

# Committee Report

**REGULAR CALENDAR**

**February 4, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 290,**

**AN ACT relative to policies required for health facilities and special health care service licenses. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Jerry Knirk**

**FOR THE MAJORITY OF THE COMMITTEE**

**MAJORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 290</b>
Title:	<b>relative to policies required for health facilities and special health care service licenses.</b>
Date:	<b>February 4, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

**STATEMENT OF INTENT**

Currently, licensed health care facilities must provide services to all persons regardless of the source of payment. This bill would exempt licensed health care facilities who provide services exclusively to people who pay directly for the service (with no reimbursement or third party involvement) from that requirement. The majority of the committee feel that skimming off the higher-paying patients will adversely affect our critical access hospitals which need to remain solvent to be available in the communities to provide essential services such as maternity and emergency services.

Vote 18-3.

Rep. Jerry Knirk  
FOR THE MAJORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**HB 290**, relative to policies required for health facilities and special health care service licenses.

**MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. Currently, licensed health care facilities must provide services to all persons regardless of the source of payment. This bill would exempt licensed health care facilities who provide services exclusively to people who pay directly for the service (with no reimbursement or third party involvement) from that requirement. The majority of the committee feel that skimming off the higher-paying patients will adversely affect our critical access hospitals which need to remain solvent to be available in the communities to provide essential services such as maternity and emergency services.

**Vote 18-3.**

Original: House Clerk

Cc: Committee Bill File

**REGULAR CALENDAR**

**February 3, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 290,**

**AN ACT relative to policies required for health facilities and special health care service licenses. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.**

**Rep. Leah Cushman**

**FOR THE MINORITY OF THE COMMITTEE**

**MINORITY  
COMMITTEE REPORT**

Committee:	<b>Health, Human Services and Elderly Affairs</b>
Bill Number:	<b>HB 290</b>
Title:	<b>relative to policies required for health facilities and special health care service licenses.</b>
Date:	<b>February 3, 2021</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS</b>

**STATEMENT OF INTENT**

This bill would help drive down healthcare prices for consumers by reducing administrative costs for medical facilities that accept only direct payment. This model of payment also provides for price transparency to the consumer, and offers an affordable option for under-insured medical consumers, including those who are uninsured but not eligible for medicaid and those with high insurance deductibles. This bill would expand the benefits of free-market healthcare enjoyed by primary care physicians who utilize the direct primary care model to certain medical facilities. The minority therefore opposes the recommendation of inexpedient to legislate.

Rep. Leah Cushman  
FOR THE MINORITY

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Health, Human Services and Elderly Affairs

**HB 290**, relative to policies required for health facilities and special health care service licenses. **OUGHT TO PASS.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill would help drive down healthcare prices for consumers by reducing administrative costs for medical facilities that accept only direct payment. This model of payment also provides for price transparency to the consumer, and offers an affordable option for under-insured medical consumers, including those who are uninsured but not eligible for medicaid and those with high insurance deductibles. This bill would expand the benefits of free-market healthcare enjoyed by primary care physicians who utilize the direct primary care model to certain medical facilities. The minority therefore opposes the recommendation of inexpedient to legislate.

Original: House Clerk

Cc: Committee Bill File

# Voting Sheets



HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # HB 290

**BILL TITLE:** An Act relative to policies for health facilities and special health care service licenses.

**DATE:** 2/1/2021

**LOB ROOM:** 306/8

---

**MOTION: (Please check one box)**

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

Moved by Rep. Knirk Seconded by Rep. Weber Vote: 18-3

---

**CONSENT CALENDAR:** \_\_\_ YES X NO

**Minority Report?** X Yes \_\_\_ No If yes, author, Rep: Cushman Motion OTP

Respectfully submitted: BAF  
Rep. Beth Folsom, Clerk

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

**Health, Human Services and Elderly Affairs**

Bill #: HB 290      Motion: ITL      AM #: \_\_\_\_\_      Exec Session Date: 2/1/2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	18		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.	4		
Gay, Betty I.	5		
Cushman, Leah P.		1	
Folsom, Beth A. Clerk	6		
Kelsey, Niki		2	
King, Bill C.	7		
Kofalt, Jim		3	
Weber, Lucy M.	8		
MacKay, James R.	9		
Snow, Kendall A.	10		
Knirk, Jerry L.	11		
Salloway, Jeffrey C.	12		
Cannon, Gerri D.	13		
Nutter-Upham, Frances E.	14		
Schapiro, Joe	15		
Woods, Gary L.	16		

STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK



1/22/2021 10:06:45 AM  
Roll Call Committee Registers  
Report

2021 SESSION

Health, Human Services and Elderly Affairs

Bill #:	HB 290	Motion:	ITL	AM #:		Exec Session Date:	2/1/2021
Merchant, Gary						17	
<b>TOTAL VOTE:</b>						18	3

# Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB 290

**BILL TITLE:** An Act relative to policies required for health facilities and special health care service licenses.

**DATE:** 1/26/2021

**ROOM:** 206/8

**Time Public Hearing Called to Order:** 10:55 am

**Time Adjourned:** 11:37am

**Committee Members Present:**

**In Room 206/8:** Reps. M. Pearson, Folsom, McMahon, Gay, Cushman, B. King, Weber, MacKay,

**On Zoom from home:**

Marsh, Nelson, Acton, Kelsey, Kofalt, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods and Merchant

**TESTIMONY**

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

**Rep McLean**

- To expand access to services
- Positive for rural areas
- Addresses high deductibles
- Access to those without employer-based insurance
- Provides planned costs/transparency

Rep Knirk concern affect on critical access hospitals will they survive this?

Rep McLean: No hard data, take up rate is low, traditional hospital care would most likely still be used by government and private insurance program patients.

Knirk: Would pulling away patients financially impact traditional facilities

McLean: no other states have seen this

Rep. Marsh: Oklahoma Surgery Center, impact on OK hospitals??

Mc Lean: not seen data on that

Rep Cushman: Under insured, no employer insurance?

McLean: addresses those and access issues in rural areas.

Rep Gay: less cost due to staffing admin, define HSA and Direct Primary Care

McLean: yes, Health Savings Account, patients make a direct payment for services in the form of a monthly fee and not otherwise paid by a third party.

Rep. Merchant: would only non-insured or under insured be able to use this system? If an insured patient used this system would their ins. co. accept their payment as part of their deductible?

McLean: anyone can use, an insurance company may or may not accept these payments as deductible on their policy.

**Greg Moore, AFP:**

increased access to extended services, ie: labs, x-rays. Currently the law requires them to have a facility license and accept Medicare and Medicaid. No DPC hospitals would be established with this business model.

Rep Marsh: Why is it not a viable business model for hospital. Would future legislative changes make that possible.

Moore: Currently a licensed facility would have to take insurance. Would welcome future legislation to remedy.

Rep Kofalt: Address possible cost savings

Moore: A small army of staff to handle insurance and 3rd party payers would be reduced from overhead. currently no medical provider is allowed to offer a rate lower than the Medicaid price.

**Paula Minnehan, New Hampshire Hospital Association \***

Would have a negative impact on charity care policies, which would not be available under DPC care.  
Rep Knirk; unintended consequences on critical care facilities.

**\*Melissa St Cyr, NH DHHS**

\*will email points under Health non-discrimination policies.

Respectfully submitted,

Rep. Beth Folsom

## House Remote Testify

### Health, Human Services and Elderly Affairs Committee Testify List for Bill HB290 on 2021-01-26

Support: 11 Oppose: 3 Neutral: 2 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Minnehan, Paula	pminnehan@nhha.org	603.496.1047	A Lobbyist	New Hampshire Hospital Association	Oppose	Yes (0m)	1/21/2021 4:46 PM
McLean, Mark	Mmclean777@comcast.net	603.668.0076	An Elected Official	Myself - Prime Sponsor	Support	Yes (0m)	1/24/2021 5:35 PM
Moore, Greg	gmoore@afphq.org	603.303.9297	A Lobbyist	Americans for Prosperity-New Hampshire	Support	Yes (0m)	1/22/2021 2:53 PM
Rhoads, Jared	jared.m.rhoads@dartmouth.edu	978.335.8428	A Member of the Public	Myself	Support	No	1/25/2021 10:46 AM
Boutwell, Scott	sboutwell2@gmail.com	603.440.4287	A Member of the Public	Myself	Oppose	No	1/25/2021 8:12 PM
ploszaj, tom	tom.ploszaj@leg.state.nh.us	603.279.9965	An Elected Official	Myself	Support	No	1/25/2021 8:31 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Oppose	No	1/25/2021 6:58 PM
Kishinevsky, Rebecca	rp.kishinevsky@yahoo.com	973.489.3441	A Member of the Public	Myself	Support	No	1/26/2021 9:14 AM
Osborne, Jason	houserepoffice@leg.state.nh.us	603.271.3665	An Elected Official	House Majority Office	Support	No	1/26/2021 9:40 AM
DC, Beth	bethreddychiro@gmail.com	603.866.0298	A Member of the Public	Myself	Support	No	1/26/2021 9:59 AM
Shockley, Doreen	doreen.shockley@dhhs.nh.gov	603.271.9645	State Agency Staff	DHHS	Neutral	No	1/26/2021 9:59 AM
St Cyr, Melissa	melissa.st.cyr@dhhs.nh.gov	603.271.9282	State Agency Staff	DHHS	Neutral	No	1/26/2021 9:59 AM
McLeod, Ferngold	Fern@mcleodsoft.net	603.484.9138	A Member of the Public	Myself	Support	No	1/26/2021 10:12 AM
Courchaine, Sarah	littlesarahmay@yahoo.com	603.555.5555	A Member of the Public	Myself	Support	No	1/26/2021 10:22 AM
Trexler, Larisa	trexlers@gmail.com	603.530.1200	A Member of the Public	Myself	Support	No	1/26/2021 11:11 AM
Trexler, Ryan	trexlah@icloud.com	603.391.6557	A Member of the Public	Myself	Support	No	1/26/2021 11:14 AM

