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# Committee Report

**REGULAR CALENDAR**

**May 2, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to  
which was referred SB 115,**

**AN ACT establishing a commission to study the business  
environment for mental health providers in New  
Hampshire. Having considered the same, report the  
same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Kermit Williams**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	SB 115
Title:	establishing a commission to study the business environment for mental health providers in New Hampshire.
Date:	May 2, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-1545h

### STATEMENT OF INTENT

Ensuring that services are available for those who need treatment for mental health or substance abuse disorders in a full-employment environment has been a challenge for mental health providers. This bill creates a commission to study the business issues that affect these providers, including low reimbursement rates and difficulty attracting qualified staff members. The committee amended the bill to add other stake holders and to expand the focus of the commission to consider all provider types in their work.

Vote 12-7.

Rep. Kermit Williams  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Commerce and Consumer Affairs

**SB 115**, establishing a commission to study the business environment for mental health providers in New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kermit Williams for Commerce and Consumer Affairs. Ensuring that services are available for those who need treatment for mental health or substance abuse disorders in a full-employment environment has been a challenge for mental health providers. This bill creates a commission to study the business issues that affect these providers, including low reimbursement rates and difficulty attracting qualified staff members. The committee amended the bill to add other stake holders and to expand the focus of the commission to consider all provider types in their work.

**Vote 12-7.**

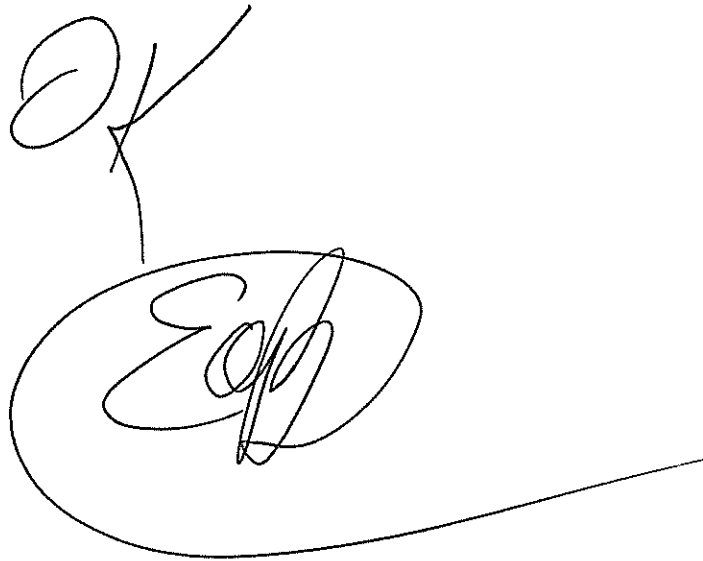
Original: House Clerk

Cc: Committee Bill File

Rep. Kermit Williams  
SB 115

AN ACT establishing a commission to study the business environment for mental health providers in New Hampshire. Ought To Pass with Amendment. Kermit Williams for Commerce and Consumer Affairs.

Insuring that services are available for those who need treatment for mental health or substance abuse disorders in a full-employment environment has been a challenge for mental health providers. This bill creates a commission to study the business issues that affect these providers, including low reimbursement rates and difficulty attracting qualified staff members. The committee amended the bill to add other stakeholders and to expand the focus of the commission to consider all provider types in their work.

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by 'W'. The signature is enclosed within a large, hand-drawn oval. A long, thin horizontal line extends from the right side of the oval across the page.

Amendment to SB 115

1 Amend RSA 330-A:26-a, II as inserted by section 1 of the bill by inserting after subparagraph (h) the  
2 following new paragraphs:

3

4 (i) One member of the public representing patients of mental health providers in New  
5 Hampshire, appointed by the National Alliance on Mental Illness New Hampshire chapter.

6 (j) One member of the public representing large mental health practices, appointed by  
7 the National Association of Social Workers New Hampshire chapter.

8 (k) A psychologist appointed by the New Hampshire Psychological Association's  
9 Behavioral Healthcare Advocacy Committee.

10

11 Amend the introductory paragraph of RSA 330-A:26-a, IV as inserted by section 1 of the bill by  
12 replacing it with the following:

13

14 IV. The commission shall identify ways to improve the ability of mental health practices to  
15 thrive in the state of New Hampshire. The study shall include an examination of:

16

17 Amend RSA 330-A:26-a, IV(c) as inserted by section 1 of the bill by replacing it with the following:

18

19 (c) Commercial insurance and Medicaid rates and mental health parity.

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# Voting Sheets





HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on SB 115

BILL TITLE: establishing a commission to study the business environment for mental health providers in New Hampshire.

DATE: 4-18-2019

LOB ROOM: 302

MOTION: (Please check one box)

Motion 1: [X] OTP, [ ] ITL, [ ] Retain (1st year), [X] Adoption of Amendment # 1545h (if offered), [ ] Interim Study (2nd year). Moved by Rep. Williams, Seconded by Rep. Rung, Vote: 19-0

MOTION: (Please check one box)

Motion 2: [X] OTP, [ ] OTP/A, [ ] ITL, [ ] Retain (1st year), [ ] Adoption of Amendment # (if offered), [ ] Interim Study (2nd year). Moved by Rep. Williams, Seconded by Rep. Rung, Vote: 12-7

MOTION: (Please check one box)

Motion 3: [ ] OTP, [ ] OTP/A, [ ] ITL, [ ] Retain (1st year), [ ] Adoption of Amendment # (if offered), [ ] Interim Study (2nd year). Moved by Rep. \_\_\_\_\_, Seconded by Rep. \_\_\_\_\_, Vote: \_\_\_\_\_

MOTION: (Please check one box)

Motion 4: [ ] OTP, [ ] OTP/A, [ ] ITL, [ ] Retain (1st year), [ ] Adoption of Amendment # (if offered), [ ] Interim Study (2nd year). Moved by Rep. \_\_\_\_\_, Seconded by Rep. \_\_\_\_\_, Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES [X] NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion

Respectfully submitted: [Signature] Rep Rebecca McBeath, Clerk



2019 SESSION

Commerce and Consumer Affairs

Bill #: SB 115 Motion: OTP AM #: 1545 Exec Session Date: 4-18-2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman			
Williams, Kermit R. Vice Chairman	✓		
<del>Gidge, Kenneth N.</del> <b>Rep. DAVIS</b>	✓		
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
<del>Weston, Joyce</del> <b>RUNG</b>	✓		
Hunt, John B.	✓		
<del>Sanborn, Laurie J.</del>			
<del>Osborne, Jason M.</del>			
Costable, Michael	✓		
<del>Plumer, John R.</del> <b>BALDASARO</b>	✓		
Barnes, Arthur E.	✓		
Potucek, John M.	✓		
Warden, Mark	✓		
<b>TOTAL VOTE:</b>	<b>19</b>	<b>0</b>	



