187.html	M	Ch. 225 Eff. 7-1-14
HB189	RSA 329:32 (new)	relative to disclosure of certain hospital fees. http://www.gencourt.state.nh.us/legislation/2011/HB0189.html	"O"	H - ITL
HB191	RSA 135-C:2,II	relative to the community mental health system. http://www.gencourt.state.nh.us/legislation/2011/HB0191.html	M	Ch. 209 Eff. 7-1-11

HB199	RSA 519-B:4, 5	relative to proceedings of medical injury claims screening panels. http://www.gencourt.state.nh.us/legislation/2011/HB0199.html	O	H-ITL
HB213	RSA 77-A:2	Reducing the rate of the BPT. http://www.gencourt.state.nh.us/legislation/2011/HB0213.html	M	H - T
HB228	RSA 126-A:3, IX (new) RSA 132:32 (new)	Prohibit. DHHS from entering into a contract with Planned Parenthood or any org. that provides abortion services and prohibiting the use of public funds or ins. for abortion services. http://www.gencourt.state.nh.us/legislation/2011/HB0228.html	M	HHS retained
HB241	RSA 415:25 (new)	Rel. to insurance coverage. http://www.gencourt.state.nh.us/legislation/2011/HB0241.html	M	H-ITL
HB261	RSA 519-B	Eliminating screening panels for medical injury. http://www.gencourt.state.nh.us/legislation/2011/HB0261.html	O	JUD retain
HB263	RSA 167:83,II(p)	Rel. to lifetime Medicaid limit. http://www.gencourt.state.nh.us/legislation/2011/HB0263.html	M	COM retained
HB284	RSA327-A	Rel. to contact lens prescriptions. http://www.gencourt.state.nh.us/legislation/2011/HB0284.html	S	Ch. 121 Eff. 8-1-11
HB285	RSA 265:107-b (new)	Prohibiting smoking in motor vehicles when a passenger under the age of 16 is in the vehicle. http://www.gencourt.state.nh.us/legislation/2011/HB0285.html	S	H - ITL
HB295		Rel. to use of long-term antibiotics for treatment of Lyme disease. http://www.gencourt.state.nh.us/legislation/2011/HB0295.html	O	Ch. 157 Eff. 6-9-11
HB309	RSA 458:18	Repealing certain insurance mandates. http://www.gencourt.state.nh.us/legislation/2011/HB0309.html	M	H-OTPam
HB312	RSA 485:14-b (new)	Rel. to notice required for the fluoridation of drinking water. http://www.gencourt.state.nh.us/legislation/2011/HB0312.html	M	H - ITL
HB327	RSA 404-I (new)	Rel. to health care choice. http://www.gencourt.state.nh.us/legislation/2011/HB0327.html	M	COM retained
HB329	RSA 132:33-36	requiring parental notification before abortions may be performed on unemancipated minors. http://www.gencourt.state.nh.us/legislation/2011/HB0329.html	O	Ch. 205 Eff. 1-1-12
HB332	RSA 318-B:31	Rel. to an electronic controlled drug prescription monitoring program. http://www.gencourt.state.nh.us/legislation/2011/HB0332.html	S	ED&A RIS
HB351	RSA 415:6-q, 415:8-v, etc.	Rel. to ins. reimbursement for doctors of naturopathic medicine. http://www.gencourt.state.nh.us/legislation/2011/HB0351.html	O	H-OTPam
HB407		Est. a committee to study the rising incidence of autism. http://www.gencourt.state.nh.us/legislation/2011/HB0407.html	M	H -ITL
HB416	RSA 141-C:20-c, III (new)	adding an exemption from immunization for conscientious beliefs. http://www.gencourt.state.nh.us/legislation/2011/HB0416.html	O	H - ITL
HB422	RSA 200:38-a (new)	prohibiting vaccinations in public schools. http://www.gencourt.state.nh.us/legislation/2011/HB0422.html	O	H - ITL
HB426	RSA 318:58	adding certain entities to the unused prescription drug program. http://www.gencourt.state.nh.us/legislation/2011/HB0426.html	M	Ch. 99 Eff. 7-26-11
HB440		Req. that NH join the lawsuit challenging federal health care reform legislation, and repealing the authority for state implementation of federal health care reform. http://www.gencourt.state.nh.us/legislation/2011/HB0440.html	M	COM retained
