

Committee Report

REGULAR CALENDAR

March 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 601-FN,

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Lucy Weber

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	HB 601-FN
Title:	relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.
Date:	March 11, 2021
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill was filed in response to the award of a sole-source, Department of Health and Human Services contract to add a closed loop referral platform, utilizing blanket consents to refer clients to various social service agencies. Federal CARES Act money was the funding source. Because of the CARES Act funding, the contract was issued on a no-bid basis, without approval from the Executive Council. Significant concern was expressed at the public hearing about the procurement of this contract about whether the information entered into the system would be done knowingly and voluntarily on the part of the individuals involved, and about the security of individual's private information once the data was entered. While committee members shared those concerns, the bill as originally drafted was so broad that it would have prohibited ongoing efforts to streamline in an appropriate way existing applications for benefits or services. Various amendments were drafted, including one that delayed use of the proposed system. The majority was concerned this action might run afoul either of the contracts clause of the US Constitution or of the prohibition on retrospective laws in the NH Constitution. Complicating matters is the fact that CARES Act funding was used for the contract, and the Governor's right to expend Cares Act funds free of legislative oversight has been upheld by a NH court.

Vote 14-5.

Rep. Lucy Weber
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Health, Human Services and Elderly Affairs

HB 601-FN, relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. This bill was filed in response to the award of a sole-source, Department of Health and Human Services contract to add a closed loop referral platform, utilizing blanket consents to refer clients to various social service agencies. Federal CARES Act money was the funding source. Because of the CARES Act funding, the contract was issued on a no-bid basis, without approval from the Executive Council. Significant concern was expressed at the public hearing about the procurement of this contract about whether the information entered into the system would be done knowingly and voluntarily on the part of the individuals involved, and about the security of individual's private information once the data was entered. While committee members shared those concerns, the bill as originally drafted was so broad that it would have prohibited ongoing efforts to streamline in an appropriate way existing applications for benefits or services. Various amendments were drafted, including one that delayed use of the proposed system. The majority was concerned this action might run afoul either of the contracts clause of the US Constitution or of the prohibition on retrospective laws in the NH Constitution. Complicating matters is the fact that CARES Act funding was used for the contract, and the Governor's right to expend Cares Act funds free of legislative oversight has been upheld by a NH court. **Vote 14-5.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Health, Human Services and Elderly Affairs to which was referred HB 601-FN,

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies. Having considered the same, and being unable to agree with the Majority, report with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Jim Kofalt

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	HB 601-FN
Title:	relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.
Date:	March 11, 2021
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-0648h

STATEMENT OF INTENT

The “Closed Loop Referral” system will create a single database of social services recipients that can be searched by a network of providers, using a one-time blanket consent form that allows the Department of Health and Human Services to share personal information with current providers and any providers that may be added in the future. As such, it threatens to compromise the private health information of New Hampshire's most vulnerable residents. Authorized under the Emergency Orders, the contract was never authorized by the legislature and was not approved by the Executive Council. In order for the legislature to exercise proper oversight, this bill (with a proposed amendment) would have paused implementation of the Closed Loop Referral system until proper legislative oversight of privacy considerations could be exercised. In 2018, over 80% of New Hampshire's voters approved a constitutional amendment that demands, “An individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.” The legislature has a responsibility to uphold the privacy of our citizens, as required by our state Constitution.

Rep. Jim Kofalt
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Health, Human Services and Elderly Affairs

HB 601-FN, relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. The “Closed Loop Referral” system will create a single database of social services recipients that can be searched by a network of providers, using a one-time blanket consent form that allows the Department of Health and Human Services to share personal information with current providers and any providers that may be added in the future. As such, it threatens to compromise the private health information of New Hampshire's most vulnerable residents. Authorized under the Emergency Orders, the contract was never authorized by the legislature and was not approved by the Executive Council. In order for the legislature to exercise proper oversight, this bill (with a proposed amendment) would have paused implementation of the Closed Loop Referral system until proper legislative oversight of privacy considerations could be exercised. In 2018, over 80% of New Hampshire's voters approved a constitutional amendment that demands, “An individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.” The legislature has a responsibility to uphold the privacy of our citizens, as required by our state Constitution.