2019 SESSION

Commerce and Consumer Affairs

Bill #: SB115 Motion: OTPA AM #: 1545 Exec Session Date: 4-18-2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
<del>Cledge, Kenneth N.</del> F. DAVIS	✓		
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
Herbert, Christopher J.	✓		
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
<del>Weston, Joyce</del> R. RUNG	✓		
Hunt, John B.		✓	
<del>Sanborn, Laurie J.</del>			
Osborne, Jason M.		✓	
Costable, Michael		✓	
<del>Phuong, John R.</del> A. BALDASARO		✓	
Barnes, Arthur E.		✓	
Potucek, John M.		✓	
Warden, Mark		✓	
TOTAL VOTE: BUTLER	12	7	

Amendment to SB 115

1 Amend RSA 330-A:26-a, II as inserted by section 1 of the bill by inserting after subparagraph (h) the  
2 following new paragraphs:

3

4 (i) One member of the public representing patients of mental health providers in New  
5 Hampshire, appointed by the National Alliance on Mental Illness New Hampshire chapter.

6 (j) One member of the public representing large mental health practices, appointed by  
7 the National Association of Social Workers New Hampshire chapter.

8 (k) A psychologist appointed by the New Hampshire Psychological Association's  
9 Behavioral Healthcare Advocacy Committee.

10

11 Amend the introductory paragraph of RSA 330-A:26-a, IV as inserted by section 1 of the bill by  
12 replacing it with the following:

13

14 IV. The commission shall identify ways to improve the ability of mental health practices to  
15 thrive in the state of New Hampshire. The study shall include an examination of:

16

17 Amend RSA 330-A:26-a, IV(c) as inserted by section 1 of the bill by replacing it with the following:

18

19 (c) Commercial insurance and Medicaid rates and mental health parity.

# Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

**SUBCOMMITTEE WORK SESSION** on SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** April 10, 2019

**Subcommittee Members:** Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

**Comments and Recommendations:** Speaking in support, Paula Rogers, Anthem; Mr. Hawkins, a mental health practitioner. Chairman suggests members bring amendments to next meeting.

Respectfully submitted,

Rep. Rebecca McBeath  
Subcommittee Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

*Full*  
**SUBCOMMITTEE WORK SESSION** on SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** *4-10-19*

**Subcommittee Members:** Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

**Comments and Recommendations:**

*Speaking in Support, Aiken Paula Podges / Mr. Hawkins, mental Health practitioners  
Chair suggest Members bring Aiken's brief to Next week ✓*

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote:  
Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote:  
\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote:  
Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote:  
\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep.   
Subcommittee Chairman/Clerk

# Hearing Minutes



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** April 2, 2019

**LOB ROOM:** 302

**Time Public Hearing Called to Order:** 10 am

**Time Adjourned:** 10:14 am

**Committee Members:** Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

**Bill Sponsors:**

Sen. Feltes

Sen. Hennessey

TESTIMONY

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

**Nick Taylor, staff of Sen. Dan Feltes, prime sponsor-** Introduced the bill for Sen. Feltes. Senator apologizes that he cannot be here this morning. This bill is similar senate bill from last session. This study is necessary to ensure that NH has a robust community of providers for mental health services. This study committee seeks to identify market place barriers to member health providers.

**Brian Hawkins, SEA SEIU Local 1984 -** Supports. Our members want to ensure that their patients have access to care that they need. Examples from Seasoned Practitioners:

1. Seeing no increase in reimbursable over a number of years.
2. Cut back on time allowed to spend directly with patients.
3. These trends are not beneficial in attracting folks into our members needed professions.

Our members hope that this study committee will look at the issues facing this area holistic. Our members report that they are forced sometime to drop certain insurances and also some practitioners drop out of the profession all together. The Insurance Dept. and Sen. Carson and other stakeholders realized that these issues need review more than a couple of months – so this study will provide this.

**Q: Rep. Kermit Williams -** I wonder if there are additional items that should be included in the study committee? Medicaid reimbursement rates? Prior authorizations – reoccurring? Malpractice Insurance?

**A:** The first two issues yes, these are issues that the study committee should look at, not sure about the last one.

**Q: Rep. John Potucek -** The issue of delay in reimbursement for services, why is this happening?

**A:** I have heard there are a number of issues related to that.

**Q: Chairman Ed Butler** - And you would not be averse to adding such details in to the bill as mentioned?

A: No.

**Q:Rep. Arthur Barnes** - So did you state that State employees support this bill?

A: The organization that represents licensed providers, some of whom are state employees, do support this bill, but our organization is not solely state employees.

**Chairman Butler** - Thank you for your testimony

**Rep. Jess Edwards** - Supports. Last year I was involved in this issue as a similar bill came before the committee I was on. We have a great underserved community in NH. Video conferencing would benefit vets and others – particularly in mental health area. Dartmouth was the first to be reimbursed in tele- psychiatric in the 1970's. I encourage you to look at the idea of expanding the study committee's scope to include looking at teleconferencing of services in NH.

**Q:** I agree with you that we need more mental health services. I've heard that teleconferencing professionals are reimbursed at a lower rate; do you think this would be an issue for the study committee?

A: It's the state that reimburses at a lower rate. I would encourage equity in reimbursement rates for the study committee.

Blue Sheet: Pro, 4; Con, 0

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read 'R McBeath', written in a cursive style.

Rebecca McBeath, Clerk

Chair calls the hearing to order at 10:00 am

HB 115, establishing a commission to study the business environment for mental health providers in New Hampshire.

Introduced by Nick Taylor, staff of Sen. Dan Feltes, Prime Sponsor

Senator apologizes that he cannot be hear this morning.

This bill is similar senate bill from last session.

This study is necessary to ensure that NH has a robust community of providers for mental health services. This study committee seeks to identify

#@ Brian Hawkins SEA SEIU Local 1984

Our members want to ensure that their patients have access to care that they need.

Examples from Seasoned Practitioners

1. Seeing no increase in reimbursable over a number of years.
2. Cut back on time allowed to spend directly with patients.
3. These trends are not beneficial in attracting folks into our members needed professions.

