

Legislative Report - July 2015

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!

HB 271 As of June 2, 2015, physicians are allowed to, "...prescribe, dispense, or distribute, directly or by standing order, an **opioid antagonist** to a person at risk of experiencing an opioid-related overdose or a family member, friend, or other person in a position to assist a person at risk of experiencing an opioid-related overdose." There is also immunity for those prescribing or providing the medication.

HB 136 On August 1, 2015, New Hampshire joins nearly a dozen other states when minors will no longer be allowed to go to **indoor tanning** salons.

HB 477, SB 3 and SB 133 For six months, NHMS staff worked with stakeholders to try to stop efforts by hundreds of New Hampshire businesses to enact a **workers' compensation (WC)** fee schedule for medical services. At the end of the day, a reasonable compromise was reached in SB 133. State law will no longer require a business or insurer to pay "the full amount" of a medical bill. The amended law requires payment of "reasonable" costs as justified by the medical provider, with the hope of encouraging more WC contracts for medical services and discouraging high-cost *outliers*. The bill also requires the collection of WC claims data to assist the Commissioner of Labor in defining "reasonable."

SB 84 NHMS spearheaded the effort to allow the prescribing of non-controlled drugs via **telemedicine** and helped achieve a compromise for certain controlled drugs to be prescribed via telemedicine at state certified community mental health or SAMHSA certified substance abuse clinics.

HB 508 This bill lays out the process by which the NH Medical Malpractice Joint Underwriters Association (**JUA**) will be **dissolved**. NHMS anticipates that once dissolved, there will be up to \$85 million in excess surplus premiums to be returned to JUA policyholders. Any unclaimed surplus will once again be earmarked for loan repayment for providers in underserved areas of the state. Also included in the bill is language from **SB 137**, a bill that proposed parity for **oral chemotherapy drugs**. The bill passed the Senate but was retained by the House Commerce Committee. A last minute amendment put the language in SB 137 on HB 508 and will limit out-of-pocket costs to consumers for oral chemotherapy drugs.

HB 383 This bill was a casualty of the 2015 legislative session. Notwithstanding lobbying efforts by DHHS, physicians and NHMS, New Hampshire will not have the necessary statutory authority for an operational **state vaccine registry**.

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 abbreviations. Committee, 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, retain or re-refer = committee keeps bill for further work, T = tabled. Ch. = 2015 Chapter 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.

HOUSE BILLS

Bill Number (hyperlink to bill text), title, & prime sponsor	NHMS Position	Status
CACR7 funding substance abuse treatment. Rep. P. Brown	S	H - ITL
HB101 rel. to prescription refills. Rep. D. McGuire	O	H - ITL
HB123 rel. to walking disability placards. Rep. Steve Smith	O	TRANS - retain
HB128 authorizing the purchase health insurance from out-of-state companies. Rep. McClarren	M	COM - retain
HB129 rel. to unused prescription drugs. Rep. F. Rice	M	H - ITL
HB136 prohibiting tanning facilities from tanning persons under 18 years of age. Rep. Barnes	S	Ch. 54, Eff. 8-1-15
HB150 est. a study committee on the legalization of marijuana. Rep. Phillips	M	H – OTPam, S – ITL
HB151 est. a committee to study end-of-life decisions. Rep. Phillips	M	Vetoed
HB164 rel. to processing applications for the therapeutic use of cannabis. Rep. Wright	M	H - ITL
HB165 "qualifying medical condition" for the therapeutic cannabis. Rep. Lachance	O	H - ITL
HB190 committee to study the standards for collaborative pharmacy practice. Rep. MacKay	M	Ch. 190, Eff. 7-6-15
HB194 providing that life begins at conception. Rep. Hoell	O	H - ITL
HB209 repealing New Hampshire's atomic energy policy. Rep. Bakus	O	H – ITL
HB216 rel. to recovery of certain investigatory costs by regulatory boards and commissions. Rep. C. McGuire	M	H – OTP S – ED&A re-refer
HB223 rel. to external review under the managed care law. Rep. Butler	M	Ch. 64, Eff. 8-1-15
HB251 excluding circumcision from the state Medicaid plan. Rep. Murphy	O	H – ITL
HB271 rel. to possession and administration of an opioid antagonist for opioid-related overdoses. Rep. Bouldin	S	Ch. 65, Eff. 6-2-15
HB326 rel. to membership of the bd. of reg. of medical technicians. Rep. Sherman	S	Ch. 88, Eff. 1-1-16