HB442	RSA 126-V (new)	relative to the use of marijuana for medicinal purposes. http://www.gencourt.state.nh.us/legislation/2011/HB0442.html	M	H -OTPam S - T
HB446	Misc.	repealing the authority for regulation of certain professional occupations. http://www.gencourt.state.nh.us/legislation/2011/HB0446.html	“O”	H-ITL
HB458	RSA 17-R (new)	Est. a sunset review process for executive agency and judicial prgs. http://www.gencourt.state.nh.us/legislation/2011/HB0458.html	M	H-OTPam

HB476	RSA 329-B (new)	Est. an independent board of psychologists. http://www.gencourt.state.nh.us/legislation/2011/HB0476.html	M	ED&A RIS
HB489	RSA332-I	Rel. to health information exchange. http://www.gencourt.state.nh.us/legislation/2011/HB0489.html	S	Ch. 232 Eff. 7-5-11
HB495	RSA 430:58 (new)	Rel. to the prevention of the use of pesticides on the grounds of child day care facilities, schools, and state parks. http://www.gencourt.state.nh.us/legislation/2011/HB0495.html	M	H - ITL
HB513	RSA 137-L (new)	Rel. to end of life aid in dying for certain persons suffering from a terminal disease. http://www.gencourt.state.nh.us/legislation/2011/HB0513.html	O	H - ITL
HB527	RSA 507-E (new)	Rel. to tort reform. http://www.gencourt.state.nh.us/legislation/2011/HB0527.html	“S”	JUD retained
HB554	RSA 330-A:28, V	Rel. to mental health records. http://www.gencourt.state.nh.us/legislation/2011/HB0554.html	M	HHS RIS
HB568	RSA 12-A:62	Rel. to smoking within certain areas of NH state parks and historic sites. http://www.gencourt.state.nh.us/legislation/2011/HB0568.html	S	RRD retained
HB573	RSA 200:40-b	Rel. to the administration of certain pain relief medications by a school nurse. http://www.gencourt.state.nh.us/legislation/2011/HB0573.html	S	H - T
HB578	RSA 329:32 (new)	Rel. to payment at time of medical services. http://www.gencourt.state.nh.us/legislation/2011/HB0578.html	O	H-ITL
HB601	RSA400-A:67- 70	Rel. to implementation of federal health care reform. http://www.gencourt.state.nh.us/legislation/2011/HB0601.html	M	Ch. 264 Eff. 7-1-11
HB602	RSA 151:36	Rel. to funding the law requiring reporting of health care acquired infections. http://www.gencourt.state.nh.us/legislation/2011/HB0602.html	M	H-OTPam W&M
HB611	RSA 77-A:4, III	Rel. to “reasonable compensation” under BPT. http://www.gencourt.state.nh.us/legislation/2011/HB0611.html	M	W&M retained
HB619		Req. state of NH to opt out of the req. that individuals purchase health ins. contained in the Patient Protection ACA. http://www.gencourt.state.nh.us/legislation/2011/HB0619.html	M	H-ITL
HB627	RSA 415:25 (new)	Rel. to "essential benefits" under federal health care reform. http://www.gencourt.state.nh.us/legislation/2011/HB0627.html	M	H – OTP S –COM referred
HB629	RSA 126:25, 126-S	Rel. to uninsured healthcare data base. http://www.gencourt.state.nh.us/legislation/2011/HB0629.html	S	Ch. 115 Eff. 7-30-11
HB632	RSA 318:47-a, 318-B:13,IV	Rel. to labeling requirements for dispensing of drugs by automated pharmacy systems. http://www.gencourt.state.nh.us/legislation/2011/HB0632.html	M	H- OTP S –HHS referred
HB633	RSA 318:37, III (new)	preventing prescribing practitioners from owning pharmacies in-state and out-of-state. http://www.gencourt.state.nh.us/legislation/2011/HB0633.html	“O”	H-ITL
HB637	RSA 21:51 (new)	Rel. to lowering the legal drinking age for members of the armed forces. http://www.gencourt.state.nh.us/legislation/2011/HB0637.html	O	H - ITL