Our members hope that this study committee will look at the issues facing this area holistic.

Our members report that they are forces sometime to drop certain insurances and also some practitioners drop out of the profession all together.

The Insurance Dept. and Sen. Carson and other stakeholders realized that these issues needs review that more than a couple of months – so this study will provide this.

Q: Williams: I wonder if there are additional items that should be included in the study committee

Medicaid reimbursement rates?

Prior authorizations – reoccurring?

Malpractice Insurance?

A: The first two issues yes, these are issues that the study committee should look at, not sure about the last one.

Q: Potucek: The issue of delay in reimbursement for services, why is this happening?

A: I have heard there are a number of issues related to that.

- a. Mistakes made on the claim forms, then the whole

Q: Butler: And you would not be averse to adding such details in to the bill as mentioned?

A: No.

Q: Barnes: So did you state that State employees support this bill?

A: The organization that represents licensed providers, some of whom are state employees, do support this bill, but our organization is not solely state employees.

Chair: Thank you for your testimony

#3. Rep Jess Edwards, Rockingham Co.

In support of bill

Last year I was involved in this issue as a similar bill came before the committee I was on. We have a great-underserved community in NH. Video conferencing would benefit vets and others – particularly in mental health area. Dartmouth was the first to be reimbursed in tele- psychiatric in the 1970's.

I encourage you to look at the idea of expanding the study committee's scope to include looking at teleconferencing of services in NH.

Q: I agree with you that we need more mental health services. I've heard that teleconferencing professionals are reimbursed at a lower rate; do you think this would be an issue for the study committee?

A: it's the state that reimburses at a lower rate. I would encourage equity in reimbursement rates for the study committee.

Rep. Fargo reads the blue sheet.

Chair adjourns the hearing at 10:14 am

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** April 2, 2019

**ROOM:** 302

**Time Public Hearing Called to Order:** 10:00am

**Time Adjourned:** 10:14

(please circle if present)

Committee Members: Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscate, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

Bill Sponsors:

Sen. Feltes

Sen. Hennessey

TESTIMONY

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

- ① Mr. Nick Taylor Staff of Sen Dan Feltes Prime Sponsor
- ② Brian Hawkins SEA, SEIU Local 1984
- ③ Rep. Jess Edwards Rockingham #4

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# Testimony

March 30, 2019

Testimony to the Members of the House Commerce and Consumer Affairs Committee:

I urge you to vote for SB 115 as amended. I have been a Licensed Clinical Mental Health Counselor since the license has existed. My New Hampshire license number is #32. I have been a counselor for 40+ years. I have been in private practice for more than 30 years.

I am sure that most of you are unaware that there is as much as a \$40.00 difference in the price paid to me per session based on which insurance a patient has. I am also sure that most people are unaware that the insurance company dictates what I will be paid for a particular service and that number is NEVER the amount that I charge. If I choose to be in the patient's network I cannot recover the difference. Although therapists are prohibited by law from comparing reimbursement rates, it is common knowledge that large groups can negotiate with insurance companies and obtain higher reimbursement rates than sole practitioners.

Regretfully, I have decided to deal with this situation by refusing to accept the low paying insurances. I have a full practice with a waiting list. I can do this and still see as many patients as I choose. But that's not right. All patients, regardless of their insurance, should have access to experienced clinical specialists.

I strongly urge the legislature to study this situation and look for ways to put all patients seeking mental health services on a level playing field, at least financially. If high quality mental health providers can make a living by accepting all insurances, or at least having the option to negotiate rates, I for one, would be happy to serve anyone I can help.

Christine Miller, Ed.M., LCMHC  
Women's Counseling Center  
201 Riverway Place  
Bedford, NH 03110  
603-668-8400



Bill as  
Introduced

SB 115 - AS AMENDED BY THE SENATE

02/14/2019 0205s

2019 SESSION

19-0983  
05/10

SENATE BILL **115**

AN ACT establishing a commission to study the business environment for mental health providers in New Hampshire.

SPONSORS: Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill establishes a commission to study the business environment for mental health providers.

.....

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
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 Nineteen*

AN ACT                    establishing a commission to study the business environment for mental health providers in New Hampshire.

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

1            1 New Section; Commission to Study the Business Environment for Mental Health Providers in  
2 New Hampshire. Amend RSA 330-A by inserting after section 26 the following new section:

3            330-A:26-a Commission Established.

4            I. There is established a commission to study the business environment for mental health  
5 providers in New Hampshire.

6            II. The members of the commission shall be as follows:

7            (a) One member of the senate, appointed by the president of the senate.

8            (b) Three members of the house of representatives, appointed by the speaker of the  
9 house of representatives.

10           (c) The insurance commissioner, or designee.

11           (d) The commissioner of the department of health and humans services, or designee.

12           (e) One representative of the insurance or managed care industry, appointed by  
13 America's Health Insurance Plans (AHIP).

14           (f) One member of the public representing individual or small mental health practices,  
15 appointed by the Clinicians United chapter of the State Employees' Association of New Hampshire,  
16 SEIU Local 1984.

17           (g) One member of the public representing individual or small mental health practices,  
18 appointed by the New Hampshire Providers Association.

19           (h) One member of the public representing individual or small mental health practices,  
20 appointed by the New Hampshire chapter of the National Association of Social Workers.

21           III. Legislative members of the commission shall receive mileage at the legislative rate  
22 when attending to the duties of the commission.

23           IV. The focus of the commission shall be to identify ways to improve the ability of individual  
24 and small mental health practices to thrive in the state of New Hampshire. The study shall include  
25 an examination of:

26           (a) Provider and insurance billing practices and regulations.

27           (b) Access to affordable education and advanced degrees in the area of mental health  
28 practice.

29           (c) Commercial insurance rates and mental health parity.

30           (d) Methods to strengthen and expand the existing mental health provider network to

SB 115 - AS AMENDED BY THE SENATE

- Page 2 -

1 ensure that an adequate number of providers are available to meet the need for mental health  
2 services within the state.

3 V. The members of the study commission shall elect a chairperson from among the  
4 members. The first meeting of the commission shall be called by the insurance commissioner. The  
5 first meeting of the commission shall be held within 45 days of the effective date of this section.  
6 Four members of the commission shall constitute a quorum.

7 VI. The commission shall report its findings and any recommendations for proposed  
8 legislation to the president of the senate, the speaker of the house of representatives, the senate  
9 clerk, the house clerk, the governor, and the state library on or before October 1, 2020.