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 601-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the provision of a closed loop referral system for the department of health
4 and human services.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Purpose. The general court finds that this act is necessary to ensure legislative input and
9 direction to implement informed consent as a protection of individual rights to privacy before the
10 department of health and human services implements and develops a closed loop referral system
11 where personal information will be stored in a single master index file available to third parties.

12 2 Department of Health and Human Services; Closed Loop Referral System. Notwithstanding
13 any other provision of the law to the contrary, the sole source grant agreement to Unite USA, Inc. of
14 Nashua in the amount of \$700,000 for the provision of a closed loop referral system, as referenced by
15 the department of health and human services and contained in the governor and council information
16 item dated October 19, 2020, to enhance care coordination by connecting clients to services via
17 phone, in person, or via the Internet, shall not be implemented before July 1, 2022.

18 3 Effective Date. This act shall take effect upon its passage.

Amendment to HB 601-FN
- Page 2 -

2021-0648h

AMENDED ANALYSIS

This bill requires that the sole source grant agreement to provide a closed loop referral system to the department of health and human services shall not be effective before July 1, 2022.

Voting Sheets

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 #: HB601-FN Motion: _____ AM #: 2021-0676 Exec Session Date: March 8, 2021

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

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 #: HB601-FN Motion: _____ AM #: 2021-0676 Exec Session Date: March 8, 2021

Merchant, Gary			13	
TOTAL VOTE:		5	14	2

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 #: HB601-FN Motion: ITL AM #: _____ Exec Session Date: March 8, 2021

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	14		
Marsh, William M. Vice Chairman	1		
McMahon, Charles E.	2		
Nelson, Bill G.	3		
Acton, Dennis F.			Absent
Gay, Betty I.		1	
Cushman, Leah P.		2	
Folsom, Beth A. Clerk		3	
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Kofalt, Jim		5	
Weber, Lucy M.	4		
MacKay, James R.	5		
Snow, Kendall A.	6		
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Salloway, Jeffrey C.	8		
Cannon, Gerri D.	9		
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Health, Human Services and Elderly Affairs

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9 direction to implement informed consent as a protection of individual rights to privacy before the
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14 Nashua in the amount of \$700,000 for the provision of a closed loop referral system, as referenced by
15 the department of health and human services and contained in the governor and council information
16 item dated October 19, 2020, to enhance care coordination by connecting clients to services via
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2021-0648h

AMENDED ANALYSIS

This bill requires that the sole source grant agreement to provide a closed loop referral system to the department of health and human services shall not be effective before July 1, 2022.

UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB601-FN

BILL TITLE: An Act relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

DATE: 2/8/2021

ROOM: 306-8

Time Public Hearing Called to Order: 11:20 am

Time Adjourned: 12:50 am

(please circle if present)

Committee Members: In 306-8 Reps. M. Pearson, Folsom, Gay, Cushman, B. King, Remote: Marsh, McMahon, Nelson, Acton, Kelsey, Kofalt, Weber, MacKay, Snow, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods and Merchant

TESTIMONY

Representative Ammon

- The state constitution has an amendment addressing Privacy Provisions voted on by 81% of voters.
- There is currently no informed consent in social service system.
- Which organizations have access? Can they be denied?
- Require informed consent each time info is shared.
- Data not blocked for services
- Closed Loop Referral System
- HPPA has more specific requirements.
- Includes health and social service information
- Form to be filled out before information is collected
- Form should be at "reading level" words like "searchable database"
- There would have to be A point of contact/agency
- Info involved - abortions, food bank access?
- If apply for more than one program would the informed consent process have to be completed with each program?
- Puts the spotlight on privacy issues.
- Consumer can opt-in, but "network of providers" can change at any time.
- Privacy and efficiency needs to have a balance with legislative oversight
- Gather information with out invasion of privacy
- Neutral as to what the process will look like, ie. form, but legislative oversight.
- Amenable to amendment if acted upon soon.
- Every time someone's data is shared there is an increased loss of security.
- Specific implementation would affect security.

