

LEGISLATIVE COMMITTEE MINUTES

# **SB502**

Bill as  
Introduced

SB 502 - AS INTRODUCED

2020 SESSION

20-3019

10/04

SENATE BILL **502**

AN ACT establishing a nursing review subcommittee.

SPONSORS: Sen. Giuda, Dist 2; Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24

COMMITTEE: Executive Departments and Administration

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ANALYSIS

This bill establishes a nursing review subcommittee to review complaints reported to the board of nursing.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty*

AN ACT                    establishing a nursing review subcommittee.

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

1            1 New Section; Nurse Practice Act; Nursing Review Subcommittee. Amend RSA 326-B by  
2 inserting after section 3 the following new section:

3            326-B:3-a Nursing Review Subcommittee. There is established a nursing review subcommittee  
4 whose members shall be appointed by the board of nursing. The subcommittee shall consist of 9  
5 members licensed by the board and actively working in a clinical setting. At least one subcommittee  
6 member shall be an APRN, 2 shall be an RN, 2 shall be an LPN, and 2 shall be an LNA. A member of  
7 the board may participate in subcommittee meetings. A quorum shall constitute a majority of voting  
8 members who are present. Upon referral by the board, the subcommittee shall review complaints  
9 reported to the board under 326-B:37. Following review of each case, the subcommittee shall make  
10 recommendations to the board.

11           2 Effective Date. This act shall take effect upon its passage.

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Executive Departments and Administration**

Sen Sharon Carson, Chair  
Sen Kevin Cavanaugh, Vice Chair  
Sen Cindy Rosenwald, Member  
Sen Shannon Chandley, Member  
Sen John Reagan, Member

Date: January 23, 2020

**HEARINGS**

Thursday

01/23/2020

(Day)

(Date)

Executive Departments and Administration Legislative Office Building 101 1:00 p.m.

(Name of Committee)

(Place)

(Time)

1:00 p.m.	<b>SB 564</b>	proclaiming August 31 as International Overdose Awareness Day.
1:15 p.m.	<b>SB 696-FN-A</b>	establishing the office of the right-to-know ombudsman and making an appropriation therefor.
1:30 p.m.	<b>SB 502</b>	establishing a nursing review subcommittee.
1:45 p.m.	<b>SB 500</b>	relative to financial disclosures by legislators.
2:00 p.m.	<b>SB 503</b>	relative to the task force on work and family.
2:15 p.m.	<b>SB 504</b>	establishing a committee to study the effectiveness of outdoor therapy, art therapy, and music therapy as alternative covered treatments for individuals with post-traumatic stress disorder and substance abuse disorders.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 564**

Sen. Levesque  
Sen. Rosenwald  
Sen. Chandley  
Rep. Cleaver

Sen. Watters  
Sen. Kahn  
Sen. Morgan  
Rep. Telerski

Sen. Fuller Clark  
Sen. Birdsell  
Sen. Sherman  
Rep. Vail

Sen. Gray  
Sen. Bradley  
Sen. Hennessey

**SB 696-FN-A**

Sen. Giuda  
Rep. Weyler

Sen. Fuller Clark  
Rep. DiLorenzo

Sen. Carson  
Rep. Ulery

Sen. Gray

**SB 502**

Sen. Giuda

Sen. Fuller Clark

Sen. Watters

Sen. Sherman

**SB 500**

Sen. Fuller Clark

Rep. Gordon

Rep. Wall

**SB 503**

Sen. Fuller Clark

Rep. Wallner

Rep. Mulligan

Rep. Diggs

**SB 504**

Sen. Fuller Clark  
Rep. Spang

Sen. Carson  
Rep. Ladd

Sen. Sherman

Rep. Danielson

Cameron Lapine 271-3091

Sharon M Carson  
Chairman

# Senate Executive Departments and Administration Committee

*Cameron Lapine 271-3091*

**SB 502**, establishing a nursing review subcommittee.

**Hearing Date:** January 23, 2020

**Time Opened:** 1:40 p.m.

**Time Closed:** 1:55 p.m.

**Members of the Committee Present:** Senators Carson, Cavanaugh, Chandley and Reagan

**Members of the Committee Absent :** Senator Rosenwald

**Bill Analysis:** This bill establishes a nursing review subcommittee to review complaints reported to the board of nursing.

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**Sponsors:**

Sen. Giuda

Sen. Fuller Clark

Sen. Watters

Sen. Sherman

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**Who supports the bill:** Senator David Watters (District 4), Senator Bob Giuda (District 2), Paula Minnehan (NH Hospital Association), Matt Mavrogeorge (Senior Assistant Attorney General), Lindsey Courtney (OPLC), Teresa Rosenberger (NH Nurses Association), and Senator Martha Fuller Clark (District 21).

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented in support:**

*Senator Bob Giuda*

*Senate District 2*

- New Hampshire is critically short on nurses. One problem is that it takes a long time to get questions about the qualifications of applicants answered.
- SB 502 creates a subcommittee, appointed by the Board of Nursing, with nine members who are in a clinical setting. Complaints would be referred to the subcommittee by the whole board.
- The subcommittee will accelerate and expedite the addressing of issues.
- Senator Reagan asked if there was already an internal process for getting the Board of Nursing together to hear complaints.



- Senator Giuda responded that the internal process was not working and was leading to New Hampshire losing nurses to other states.