10 2 Repeal. RSA 330-A:26-a, relative to the commission to study the business environment for  
11 mental health providers, is repealed.

12 3 Effective Date.

13 I. Section 2 of this act shall take effect November 1, 2020.

14 II. The remainder of this act shall take effect upon its passage.

# Committee Report

May 22, 2019

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Majority of the Committee on Health, Human Services and Elderly Affairs to which was referred SB 115,

AN ACT establishing a commission to study the business environment for mental health providers in New Hampshire. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

**Rep. Joe Schapiro**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>SB 115</b>
Title:	<b>establishing a commission to study the business environment for mental health providers in New Hampshire.</b>
Date:	<b>May 22, 2019</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2019-2030 h</b>

**STATEMENT OF INTENT**

This bill addresses our current severe workforce challenges in the mental health arena by creating a commission to examine a broad array of business related issues that confront providers. These include affordable education, billing practices, reimbursement rates, and insurance provider networks. There was general agreement that an improvement in the business environment would encourage people to go into the field, which, in turn, would improve much-needed access to care. One concern raised by the minority was that discussion about rates might create conflict with anti-trust law. However, after much deliberation the bipartisan majority was unpersuaded that the mere discussion of business practices among representatives from the various professions would rise to the level of agreement and action between competing professionals contemplated by the anti-trust laws. The majority notes that the commission would have access to legal expertise if necessary to navigate such issues.

Vote 17-4.

Rep. Joe Schapiro  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**SB 115**, establishing a commission to study the business environment for mental health providers in New Hampshire. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. This bill addresses our current severe workforce challenges in the mental health arena by creating a commission to examine a broad array of business related issues that confront providers. These include affordable education, billing practices, reimbursement rates, and insurance provider networks. There was general agreement that an improvement in the business environment would encourage people to go into the field, which, in turn, would improve much-needed access to care. One concern raised by the minority was that discussion about rates might create conflict with anti-trust law. However, after much deliberation the bipartisan majority was unpersuaded that the mere discussion of business practices among representatives from the various professions would rise to the level of agreement and action between competing professionals contemplated by the anti-trust laws. The majority notes that the commission would have access to legal expertise if necessary to navigate such issues. **Vote 17-4.**

Original: House Clerk

Cc: Committee Bill File



SB 115

COMMITTEE: HHSEA

TITLE: An act establishing a commission to study the business environment for mental health providers in New Hampshire.

DATE: 5/21/19

CONSENT CALENDAR: No

UGHT TO PASS WITH AMDENDMENT, Amendment No. 2019-2030H

STATEMENT OF INTENT:

This bill addresses workforce challenges in the mental health arena by creating a commission, which examines a broad array of business related issues that confront providers. These include affordable education, billing practices, reimbursement rates, and insurance provider networks. There was general agreement that an improvement in the business environment would encourage people to go into the field, which, in turn, would improve access to care. One concern was that discussion about rates might create conflict with anti-trust law. After much discussion, however, the bipartisan majority agreed that the commission would have access to legal expertise if necessary to navigate such issues.

Amendment to SB 115

1 Amend RSA 330-A:26-a, II(f)-(j) as inserted by section 1 of the bill by replacing them with the  
2 following:

3

4 (f) One member representing individual or small mental health practices, appointed by  
5 the Clinicians United chapter of the State Employees' Association of New Hampshire, SEIU Local  
6 1984.

7 (g) One member representing individual or small mental health practices, appointed by  
8 the New Hampshire Providers Association.

9 (h) One member representing individual or small mental health practices, appointed by  
10 the New Hampshire chapter of the National Association of Social Workers.

11 (i) One member representing patients of mental health providers in New Hampshire,  
12 appointed by the National Alliance on Mental Illness New Hampshire chapter.

13 (j) One member representing large mental health practices, appointed by the National  
14 Association of Social Workers New Hampshire chapter.

15

16 Amend RSA 330-A:26-a, II as inserted by section 1 of the bill by inserting after subparagraph (k) the  
17 following new subparagraph:

18

19 (l) One member representing community mental health centers, appointed by the New  
20 Hampshire Community Behavioral Health Association.

21

22 Amend RSA 330-A:26-a, V as inserted by section 1 of the bill by replacing it with the following:

23

24 V. The members of the study commission shall elect a chairperson from among the  
25 members. The first meeting of the commission shall be called by the senate member. The first  
26 meeting of the commission shall be held within 45 days of the effective date of this section. Four  
27 members of the commission shall constitute a quorum.

May 21, 2019

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Minority of the Committee on Health, Human Services and Elderly Affairs to which was referred SB 115,

AN ACT establishing a commission to study the business environment for mental health providers in New Hampshire. Having considered the same, and being unable to agree with the Majority, report with the following resolution: **RESOLVED**, that it is **INEXPEDIENT TO LEGISLATE**.

**Rep. William Marsh**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>SB 115</b>
Title:	<b>establishing a commission to study the business environment for mental health providers in New Hampshire.</b>
Date:	<b>May 21, 2019</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

This bill has been brought forward by a group calling themselves "Clinicians United New Hampshire." We clearly heard testimony from these private practitioners that this bill is intended to allow them to negotiate better rates and business practices from the various insurers. While we are sympathetic with their issues, and agree they have been unfairly treated and ought to be better reimbursed, we believe they are proposing a commission intending to take actions contrary to the Sherman Antitrust Act (1890) as adjudicated in the US Supreme Court (*American Medical Association v. United States* 317 U.S. 519 (1943)), and as expounded in the Statement of Antitrust Enforcement Policy in Healthcare issued by the US Department of Justice and the Federal Trade Commission which explicitly states on p. 51 "If an exchange among competing providers of price or cost information results in an agreement among competitors as to the prices for health care services or the wages to be paid to health care employees, that agreement will be considered unlawful per se." Additionally, the membership of the commission is unbalanced, with 7 of 14 members having a vested interest in raising reimbursement rates, and only 1 with a vested interest in not raising rates. If this Commission would facilitate the violation of federal antitrust laws, its existence would put the State at risk for the cost of litigating whether it is a party to such violation. Last, we believe if these providers are successful, and reach an agreement to raise the reimbursement they receive for mental health services, a similar remedy would have to apply to a broader range of practitioners, which would have the net effect of driving up the cost of healthcare for all citizens in NH. Therefore we believe this bill is Inexpedient to Legislate and its proponents should instead ask Congress to amend the Sherman Antitrust Act of 1890.