HB330 est. an oversight commission for medical cost transparency. Rep. McMahon	S	Ch. 227, Eff. 7-13-15
HB383 rel. to the immunization/vaccination registry. Rep. Kurk	"S"	H – OTPam, S – HHS re-refer
HB386 reducing the rate of the business profits tax. Rep. Spillane	M	W&M - retain
HB389 repealing the certificate of need moratorium. Rep. Tucker	O	H – ITL
HB413 est. the governing board of polysomnographic technologists. Rep. P. Schmidt	M	H - ITL
HB415 limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire. Rep. White	M	Ch. 170, Eff. 6-26-15
HB422 rel. to the signing authority of physician assistants. Rep. Sherman	S	Ch. 140, Eff. 1-1-16
HB446 access to investigational Rx, biological products, and devices. Rep. Wright	M	H - T
HB452 repealing the gov's authority to declare a state of emergency. Rep. Itse	O	H – ITL
HB476 amending the definition of "qualifying medical condition" in the therapeutic cannabis law. Rep. S. Schmidt	"O"	Ch. 195, Eff. 9-4-15
HB477 rel. to WC benefits and est. payment schedules. Rep. Flanagan	O	H - LAB - retained
HB483 rel. to the commission on primary care workforce issues. Rep. Sherman	S	Ch. 238, Eff.7-13-15
HB489 rel. to annulment of mental health records. Rep. Hannon	M	H – ITL
HB508 rel. to the dissolution of the NH Medical Malpractice JUA and relative to cost-sharing parity for oral ant-cancer therapies. Rep. Hunt	S	Ch. 263, Eff. 7-20-15, 1-1-17, 10-1-17, 1-1-21
HB517 disciplinary actions for MD/DO whose license is suspended or revoked. Rep. Leeman	O	H – ITL
HB521 rel. to the size of the pool of the workers' compensation appeals board. Rep. Goley	M	H – OTPam, S –FIN re-refer
HB560 including a fetus in the definition of "another" for the purpose of certain criminal offenses. Rep. Rideout	O	H – OTP S – JUD re-refer
HB564 rel. to prior authorization for certain prescription drugs. Rep. Sherman	S	Ch. 199, Eff. 7-6-15
HB593 permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use. Rep. Wright	O	H – OTP S - HHS re-refer
HB595 rel. to banning abortion after viability. Rep. Murphy	O	H - T
HB618 penalties for the possession of marijuana and cultivation of plants. Rep. Schroeder	"O"	H – OTPam, S – T
HB628 rel. to indemnification of health care facilities under certain circumstances. Rep. Sherman	S	H – OTPam S – HHS re-refer
HB629 rel. to induced termination of pregnancy statistics. Rep. Souza	O	HHS - retain
HB650 requiring background checks for commercial firearms sales. Rep. Rogers	S	H – ITL
HB670 rel. to the rights of conscience for medical professionals. Rep. Groen	M	H – ITL
HB677 prohibiting the use of public funds for abortion services. Rep. Groen	O	H - ITL
HB686 est. a single payer health care system. Rep. McNamara	M	H - ITL

