

Bill as Introduced

HB 131-FN-LOCAL - AS INTRODUCED

2013 SESSION

13-0273
04/09

HOUSE BILL

131-FN-LOCAL

AN ACT relative to payment for medical services for county prisoners.

SPONSORS: Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill further defines the term "hospital" in the context of medical services for county prisoners and allows the superintendent of a county correctional facility to negotiate medical service rate agreements for the provision of medical services to county prisoners.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to payment for medical services for county prisoners.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Medical Services for County Prisoners. Amend RSA 623-C:1 to read as follows:

2 623-C:1 Medical Services for County Prisoners.

3 I.(a) Except as provided in subparagraphs (b) through (f), no hospital or emergency room
4 shall charge a county or its agent more than 110 percent of the medicare allowable rate for inpatient,
5 **outpatient**, or emergency room care provided for prisoners in county correctional facilities.

6 (b) Allowances provided by hospitals shall qualify as community benefits under
7 RSA 7:32-d, III(b).

8 (c) Hospitals reported by the department of health and human services as having a
9 negative operating margin in the most recent year for which hospital-audited financial data is
10 available shall charge no more than 125 percent of the medicare rate.

11 (d) The superintendent of a county correctional facility may waive the application of
12 subparagraph (a) if the superintendent determines such action is necessary to ensure prisoner access
13 to medically necessary care.

14 (e) The superintendent of a county correctional facility may waive the application of
15 subparagraph (a) if the superintendent determines such action to be necessary for the efficient
16 operations of the county correctional facility.

17 (f) Nothing in this paragraph shall require a hospital to admit any person.

18 II. Pharmacists shall substitute generically equivalent drug products for all legend and non-
19 legend prescriptions paid for by the county department of corrections, including the medicaid
20 program, unless the prescribing practitioner specifies that the brand name drug product is medically
21 necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in
22 the pharmacist's file. The superintendent may waive the application of RSA 623-C:1, I if the
23 superintendent determines such action is necessary to ensure the availability of prescription and
24 other pharmaceutical services to persons served by the county or to avert serious economic hardship
25 in the provision of prescriptions and other pharmaceutical services. The county commissioners shall
26 adopt necessary rules and regulations to implement this paragraph.

27 III. *In this section, "hospital" shall include ambulatory and specialty-medical*
28 *service centers licensed under RSA 151, and shall also include, but not be limited to,*
29 *surgical, rehabilitation, long-term, oncology, and dialysis centers, but shall not include*
30 *physician practices or community health care clinics.*

1 ***IV. Nothing in this section shall prohibit the superintendent of a county***
2 ***correctional facility from negotiating and executing medical service rate agreements with***
3 ***a hospital for the provision of medical services to county prisoners.***
4 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
13-0273
12/11/12

HB 131-FN-LOCAL - FISCAL NOTE

AN ACT relative to payment for medical services for county prisoners.

FISCAL IMPACT:

The New Hampshire Association of Counties states this bill, **as introduced**, may decrease county expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on state and local expenditures, or state, county and local revenue.

METHODOLOGY:

The New Hampshire Association of Counties states this bill enables the county departments of correction to negotiate rates for the provision of medical services to inmates in addition to hospital inpatient and emergency room care through ambulatory and specialty-medical service centers. The Association is not able to determine the actual impact on county expenditures but expects the authorized negotiations will decrease county expenditures as it relates to inmate medical care.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 131

BILL TITLE: relative to payment for medical services for county prisoners..
DATE: January 15, 2013
LOB ROOM: 204 **Time Public Hearing Called to Order:** 1:00 pm
Time Adjourned: 1:33 pm
(please circle if present)

Committee Members: Reps. Pantelakes, Cushing, Ginsburg, Berube, Boisvert, Robertson, Grady, Burrige, Harriott-Gathright, Hirsch, O'Hearne, Charron, Fields, Villeneuve, Gagne, Vaillancourt, Warden, Parsons, Fesh and Tasker.

Bill Sponsors: Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Shurtleff, co- sponsor

Introduced the bill as a courtesy to Rep. Belanger, sponsor.