Rep. William Marsh  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**SB 115**, establishing a commission to study the business environment for mental health providers in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. This bill has been brought forward by a group calling themselves "Clinicians United New Hampshire." We clearly heard testimony from these private practitioners that this bill is intended to allow them to negotiate better rates and business practices from the various insurers. While we are sympathetic with their issues, and agree they have been unfairly treated and ought to be better reimbursed, we believe they are proposing a commission intending to take actions contrary to the Sherman Antitrust Act (1890) as adjudicated in the US Supreme Court (*American Medical Association v. United States* 317 U.S. 519 (1943)), and as expounded in the Statement of Antitrust Enforcement Policy in Healthcare issued by the US Department of Justice and the Federal Trade Commission which explicitly states on p. 51 "If an exchange among competing providers of price or cost information results in an agreement among competitors as to the prices for health care services or the wages to be paid to health care employees, that agreement will be considered unlawful per se." Additionally, the membership of the commission is unbalanced, with 7 of 14 members having a vested interest in raising reimbursement rates, and only 1 with a vested interest in not raising rates. If this Commission would facilitate the violation of federal antitrust laws, its existence would put the State at risk for the cost of litigating whether it is a party to such violation. Last, we believe if these providers are successful, and reach an agreement to raise the reimbursement they receive for mental health services, a similar remedy would have to apply to a broader range of practitioners, which would have the net effect of driving up the cost of healthcare for all citizens in NH. Therefore we believe this bill is Inexpedient to Legislate and its proponents should instead ask Congress to amend the Sherman Antitrust Act of 1890.

Original: House Clerk

Cc: Committee Bill File

## Lindsay Forcier

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**From:** Lucy McVitty Weber <lwmcv@comcast.net>  
**Sent:** Wednesday, May 22, 2019 9:53 AM  
**To:** Lindsay Forcier  
**Subject:** FW: SB 115 Committee Report

This bill addresses **our current severe** workforce challenges in the mental health arena by creating a commission, which examines a broad array of business related issues that confront providers. These include affordable education, billing practices, reimbursement rates, and insurance provider networks. There was general agreement that an improvement in the business environment would encourage people to go into the field, which, in turn, would improve **much-needed** access to care. One concern **raised by the minority** was that discussion about rates might create conflict with anti-trust law. After much discussion, however, the bipartisan majority **was unpersuaded that the mere discussion of business practices among representatives from the various professions would rise to the level of agreement and action between competing professionals contemplated by the anti-trust laws.** The majority notes that the commission would have access to legal expertise if necessary to navigate such issues.

Thank you,

Lucy

Rep. Lucy McVitty Weber  
217 Old Keene Road  
Walpole NH 03608  
Home: 603-756-4338  
Cell: 603-499-0282  
[lwmcv@comcast.net](mailto:lwmcv@comcast.net)

On 5/21/19, 7:48 PM, "Joe Schapiro" <[Joe.Schapiro@leg.state.nh.us](mailto:Joe.Schapiro@leg.state.nh.us)> wrote:

## SB115 Minority Report

SB115 has been brought forward by a group calling themselves "Clinicians United New Hampshire." We clearly heard testimony from these private practitioners that SB115 is intended to allow them to negotiate better rates and business practices from the various insurers. While we are sympathetic with their issues, and agree they have been unfairly treated and ought to be better reimbursed, we believe they are proposing a Commission intending to take actions contrary to the Sherman Antitrust Act (1890) as adjudicated in the US Supreme Court (*American Medical Association v. United States* 317 U.S. 519 (1943)), and as expounded in the Statement of Antitrust Enforcement Policy in Healthcare issued by the US Department of Justice and the Federal Trade Commission which explicitly states on p. 51 "If an exchange among competing providers of price or cost information results in an agreement among competitors as to the prices for health care services or the wages to be paid to health care employees, that agreement will be considered unlawful per se." The membership of the Commission is unbalanced, with 7 of 14 members having a vested interest in raising reimbursement rates, and only 1 with a vested interest in not raising rates. If this Commission would facilitate the violation of federal antitrust laws, its existence would put the state of NH at risk for the cost of litigating whether it is a party to such violation. Last, we believe if these providers are successful, and reach an agreement to raise the reimbursement they receive for mental health services, a similar remedy would have to apply to a broader range of practitioners which would have the net effect of driving up the cost of healthcare for all citizens in NH. Therefore we believe SB115 is Inexpedient to Legislate and its proponents should instead ask Congress to amend the Sherman Antitrust Act of 1890.

# Voting Sheets



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** May 21, 2019

**LOB ROOM:** 205

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Schapiro                      Seconded by Rep. MacKay                      AM Vote: 21-0

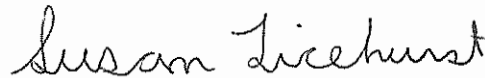
Amendment # 2019-2030 h

Moved by Rep. Schapiro                      Seconded by Rep. MacKay                      Vote: 17-4

**CONSENT CALENDAR: NO**

**Statement of Intent:**                      Refer to Committee Report

Respectfully submitted,



Rep Susan Ticehurst, Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on SB 115

BILL TITLE: establishing a commission to study the business environment for mental health providers in New Hampshire.

DATE: 5-21-19

LOB ROOM: 205

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # 2030h (if offered)
- Interim Study (2nd year)

Moved by Rep. Schapiro Seconded by Rep. MacKay Vote: 21-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Schapiro Seconded by Rep. MacKay Vote: 17-4

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR: \_\_\_\_\_ YES  NO

Minority Report?  Yes \_\_\_\_\_ No If yes, author, Rep: Marsh Motion ITL

Respectfully submitted: Susan Ticehurst  
Rep Susan Ticehurst, Clerk



2019 SESSION

Health, Human Services and Elderly Affairs

Bill #: SB 115 Motion: Adopt Amend AM #: 2030h Exec Session Date: 5-21-19

Members	YEAS	Nays	NV
Weber, Lucy M. Chairman	✓		
Campion, Polly Kent Vice Chairman	✓		
MacKay, James R.	✓		
Snow, Kendall A.	✓		
Freitas, Mary C. <del>Schultz</del>	✓		
Ticehurst, Susan J. Clerk	✓		
Knirk, Jerry L.	✓		
Salloway, Jeffrey C.	✓		
Cannon, Gerri D.	✓		
Nutter-Upham, Frances E.	✓		
Osborne, Richard G.	✓		
Schapiro, Joe	✓		
Woods, Gary L.	✓		
McMahon, Charles E.	✓		
Nelson, Bill G.	✓		
Guthrie, Joseph A.	✓		
Fothergill, John J.	✓		
Marsh, William M.	✓		
Pearson, Mark A.	✓		
Acton, Dennis F.	✓		
DeClercq, Edward			
Stapleton, Walter A.	✓		
<b>TOTAL VOTE:</b>	<b>21</b>	<b>0</b>	