Jonathan Ballard, David Wieters, Jennifer O'Higgins - oppose

- To broadly written
- Bill would further fragment healthcare system
- Possible scenario - one agency would not be able to report "possible" child abuse to another agency.
- Fraud - who would authorize signature?
- No exemptions? Emergency? No harm?
- Communicable disease reporting affected
- Increase cost to healthcare systems
- Partnered with vendor for security

- Already informed consent policies in Medicaid
- Maternal Opioid abuse program uses several agencies, One service could be the doorway for them all.
- Would not be alerted when someone has accessed data, but would be notified when referred to other program
- Family members would need a consent like that used at hospitals regarding share ability of info
- Not open access unless there is a referral. Validate?
- Not required to be in platform to get services, then would have to give permission to have data faxed or copied to other provider or agency.
- Could cause a loss of effectiveness in services

Robert Clegg - oppose

- Would create an additional social service agency when there is a current system in place
- Bill transforms systems with out guidance. Added bureaucracy
- HPPA
- State does not have a structure in place to manage this
- Value of information - how it can be used.
- There is something in NH set in place by Governor which has no legislative oversight.

Rep Jess Edwards - support

- We don't have enough respect for the privacy of others even though information is shared from great intentions.
- Intent consistent with HPPA
- Study committee on privacy issues
- Systemic need for privacy

Neal Kurk - support

- Supports bill but it is not ready for prime time.
- Place moratorium on the Closed Loop System
- Unite Space Us
- No legislative approval for this
- Extraordinary Expansion from state insured to all citizens
- Kurk willing to work with Ammon to fix

Erine Gray - Support

- AuntBertha - Statewide data collection program
- Protection of privacy
- Protection from "stigma" of using certain services
- State is looking for an all-in consent network
- Ethical - would their private information possibly end up in the hands of a co-worker, neighbor, someone at church?

Gary Cahoon

- Bill too vague
- Needs and emergency release of information

Respectfully submitted,

Rep. Beth Folsom, Clerk

House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill HB601 on 2021-02-08

Support: 48 Oppose: 24 Neutral: 0 Total to Testify: 11

<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>
Ballard MD, Jonathan	jonathan.ballard@dhhs.nh.gov	2719200	State Agency Staff	DHHS	Oppose	Yes (5m)	2/7/2021 12:13 PM
Wieters, David	david.wieters@dhhs.nh.gov	2719200	State Agency Staff	DHHS	Oppose	Yes (5m)	2/7/2021 12:15 PM
Ammon, Keith	keithammon@gmail.com	603.325.0083	An Elected Official	Myself	Support	Yes (5m)	2/7/2021 7:29 PM
Gray, Erine	egray@auntbertha.com	512.825.1132	A Member of the Public	Myself	Support	Yes (4m)	2/7/2021 9:24 PM
Hodder, Lucy	Lucy.Hodder@unh.edu	603.512.5313	A Member of the Public	Myself	Oppose	Yes (3m)	2/7/2021 8:54 PM
Clegg, Robert	senclegg@aol.com	603.860.3682	A Lobbyist	Carolyn Virtue Granite Case management	Oppose	Yes (3m)	2/8/2021 7:23 AM
Stoddard, Kristine	kstoddard@bistatepca.org	480.794.0523	A Lobbyist	Bi-State Primary Care Association	Oppose	Yes (2m)	2/8/2021 7:32 AM
Edwards, Rep Jess	jess.edwards@leg.state.nh.us	603.370.7885	An Elected Official	Rockingham District 4 (Auburn, Chester, Sandown)	Support	Yes (1m)	2/8/2021 9:56 AM
kurk, neal	rep03281@aol.com	603.529.7253	A Member of the Public	Myself	Support	Yes (0m)	2/7/2021 4:09 PM
O'Higgins, Jennifer	Jennifer.ohiggins@dhhs.nh.gov	617.283.3220	State Agency Staff	DHHS	Oppose	Yes (0m)	2/7/2021 9:56 PM
Cahoon, Gary	cgccahoon@aol.com	603.801.1467	A Member of the Public	Myself	Oppose	Yes (0m)	2/8/2021 8:40 AM
Mangipudi, Latha	Latha.mangipudi@leg.state.nh.us	603.891.1239	An Elected Official	Hills 35	Oppose	No	2/8/2021 8:45 AM
Kiefner, Robert	rskiefner@gmail.com	603.568.8471	A Member of the Public	Myself	Oppose	No	2/8/2021 8:46 AM
Osborne, Jason	HouseRepOffice@leg.state.nh.us	603.271.3665	An Elected Official	Myself	Support	No	2/8/2021 8:47 AM
Banfield, Ann Marie	Banfieldannmarie@gmail.com	603.714.5814	A Member of the Public	Myself	Support	No	2/8/2021 8:58 AM
Greene, Bob	bob.greene@leg.state.nh.us	603.880.3929	An Elected Official	Myself	Support	No	2/8/2021 9:04 AM
Johnson, Dawn	Dawn.Johnson@leg.state.nh.us	603.305.8466	An Elected Official	Myself	Support	No	2/8/2021 9:04 AM
McLean, Mark	Mmclean777@comcast.net	603.668.0076	An Elected Official	Myself	Support	No	2/8/2021 9:10 AM
Smith, Jonathan	jhsmithnh5@gmail.com	603.651.1137	An Elected Official	Myself	Support	No	2/8/2021 9:11 AM
Notter, Jeanine	Jeanine.notter@leg.state.nh.us	603.423.0408	An Elected Official	Hillsborough 21	Support	No	2/8/2021 9:11 AM
Beene, Holly	holly.beene@yahoo.com	682.225.2425	A Member of the Public	Myself	Support	No	2/8/2021 9:18 AM
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No	2/8/2021 9:19 AM
Gunski, Michael	michael.gunski@leg.state.nh.us	603.497.2775	An Elected Official	Hillsborough 6, Goffstown	Support	No	2/8/2021 9:22 AM
Gericke, Carla	carlagericke@gmail.com	917.607.4353	A Member of the Public	Myself	Support	No	2/8/2021 9:24 AM
Lewicke, John	john.lewicke@leg.state.nh.us	603.878.2610	An Elected Official	Myself	Support	No	2/8/2021 9:26 AM
dostie, donald	dadostietrucking@gmail.com	603.991.3478	An Elected Official	Myself	Support	No	2/8/2021 9:38 AM