SENATE BILLS

Bill Number (hyperlink to bill text), title, & prime sponsor	NHMS Position	Status
SB3 rel. to payment for reasonable value of services. Sen. Daniels	O	COM - re-refer
SB22 rel. to changes in the law governing the therapeutic use of cannabis. Sen. Reagan	M	Ch. 143, Eff. 8-11-15
SB23 APRNs to authorize involuntary commitment & voluntary admissions. Sen. Carson	S	Ch. 144, Eff. 6-12-15
SB25 rel.to epinephrine administered in schools. Sen. D'Allesandro	S	EDU – re-refer
SB31 rel. to the controlled drug prescription health and safety program. Sen. Bradley	S	Ch. 48, Eff. 7-20-15
SB33 rel. to continuing education requirements for mental health practitioners on suicide prevention. Sen. Watters	M	Ch. 27, Eff. 7-6-15
SB36 making oral contraceptives available without a prescription. Sen. Sanborn	S	S - ITL
SB37 limiting requirements for live testimony by medical professionals in civil actions. Sen. Cataldo	O	S - T
SB40 including a viable fetus in definition of “another” for criminal offenses. Sen. Birdsell	M	C of C not signed
SB45 rel. to opioid treatment agreements under workers’ compensation law. Sen. Sanborn	“S”	S – OTPam, H – LAB retain
SB49 rel. to clinical eligibility determination for long-term care. Sen. Reagan	M	Ch. 145, Eff. 8-11-15
SB54 rel. to property tax payments by therapeutic cannabis alternative treatment centers. Sen. Reagan	M	Ch. 29, Eff. 4-1-15
SB56 est. a commission to study oversight, regulation, and reporting of patient safety and health care quality issues. Sen. Stiles	M	Ch. 147, Eff. 6-12-15
SB67 est. a committee to study opioid misuse in New Hampshire. Sen. D'Allesandro	S	S – OTPam, H – HHS re-refer
SB84 rel. to the definition of “telemedicine.” Sen. Stiles	S	Ch. 246, Eff. 9-11-15
SB105 revising the indoor smoking act. Sen. Pierce	S	S – OTPam, H – ITL
SB106 restricting the sale or possession of synthetic drugs. Sen. Kelly	S	Ch. 204, Eff. 7-6-15
SB108 rel. to health care associated infections. Sen. Stiles	S	C of C not signed
SB112 requiring the Medicaid program to cover telehealth services. Sen. Pierce	S	Ch. 206, Eff. 7-6-15
SB128 relative to pharmacy benefit managers paying claims. Sen. Cataldo	M	COM – re-refer
SB130 rel. to participation in the immunization registry. Sen. Kelly	S	S - T
SB131 authorizing the purchase health insurance from out-of-state co.. Sen. Sanborn	M	COM – re-refer
SB133 (2nd New Title) relative to WC medical claim data collected by insurance department, and medical costs paid under workers’ compensation. Sen. Bradley	S	Ch. 210, Eff. 9-4-15
SB135 rel. to lead poisoning in children. Sen. Feltes	S	Ch. 250, Eff. 9-11-15
SB137 cost-sharing parity for oral anti-cancer therapies. Sen. Bradley (see HB 508)	S	S – OTPam, H – COM retain
SB147 granting immunity from criminal prosecution to a person who reports a drug or alcohol related emergency. Sen. Kelly	M	JUD – re-refer

SB162 prohibiting smoking in motor vehicles with a passenger under the age of 18 is in the vehicle. Sen. Watters	S	S – ITL
SB171 est. a committee to study issues concerning handicap parking. Sen. Stiles	S	Ch. 155, Eff. 6-12-15
SB176 rel. to the definition of "direct primary care." Sen. Stiles	M	S – ITL
SB178 rel. to optometrist participation in vision insurance plans. Sen. Stiles	M	S – OTP, H – COM retain
SB185 extending the New Hampshire health protection program. Sen. Pierce	M	S - T
SB187 allowing a patient to designate a caregiver upon entry to a medical facility. Sen. Stiles	"S"	Ch. 44, Eff. 1-1-16
SB200 relative to newborn screening for Krabbe Leukodystrophy. Sen. Cataldo	M	S – OTP, H –ITL
SB202 rel. to licensure of outsourcing facilities by the pharmacy board. Sen. Carson	S	Ch. 180, Eff. 1-1-15
SB203 rel. to review of eligibility for workers' compensation. Sen. Soucy	M	S – OTPam, H – LAB retain
SB219 rel. to breastfeeding. Sen. Fuller-Clark	S	S – OTPam, H – COM retain
SB224 Valley Regional Hospital to construct mental health facility. Sen. Pierce	M	CAP BUD – re-refer
SB225 reporting by medical providers under early offer law for medical injury. Sen. Soucy	M	S - ITL
SB226 requiring certain notice from pharmacy benefit managers. Sen. Soucy	S	HHS – re-refer
SB238 relative to the workers' compensation appeals board. Sen. Fuller Clark	M	S – OTPam, H – LAB retain
SB240 protecting certified public accountants from prosecution or penalty for providing services to alternative treatment centers. Sen. Reagan	M	S – OTPam, H – T
SB244 relative to abuse and neglect investigations and establishing a commission to review child abuse fatalities. Sen. Boutin	M	Ch. 127, Eff. 6-11-15
SB248 establishing a committee to study health care provider payment rates. Sen. Prescott	M	S – OTP, H – ITL