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

2/7/2019 12:10:51 PM  
Roll Call Committee Registers  
Report

2019 SESSION

Health, Human Services and Elderly Affairs

Bill #: SB 115 Motion: OTPA AM #: 2030 h Exec Session Date: 5-21-19

Members	YEAS	Nays	NV
Weber, Lucy M. Chairman	✓		
Campion, Polly Kent Vice Chairman	✓		
MacKay, James R.	✓		
Snow, Kendall A.	✓		
<del>Freitas, Mary E.</del> Schultz	✓		
Ticehurst, Susan J. Clerk	✓		
Knirk, Jerry L.	✓		
Salloway, Jeffrey C.		✓	
Cannon, Gerri D.	✓		
Wutter-Upham, Frances E.	✓		
Osborne, Richard G.	✓		
Schapiro, Joe	✓		
Woods, Gary L.	✓		
McMahon, Charles E.	✓		
Nelson, Bill G.		✓	
Guthrie, Joseph A.	✓		
Fothergill, John J.	✓		
Marsh, William M.		✓	
Pearson, Mark A.		✓	
Acton, Dennis F.	✓		
DeClercq, Edward			
Appleton, Walter A.	✓		
<b>TOTAL VOTE:</b>	<b>17</b>	<b>4</b>	

Amendment to SB 115

1 Amend RSA 330-A:26-a, II(f)-(j) as inserted by section 1 of the bill by replacing them with the  
2 following:

3

4 (f) One member representing individual or small mental health practices, appointed by  
5 the Clinicians United chapter of the State Employees' Association of New Hampshire, SEIU Local  
6 1984.

7 (g) One member representing individual or small mental health practices, appointed by  
8 the New Hampshire Providers Association.

9 (h) One member representing individual or small mental health practices, appointed by  
10 the New Hampshire chapter of the National Association of Social Workers.

11 (i) One member representing patients of mental health providers in New Hampshire,  
12 appointed by the National Alliance on Mental Illness New Hampshire chapter.

13 (j) One member representing large mental health practices, appointed by the National  
14 Association of Social Workers New Hampshire chapter.

15

16 Amend RSA 330-A:26-a, II as inserted by section 1 of the bill by inserting after subparagraph (k) the  
17 following new subparagraph:

18

19 (l) One member representing community mental health centers, appointed by the New  
20 Hampshire Community Behavioral Health Association.

21

22 Amend RSA 330-A:26-a, V as inserted by section 1 of the bill by replacing it with the following:

23

24 V. The members of the study commission shall elect a chairperson from among the  
25 members. The first meeting of the commission shall be called by the senate member. The first  
26 meeting of the commission shall be held within 45 days of the effective date of this section. Four  
27 members of the commission shall constitute a quorum.

Sub-  
Committee  
Actions

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**SUBCOMMITTEE WORK SESSION** on SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** May 16, 2019

**Subcommittee Members:** Reps. MacKay, Snow, Ticehurst, Cannon, Nutter-Upham, Schapiro, Guthrie, Fothergill, Marsh and Acton

**Comments and Recommendations:**

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Schapiro                      Seconded by Rep. Nutter-Upham              AM Vote: 10-0

Amendment # 2019-2030 h

Moved by Rep. Schapiro                      Seconded by Rep. Snow                      Vote: 9-1

Respectfully submitted,

Rep. Susan Ticehurst  
Subcommittee Clerk

**SUBCOMMITTEE WORK SESSION** on SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** 5-16-19

**Subcommittee Members:** Reps. MacKay, Snow, Ticehurst, Cannon, Nutter-Upham, Schapiro, Guthrie, Fothergill, Marsh and Acton

**Comments and Recommendations:**

~~Amend waiting period~~  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MOTIONS:** OTP, (OTP/A) ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Adopt. Amend  
Moved by Rep. Schapiro Seconded by Rep. Nutter-Upham AM Vote: 10-0

Adoption of Amendment # 2030h

Moved by Rep. Schapiro Seconded by Rep. Snow Vote: 9-1

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted \_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. Susan Ticehurst  
Subcommittee Chairman/Clerk



Amendment to SB 115

1 Amend RSA 330-A:26-a, II(f)-(j) as inserted by section 1 of the bill by replacing them with the  
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24 V. The members of the study commission shall elect a chairperson from among the  
25 members. The first meeting of the commission shall be called by the senate member. The first  
26 meeting of the commission shall be held within 45 days of the effective date of this section. Four  
27 members of the commission shall constitute a quorum.

# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON SB 115

**BILL TITLE:** establishing a commission to study the business environment for mental health providers in New Hampshire.

**DATE:** May 15, 2019

**LOB ROOM:** 205 **Time Public Hearing Called to Order:** 10:00 AM

**Time Adjourned:** 10:36 AM

**Committee Members:** Reps. Weber, Campion, Ticehurst, MacKay, Snow, Freitas, Knirk, Cannon, Nutter-Upham, R. Osborne, Schapiro, Woods, McMahon, Nelson, Guthrie, Fothergill, Marsh, M. Pearson, Acton, DeClercq and Stapleton

**Bill Sponsors:**

Sen. Feltes

Sen. Hennessey

**TESTIMONY**

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

**Introduced by Jessica Bourque, Administrative Assistant for Sen. Feltes –**  
Commission is to take stock of previous efforts.

**Question - Rep. Weber asks if consideration was given to combining with SB 176.**  
**Answer - Will get back to the committee.**

**Tyler Brannen, NH Insurance Department –**

Department takes no position. There have been a number of insurance laws that have changed and have impacted this matter. Have updated network adequacy rules, minimum standards, county by county. One change is a higher standard for access to mental health services. So, it may be a good time to look at where we are and where we are going.

**Question - Rep. Campion: Are standards more rigorous?**

**Answer - Yes.** A new rule has a number of specific services and the standard is the type of service. Some services should be available locally within the network if they are available within the area, based on a time and distance standard.