# Testimony





## **HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**

**January 26, 2021**

### **HB 290 – Relative to Policies Required for Health Facilities and Special Health Care Service Licenses**

#### **Testimony**

Good morning, Mr. Chairman, and members of the committee. My name is Paula Minnehan, Senior VP, State Government Relations with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all specialty hospitals.

The NHHA is opposed to HB 290. We have concerns that this bill could impede access to services if a healthcare facility is not required to have a charity care policy in place. We also have questions about the intent of the legislation and what the sponsor is attempting to address. The statute being amended by this bill is specific to health facilities licensed under RSA 151:2, I (a) or (d) and every person holding a special health care service license under RSA 151:2-e. These include hospitals and facilities such as ambulatory surgical centers, hospice facilities, urgent care centers, and/or birthing center. In addition, a special health care license (RSA 151:2-e) refers to Cardiac Catherization Laboratory Services, Open Heart Surgery/Coronary Artery Bypass Graft Surgery and Megavoltage Radiation Therapy.

The bill, as we read it, would allow for these types of facilities, if they exclusively provide services to persons who make direct payment for services, to not have a charity care policy. All hospitals that fall under this statute, provide care to all patients, regardless of their ability to pay. We do not believe it is in the best interest of the patients seeking care in these facilities to not be assured that the facility maintains a charity care policy. I am also not aware of a licensed health care facility that only accepts payment directly from a patient. That would mean that the facility would not accept any form of insurance including Medicare, Medicaid or third- party group health insurance.

NHHA does not believe this bill is necessary and we ask that you find this bill inexpedient to legislate. Thank you for the opportunity to provide our comments. I am happy to answer any questions the committee may have.

**Archived:** Wednesday, March 17, 2021 3:37:59 PM

**From:** R&L T

**Sent:** Tuesday, January 26, 2021 11:22:30 AM

**To:** ~House Health Human Services and Elderly Affairs

**Subject:** HB290 relative to policies required for health facilities and special health care services licenses SUPPORT

**Importance:** Normal

---

re HB290 relative to policies required for health facilities and special health care services licenses

Representatives,

Please vote to SUPPORT HB 290. This will be a great fit to meet some of my health care needs.

Thank you,

Larisa Trexler, RN  
Stoddard NH

Bill as  
Introduced

HB 290 - AS INTRODUCED

2021 SESSION

21-0440

08/10

HOUSE BILL           **290**

AN ACT               relative to policies required for health facilities and special health care service licenses.

SPONSORS:           Rep. McLean, Hills. 44; Rep. Berry, Hills. 44; Rep. Warden, Hills. 15

COMMITTEE:         Health, Human Services and Elderly Affairs

---

ANALYSIS

This bill exempts certain health facilities that exclusively provide services to persons making direct payment from requirements on written policies for providing services.

-----

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 Twenty One*

AN ACT                   relative to policies required for health facilities and special health care service licenses.

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

1           1 Health Care Facilities and Special Health Care Service Licenses. Amend RSA 151:2-f, I to  
2 read as follows:

3           I. Adopt and enforce a written policy to assure that the facility provides its services to all  
4 persons who require the services the facility provides regardless of the source of payment for the  
5 services provided to any person, ***unless the facility exclusively provides services to persons who***  
6 ***make direct payment for services. For purposes of this paragraph, a direct payment is one***  
7 ***that is paid directly by the patient and is not reimbursed or otherwise paid by a third***  
8 ***party.***

9           2 Effective Date. This act shall take effect January 1, 2022.