Capt. Gifford Hiscoe, New Hampshire Association of Counties, Superintendent Affiliate - support

Ron White, New Hampshire Association of Counties - Merrimack County - support

In support of the 110% fee under Medicare for hospital services. This bill would include outside services which right now are 100%.

Leslie Melby, New Hampshire Hospital Association – support

She will provide information for the committee, as she wanted to address some of the questions that were brought up.

Respectfully submitted,



Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 131

BILL TITLE: relative to payment for medical services for county prisoners.

DATE: {Type HEARING DATE here} 1.15.13

LOB ROOM: 204 **Time Public Hearing Called to Order:** {Time} 1:00
Time Adjourned: {Time} 1:30

(please circle if present)

Committee Members: Reps. Pantelakos, Cushing, Ginsburg, Berube, Boisvert, Robertson, Grady, Burridge, Harriett-Gathright, Hirsch, O'Hearne, Charron, Fields, Villeneuve, Gagne, Vaillancourt, Warden, Parsons, Pesh and Tasker.

Bill Sponsors: {Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

AB-131

Introduced as a Courtesy
① 1:00 Rep. Steve Shurtliff.

② 1:05 Leslie Melby NA Hosp. Assn.

3 1:07 Capt Hisee - Hills County Support -

4 1:10 Supt. Roy White Merrimack City
in support The 110% fee under
Medicare for Hospital services. This
bill would ~~not~~ include out side
services, which right now is 100% -

1:20 Leslie Melby. N.A. Hosp. Assn.
wanted to address some of the
questions that were brought up.

CLOSED 1:33

Testimony

President
David Sorensen
Carroll County Commissioner

Vice President
Bronwyn Asplund-Walsh
Merrimack County Commissioner

Clerk
Frederick W. King
Coos County Treasurer

Treasurer
Theresa Young
Rockingham County Finance Officer



Association of Counties

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At-Large

Tile

At-Large
Diane Gill
Rockingham County Human Services
Director

Immediate Past President
Toni Pappas
Hillsborough County Commissioner

*Executive Director/
Government Relations Counsel*
Betsy B. Miller

January 15, 2013

Hon. Laura Pantelakos
Chair
House Criminal Justice & Public Safety Committee
Legislative Office Building, Room 204
Concord, NH 03301

Re: NHAC Support for HB 131, relative to payment for medical services for county prisoners and HB 132, re to responsibility for medical costs incurred by a person in custody

Dear Chairman Pantelakos and members of the Committee:

On behalf of the NH Association of Counties I hereby extend support for HB 131 and 132 which you will hear this afternoon. Unfortunately, due to a conflict, I cannot attend the hearings on behalf of the Association but you will hear personally from the Superintendents Affiliate.

As you know medical costs, both for care inside the facility and for care provided by outside entities, are increasing exponentially. As members of the county delegations with responsibility for county budgets you are well aware that medical costs for inmates of the county correctional facilities are borne entirely by the county taxpayer.

House bills 131 and 132 are ways to begin alleviating the increasing cost for the taxpayer. HB 131 provides the superintendent some flexibility to negotiate better financial arrangements for medical services for inmates. HB 132 addresses the serious and costly issue of inmate self-inflicted injuries currently paid for entirely by the county taxpayer and shifts the cost to the inmate which hopefully serves as a disincentive to self-injury.

Thank you for considering these bills brought forward by the sponsors as a way to help contain county budgets. Please feel free to contact me with any questions.

Sincerely,

Betsy B. Miller
Executive Director

Voting Sheets

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 131

BILL TITLE: relative to payment for medical services for county prisoners.

DATE: January 23, 2013

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. G. Charron

Seconded by Rep. D. Fields

Vote: 15-3 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

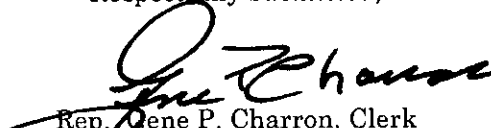
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Gene P. Charron, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 131

BILL TITLE: relative to payment for medical services for county prisoners.