**Question - Rep. Shapiro: Why are community mental health agencies not included?**

**Answer - We were not involved in the drafting of the bill.**

**Paula Rogers, Anthem –**

Supports the bill. Hears concerns about network adequacy and reimbursement. Looking at the certificate of coverage gives some information but there are some trickier areas in which to measure parity. Anthem is under exam by the department. Recently the state adopted the 10-year mental health plan, which has a lot of focus on reimbursement. One of the complexities around insurance reimbursement is whether a hospital may have a separate contract which is more complex than a statewide amount. Some projections in the 10-year plan suggest that commercial providers' efforts will be inadequate, but Anthem has made efforts to assure mental health parity. Anthem thinks a public discussion of this is important.

**Question - Rep. Woods: Would the report be made available to the commission?**

**Answer - It is part of the public record.**

**Question - Rep. Nelson: How many carriers are there in NH?**

**Answer - There are 4 dominant carriers. Other carriers may have a smaller book of business.**

**Question - Rep. Schapiro: Some commercial payers pay less than half of what others pay, and those rates are less than what Medicaid pays. Will this lead to...?**

**Answer - Some would say you want to avoid having the state set rates. The bill gets at the point of**

provider reimbursement. There is a lot of talk in the environment about the inadequacy of commercial reimbursement and there are some studies that feed into that discussion. We need to discuss if there is disparity.

**Question** - Rep. Schapiro: Would you be in favor of representation by the public mental health centers?

**Answer** - If somehow it could be recalibrated to cover this concern, she would have no objections.

**Lynn Stanley, National Association of Social Workers, NH Chapter -**

Supports the bill. The bill came from Clinicians United, whose members are primarily people in private practice. One barrier they have is that they cannot discuss with other practices how much the insurers pay them. This makes it difficult for them to advocate for themselves with the insurance companies. The more people who are in the conversation, the better. NASWNH is listed twice because it hosts the mental health coalition from which the representative will be chosen.

**Question** - Rep. Marsh: Negotiating wages will drive up the costs. Will this drive up the costs?

**Answer** - That's why the commission is being established. It's not just about rates.

**Question** - Rep. Campion: Most of the members listed are for one member of the public. Is that meant to imply that these members would not be providers of mental health services?

**Answer** - It is my understanding that they would be providers.

**Question** - Rep. Woods: Was it intentional to not include psychiatrists?

**Answer** - The mental health coalition includes psychiatrists, although they have not attended the meetings in recent years.

**Celia Oliver, NH Psychological Association -**

Supports the bill. A concern of NHPA has been the shortage of care providers. Taking a variety of steps to address that shortage. Grateful that insurance companies are taking steps. One of the things identified through the behavioral health care advocacy committee is that reimbursement rates are so low in NH that we are losing talented providers across state lines. Have not had an increase in rates in over 20 years. No choice other than accepting the rates or not. Her costs increase but her income does not. The commission will come up with what is fair and improves the social fabric of the state:

**Question** - Rep. Pearson: Can psychologists discuss fees?

**Answer** - No. We cannot band together due to anti-trust issues.

**Question** - Rep. Pearson: Can you form a union?

**Answer** - We are not allowed.

**Heidi Page, Clinicians United -**

Supports the bill. Has been with insurance companies who have not increased her rate for 18 years. Clinicians United started this bill for private practitioners who are struggling. Most insurance companies have shortened the clinical hour to 45 minutes and she is not sure that is in the best interests of the patient. Clinicians run over but only bill for 45 minutes. Health care costs may go up but soon there will be no providers. Has been told of people who decided to go into different professions due the cost of education and the amount of pay. There is a lack of male therapists who treat adolescent males but she knows of one who was turned down by the insurance companies. There is a need for male therapists who treat adolescent males.

**Question** - Rep. Campion: Would there be any disadvantage to increasing rates for all providers, in addition to small providers?

**Answer** - No. All professionals deserve fair compensation.

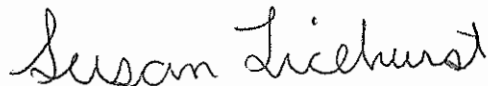
**Question** - Rep. Snow: Is there any power to negotiate outside of forming a union?

**Answer** - A larger group can negotiate.

**Question** - Rep. Weber: Can your organization act as a bargaining unit?

**Answer** - No.

Respectfully submitted,



Rep. Susan Ticehurst, Clerk



House Committee on Health, Human Services & Elderly Affairs  
Public Hearing on SB 115

Bill Title:	establishing a commission to study the business environment for mental health providers in New Hampshire		
Date:	5/15/19		
Room:	205	Time Public Hearing Called to Order:	10:00
		Time Adjourned:	10:36

Committee Members Present:

X	Shapiro
X	Cannon
X	Stapleton
X	Nutter-Upham
X	Marsh
	Salloway
X	Fothergill
X	Freitas
X	Snow
X	MacKay
X	Ticehurst
X	Weber

X	DeClercq
X	Osborne
X	Acton
X	Woods
X	Pearson
X	Knirk
X	Guthrie
X	Nelson
X	McMahon
X	Campion

Testimony

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

*	Attachment #	Name	Testimony:
		Introduced by Jessica Bourque, Administrative Assistant for Sen. Feltes	Commission is to take stock of previous efforts. Rep. Weber asks if consideration was given to combining with SB 176. Bourque: Will get back to the committee.
		Tyler Brannen, NH Insurance Department	Department takes no position. There have been a number of insurance laws that have changed and have impacted this matter. Have updated network adequacy rules, minimum

		<p>standards, county by county. One change is a higher standard for access to mental health services. So it may be a good time to look at where we are and where we are going. Rep. Camion: Are standards more rigorous? Answer: Yes. A new rule has a number of specific services and the standard is the type of service. Some services should be available locally within the network if they are available within the area, based on a time and distance standard. Rep. Shapiro: Why are community mental health agencies not included? Answer: We were not involved in the drafting of the bill.</p>
	<p>Paula Rogers, Anthem</p>	<p>Supports the bill. Hears concerns about network adequacy and reimbursement. Looking at the certificate of coverage gives some information but there are some trickier areas in which to measure parity. Anthem is under exam by the department. Recently the state adopted the 10 year mental health plan, which has a lot of focus on reimbursement. One of the complexities around insurance reimbursement is whether a hospital may have a separate contract which is more complex than a statewide amount. Some projections in the 10 year plan suggest that commercial providers' efforts will be inadequate, but Anthem has made efforts to assure mental health parity. Anthem thinks a public discussion of this is important. Rep. Woods: Would the report be made available to the commission? Answer: It is part of the public record. Rep. Nelson: How many carriers are there in NH? Answer: There are 4 dominant carriers. Other carriers may have a smaller book of business. Rep.</p>