HJR2		Prohibiting the implementation of the insurance department rules regarding the NH JUA. http://www.gencourt.state.nh.us/legislation/2011/HJR0002.html	S	COM RIS
HJR3		prohibiting the implementation of certain rules of the board of mental health practice regarding misconduct investigation. http://www.gencourt.state.nh.us/legislation/2011/HJR0003.html	M	Ch. 56 Eff. 5-9-11
HJR4		Prohibit. the implementation of certain rules of the bd of medicine. http://www.gencourt.state.nh.us/legislation/2011/HJR0004.html	M	H – OTP S - T

SENATE BILLS

SB12	RSA 519-B:13	Rel. to screening panels for medical injury claims. http://www.gencourt.state.nh.us/legislation/2011/SB0012.html	S	Ch. 241 Eff. 9-11-11
SB17	RSA 507-E:4	Rel. to evidence of admissions in medical injury actions. http://www.gencourt.state.nh.us/legislation/2011/SB0017.html	S	JUD referred
SB71	RSA 281-A:24	relative to health care fees in workers' compensation. http://www.gencourt.state.nh.us/legislation/2011/SB0071.html	O	COM rereferred
SB72	RSA 126-A:64	Est. a comprehensive cancer plan fund. http://www.gencourt.state.nh.us/legislation/2011/SB0072.html	S	S- OTP H –ITL
SB93	RSA 318:16-b	relative to pharmacist administration of vaccines. http://www.gencourt.state.nh.us/legislation/2011/SB0093.html	“O”	Ch. 213 Eff. 8-26-11
SB95		Est. a committee to study youth sports concussions. http://www.gencourt.state.nh.us/legislation/2011/SB0095.html	S	S - OTP H –ITL
SB102		Est. a commission to study the effects of PTSD and traumatic brain injury suffered by NH soldiers and returning veterans. http://www.gencourt.state.nh.us/legislation/2011/SB0102.html	S	Ch. 84 Eff. 5-16-11
SB108	RSA 508:17-b	relative to emergency obstetrical care. http://www.gencourt.state.nh.us/legislation/2011/SB0108.html	S	S-OTPam H- ITL
SB122		Est. a committee to study the laws relating to electronic Rx. http://www.gencourt.state.nh.us/legislation/2011/SB0122.html	M	Ch. 117 Eff. 5-31-11
SB126	RSA 77- A:4,X,III, (e)	Rel. to net operating loss carryovers under the BPT. http://www.gencourt.state.nh.us/legislation/2011/SB0126.html	M	S – T
SB147	RSA 126- A:5,XIX (new)	Rel. to Medicaid managed care. http://www.gencourt.state.nh.us/legislation/2011/SB0147.html	M	Ch. 125 Eff. 6-2-11
SB148	RSA 400-A (new)	Rel. to health insurance coverage and directing the attorney general to join the lawsuit challenging the Patient Protection and ACA. http://www.gencourt.state.nh.us/legislation/2011/SB0148.html	M	Ch. 266 Eff. 7-1-11
SB150	RSA 404-I (new)	authorizing individuals and certain businesses to purchase health insurance from out-of-state insurance companies. http://www.gencourt.state.nh.us/legislation/2011/SB0150.html	M	COM rereferred
SB161	RSA 541-A:6	Rel. to procedures for adoption of agency rules under the administrative procedures act. http://www.gencourt.state.nh.us/legislation/2011/SB0161.html	M	Ch. 252 Eff. 9-11-11
SB162	RSA 420-L	Rel. to federal health care reform 2010. http://www.gencourt.state.nh.us/legislation/2011/SB0162.html	M	C of C Not signed
SB163	RSA 415-K (new)	relative to the New Hampshire health benefit exchange. http://www.gencourt.state.nh.us/legislation/2011/SB0163.html	M	COM rereferred
SB170	RSA 404-C:14	Rel. to the NH Med Malpractice JUA. http://www.gencourt.state.nh.us/legislation/2011/SB0170.html	S	Ch. 201 Eff. 6-16-11
SB171	RSA 420-J:17-b, II	Rel. to prescription drug benefits for the treatment of pain. http://www.gencourt.state.nh.us/legislation/2011/SB0171.html	M	S –OTPam H- ITL