*Lindsey Courtney*

*Division of Health Professions, OPLC*

- SB 502 is a piece of critical legislation for OPLC to be able to effectively support its boards. There are 34 boards in the Division of Health Professions.
- The Board of Nursing has the largest licensee population. There are 44,686 active licensees within the board. Last year there were 179 complaints.
- A nursing review subcommittee would help draft reports of investigations.
- The current process when a complaint is received involves a member of the Board of Nursing being recused and performing an investigation – gathering data and performing interviews – followed by presenting that information to the Board, which then decides about disciplinary matters.
- OPLC fully funds the Administrative Prosecution Unit (APU) in the Department of Justice.
- There is no way for the Board to effectively address all of the complaints that they receive using the recusal system.
- There are 11 members of the Board, 1 of whom is a public member. Not all members of the Board are capable of performing investigations in complaints.
- When emergency issues arise that require a fast turnaround, the Board refers the cases to the APU. In 2019, the Board referred 165 cases to the APU which accounted for 64% of all the cases referred to the APU from OPLC Boards.
- There is a steep backlog in processing time for nursing complaints. Most cases are open for over six months. It is not uncommon for cases to take over a year. Ms. Courtney does not feel that it is appropriate to have an open case hanging over a licensee for that long. It is also a case of not adequately protecting the public, given that someone who could be a threat with a complaint pending can still exercise their license during the hearing process.
- The Board of Medicine has a review subcommittee that SB 502 was based after.
- Getting the investigation aspect out of the APU means that the APU can spend more time doing prosecutions.
- Every member of the nursing review subcommittee should have clinical experience.
- OPLC needs SB 502.

*Matt Mavrogeorge*

*Senior Assistant Attorney General, DoJ*

- Mr. Mavrogeorge is the Director of the APU.
- APU handles investigations and prosecutions for serious OPLC cases.
- The biggest use of the APU's time is cases from the Board of Nursing.
- Having the review subcommittee of the Board of Medicine is a massive timesaver for the APU.
- The review subcommittee of the Board of Medicine is made of clinical members who are separate from the Board. The subcommittee works in conjunctions with a civilian investigator and a medical professional investigator to compile a report of investigation, which is then voted on the by the subcommittee, and

sent to the full Board of Medicine. 90% of complaints in the Board of Medicine are handled by the subcommittee; only 10% go the APU for investigation.

- There are more than 100 cases at the APU from the Board of Nursing at any time.
- Senator Reagan asked why the Board of Nursing doesn't have an investigator.
  - Mr. Mavrogeorge responded that the Board has been looking for the statutory authority to do so. The Board of Medicine has two investigators. Having investigators and a review subcommittee has worked well for efficiency.

**Summary of testimony presented in opposition: None.**

**Neutral Information Presented: None.**

cml

Date Hearing Report completed: January 24, 2020

# Speakers



# Testimony



# NEW HAMPSHIRE NURSES' ASSOCIATION

25 Hall St. Unit 1E, Concord, NH 03301

PHONE: (877) 810-5972 Ext 701

EMAIL: [office@nhnurses.org](mailto:office@nhnurses.org)

WEBSITE: [www.NHNurses.org](http://www.NHNurses.org)

January 23, 2020

Senator Sharon Carson,  
Senator Kevin Cavanaugh,  
Senator Cindy Rosenwald,  
Senator Shannon Chandley, and  
Senator John Reagan

Dear Senators,

Thank you for giving me this opportunity to share the following information. I am the Nurse Executive Director of the New Hampshire Nurses Association, a professional association for New Hampshire nurses established in 1906 and representing the 24,000 nurses in this state.

The New Hampshire Board of Nursing is a relatively small Board, comprised of nurse volunteers. With over 24,000 licensees, the workload of this board is significant. The Board of Medicine, with approximately 10,000 licensees, successfully instituted a similar sub-committee to conduct the initial review of disciplinary complaints, thereby reducing the time to review and address complaints, while still maintaining the peer review aspect because the Board appoints the members of the subcommittee and retains the final vote on each disciplinary case.

The New Hampshire Nurses Associations, on behalf of its members and the 24,000 nurses in the state of New Hampshire, urges you to vote in support of SB 502.

Respectfully,

Joan Catherine Widmer, MS, MSBA, RN, CEN  
Nurse Executive Director  
New Hampshire Nurses Association

# Voting Sheets

**Senate Executive Departments and  
Administration Committee  
EXECUTIVE SESSION RECORD  
2019-2020 Session**

Bill # SB 502

Hearing date: 1/23/20

Executive Session date: 2/15/20

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Chandley



**Notes:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Committee Report



## General Court of New Hampshire - Bill Status System

**Docket of SB502**

Docket Abbreviations

**Bill Title:** establishing a nursing review subcommittee.**Official Docket of SB502.:**

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/8/2020	S	To Be <b>Introduced</b> 01/08/2020 and Referred to Executive Departments and Administration; <b>SJ 1</b>
1/15/2020	S	<b>Hearing:</b> 01/23/2020, Room 101, LOB, 01:30 pm; <b>SC 3</b>
2/5/2020	S	Committee Report: Ought to Pass, 02/13/2020; Vote 5-0; CC; <b>SC 6</b>
2/13/2020	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 02/13/2020; <b>SJ 4</b>
3/2/2020	H	Introduced 02/20/2020 and referred to Executive Departments and Administration
6/30/2020	H	Vacated and Laid on Table MA VV 06/30/2020

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 502

Senate Committee: ED+A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_
- Executive Session Sheet
- Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_
- amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

- as amended by the senate
- as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Cameron M. Japine  
Committee Aide

7/6/2020  
Date

Senate Clerk's Office \_\_\_\_\_