DATE: ~~{Type DATE}~~ 1.23.13

LOB ROOM: 204

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. CHARRON -

Seconded by Rep. FIELDS -

Vote: (Please attach record of roll call vote.) 15-3

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: {Type VOTE}

(Vote to place on Consent Calendar must be unanimous.)

Regular cal

Statement of Intent: Refer to Committee Report

Respectfully submitted,


Rep. Gene P. Charron, Clerk



2013 SESSION

CRIMINAL JUSTICE AND PUBLIC SAFETY

Bill #: HB-131

Title: Relative To PAYMENT FOR MEDICAL SERVICES - COUNTY PRISONERS

PH Date: / /

Exec Session Date: / /

Motion: OTP

Amendment #:

MEMBER	YEAS	NAYS
Pantelakos, Laura C, Chairman	✓	
Cushing, Robert R, V Chairman	✓	
Berube, Roger R	✓	
Robertson, Timothy N	✓	
Burrige, Delmar D	✓	
Ginsburg, Philip E	✓	
Boisvert, Ronald R	✓	
Grady, Brenda E	✓	
Harriott-Gathright, Linda	✓	
Hirsch, Geoffrey D	✓	
O'Hearne, Andrew S	✓	
Charron, Gene P, Clerk	✓	
Fields, Dennis H	✓	
Fesh, Robert M	✓	
Villeneuve, Moe	✓	
Gagne, Larry G	✓	
Parsons, Robbie L	✓	
Tasker, Kyle J	✓	✓
Warden, Mark		✓
Vaillancourt, Steve		✓
TOTAL VOTE:		

15

3

Committee Report

REGULAR CALENDAR

January 24, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY to which was referred HB 131-FN-L,

AN ACT relative to payment for medical services for county prisoners. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Gene P Charron

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	CRIMINAL JUSTICE AND PUBLIC SAFETY
Bill Number:	HB131-FN-L
Title:	relative to payment for medical services for county prisoners.
Date:	January 24, 2013
Consent Calendar:	NO
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill allows the superintendents of county correctional facilities the ability to negotiate costs by providing flexibility to negotiate better financial arrangements with hospitals. The bill addresses outpatient services. It also allows the superintendent to negotiate up to 125 percent for hospitals having a negative operating margin for the most recent year.

Vote 15-3.

Rep. Gene P Charron
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB131-FN-L, relative to payment for medical services for county prisoners. **OUGHT TO PASS.**
Rep. Gene P Charron for **CRIMINAL JUSTICE AND PUBLIC SAFETY**. This bill allows the superintendents of county correctional facilities the ability to negotiate costs by providing flexibility to negotiate better financial arrangements with hospitals. The bill addresses outpatient services. It also allows the superintendent to negotiate up to 125 percent for hospitals having a negative operating margin for the most recent year. **Vote 15-3.**

Original: House Clerk
Cc: Committee Bill File

HB 131 relative to payment for medical services for county prisoners.

OTP 15-3 Regular Calendar

This bill allows the superintendents of county correctional facilities the ability to negotiate costs by providing flexibility to negotiate better financial arrangements with hospitals. The bill addresses outpatient services. It also allows the superintendent to negotiate up to 125 percent for hospitals having a negative operating margin for the most recent year.

Rep. Gene P. Charron for the Committee

Rep Laura Pantelakos

COMMITTEE REPORT

Reg

COMMITTEE: CRIMINAL JUSTICE

BILL NUMBER: HB 131

TITLE: RELATIVE TO PAYMENT FOR MEDICAL SERVICES FOR COUNTY PRISONERS

DATE: 1-23- CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

THIS BILL ALLOWS THE SUPERINTENDENTS OF COUNTY CORRECTIONAL FACILITIES THE ABILITY TO NEGOTIATE COST BY PROVIDING FLEXIBILITY TO NEGOTIATE BETTER FINANCIAL ARRANGEMENTS WITH HOSPITALS. - BILL addresses outpatient services. It also allows the Superintendent to negotiate up to 125 per cent for hospitals having a negative operating margin - for the most recent year.

COMMITTEE VOTE: 15-3

Rep Laura Pantelakos

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. *Gene D. Channon*
For the Committee