		<p>Shapiro: Some commercial payers pay less than half of what others pay and those rates are less than what Medicaid pays. Will this lead to...? Answer: Some would say you want to avoid having the state set rates. The bill gets at the point of provider reimbursement. There is a lot of talk in the environment about the inadequacy of commercial reimbursement and there are some studies that feed into that discussion. We need to discuss if there is disparity. Rep. Shapiro: Would you be in favor of representation by the public mental health centers? Answer: If somehow it could be recalibrated to cover this concern, she would have no objections.</p>
	<p>Lynn Stanley, National Association of Social Workers, NH Chapter</p>	<p>Supports the bill. The bill came from Clinicians United, whose members are primarily people in private practice. One barrier they have is that they cannot discuss with other practices how much the insurers pay them. This makes it difficult for them to advocate for themselves with the insurance companies. The more people who are in the conversation, the better. NASWNH is listed twice because it hosts the mental health coalition from which the representative will be chosen. Rep. Marsh: Negotiating wages will drive up the costs. Will this drive up the costs? Answer: That's why the commission is being established. It's not just about rates. Rep. Campion: Most of the members listed are for one member of the public. Is that meant to imply that these members would not be providers of mental health services? Answer: It is my understanding that they would be providers. Rep. Woods: Was it intentional to not include psychiatrists. Answer: The</p>



		mental health coalition includes psychiatrists, although they have not attended the meetings in recent years.
	Celia Oliver, NH Psychological Association	Supports the bill. A concern of NHPA has been the shortage of care providers. Taking a variety of steps to address that shortage. Grateful that insurance companies are taking steps. One of the things identified through the behavioral health care advocacy committee is that reimbursement rates are so low in NH that we are losing talented providers across state lines. Have not had an increase in rates in over 20 years. No choice other than accepting the rates or not. Her costs increase but her income does not. The commission will come up with what is fair and improves the social fabric of the state: Rep. Pearson: Can psychologists discuss fees? Answer: No. We cannot band together due to anti-trust issues. Rep. Pearson: Can you form a union? Answer: We are not allowed.
	Heidi Page, Clinicians United	Supports the bill. Has been with insurance companies who have not increased her rate for 18 years. Clinicians United started this bill for private practitioners who are struggling. Most insurance companies have shortened the clinical hour to 45 minutes and she is not sure that is in the best interests of the patient. Clinicians run over but only bill for 45 minutes. Health care costs may go up but soon there will be no providers. Has been told of people who decided to go into different professions due the cost of education and the amount of pay. There is a lack of male therapists who treat adolescent males but one she knows of one who was turned down by the insurance companies. There is a need for male therapists who treat adolescent males.

			Rep. Champion: Would there be any disadvantage to increasing rates for all providers, in addition to small providers? Answer: No. All professionals deserve fair compensation. Rep. Snow: Is there any power to negotiate outside of forming a union? Answer: A larger group can negotiate. Rep. Weber: Can your organization act as a bargaining unit? Answer: No.
--	--	--	---

Respectfully submitted,

Rep. Susan Ticehurst, Clerk



Bill as  
Introduced

SB 115 - AS AMENDED BY THE HOUSE

02/14/2019 0205s  
8May2019... 1545h

2019 SESSION

19-0983  
05/10

SENATE BILL **115**

AN ACT establishing a commission to study the business environment for mental health providers in New Hampshire.

SPONSORS: Sen. Feltes, Dist 15; Sen. Hennessey, Dist 5

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill establishes a commission to study the business environment for mental health providers.

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

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                    establishing a commission to study the business environment for mental health providers in New Hampshire.

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

1            1 New Section; Commission to Study the Business Environment for Mental Health Providers in  
2 New Hampshire. Amend RSA 330-A by inserting after section 26 the following new section:

3            330-A:26-a Commission Established.

4            I. There is established a commission to study the business environment for mental health  
5 providers in New Hampshire.

6            II. The members of the commission shall be as follows:

7            (a) One member of the senate, appointed by the president of the senate.

8            (b) Three members of the house of representatives, appointed by the speaker of the  
9 house of representatives.

10           (c) The insurance commissioner, or designee.

11           (d) The commissioner of the department of health and humans services, or designee.

12           (e) One representative of the insurance or managed care industry, appointed by  
13 America's Health Insurance Plans (AHIP).

14           (f) One member of the public representing individual or small mental health practices,  
15 appointed by the Clinicians United chapter of the State Employees' Association of New Hampshire,  
16 SEIU Local 1984.

17           (g) One member of the public representing individual or small mental health practices,  
18 appointed by the New Hampshire Providers Association.

19           (h) One member of the public representing individual or small mental health practices,  
20 appointed by the New Hampshire chapter of the National Association of Social Workers.

21           (i) One member of the public representing patients of mental health providers in New  
22 Hampshire, appointed by the National Alliance on Mental Illness New Hampshire chapter.

23           (j) One member of the public representing large mental health practices, appointed by  
24 the National Association of Social Workers New Hampshire chapter.

25           (k) A psychologist appointed by the New Hampshire Psychological Association's  
26 Behavioral Healthcare Advocacy Committee.

27           III. Legislative members of the commission shall receive mileage at the legislative rate  
28 when attending to the duties of the commission.

29           IV. The commission shall identify ways to improve the ability of mental health practices to  
30 thrive in the state of New Hampshire. The study shall include an examination of:

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- 1 (a) Provider and insurance billing practices and regulations.
- 2 (b) Access to affordable education and advanced degrees in the area of mental health  
3 practice.
- 4 (c) Commercial insurance and Medicaid rates and mental health parity.
- 5 (d) Methods to strengthen and expand the existing mental health provider network to  
6 ensure that an adequate number of providers are available to meet the need for mental health  
7 services within the state.
- 8 V. The members of the study commission shall elect a chairperson from among the  
9 members. The first meeting of the commission shall be called by the insurance commissioner. The  
10 first meeting of the commission shall be held within 45 days of the effective date of this section.  
11 Four members of the commission shall constitute a quorum.
- 12 VI. The commission shall report its findings and any recommendations for proposed  
13 legislation to the president of the senate, the speaker of the house of representatives, the senate  
14 clerk, the house clerk, the governor, and the state library on or before October 1, 2020.
- 15 2 Repeal. RSA 330-A:26-a, relative to the commission to study the business environment for  
16 mental health providers, is repealed.
- 17 3 Effective Date.
- 18 I. Section 2 of this act shall take effect November 1, 2020.
- 19 II. The remainder of this act shall take effect upon its passage.