THEBERGE, ROBERT	rolath@hotmail.com	603.915.0187	An Elected Official	Myself	Support	No	2/8/2021 9:38 AM
Hayes, Randy	rcompostr@gmail.com	7839262	A Member of the Public	Myself	Oppose	No	2/7/2021 10:41 PM
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2/7/2021 11:07 PM
Howland, Curtis	howland@priss.com	603.512.3414	A Member of the Public	Myself	Support	No	2/7/2021 11:24 PM
Axelman, Elliot	aluxelman@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No	2/7/2021 11:32 PM
Thomas, Nicholas	nicholas.w.thomas@uconn.edu	734.355.3870	A Member of the Public	Myself	Support	No	2/7/2021 11:42 PM
Larson, Ruth	ruthlarson@msn.com	603.364.4003	A Member of the Public	Myself	Oppose	No	2/8/2021 12:07 AM
Westlake, Jane	janewestlake57@gmail.com	603.219.6594	A Member of the Public	Myself	Oppose	No	2/8/2021 1:45 AM
Aronson, Laura	laura@mlans.net	603.432.1603	A Member of the Public	Myself	Oppose	No	2/8/2021 2:07 AM
Mennella, Alexandra	amennella1@protonmail.com	646.610.9858	A Member of the Public	Myself	Support	No	2/8/2021 6:17 AM
Grossi, Anne	adgrossi7982@gmail.com	603.674.1181	A Member of the Public	Myself	Support	No	2/7/2021 2:39 PM
DeMark, Richard	demarknh114@gmail.com	603.520.5582	A Member of the Public	Myself	Oppose	No	2/7/2021 1:07 PM
Minnehan, Paula	pminnehan@nhha.org	603.496.1047	A Lobbyist	NH Hospital Association	Oppose	No	2/7/2021 2:35 PM
Daniels, Senator Gary	debra.martone@leg.state.nh.us	603.271.4980	An Elected Official	Senate District 11	Support	No	1/27/2021 2:18 PM
Rouillard, Claire	cdrouillard@comcast.net	603.494.6144	An Elected Official	Myself	Support	No	1/27/2021 8:52 PM
Fordey, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Oppose	No	2/7/2021 10:52 AM
Gould, REp. Linda	lgouldr@myfairpoint.net	603.472.3877	An Elected Official	Myself	Support	No	2/7/2021 11:42 AM
Condon, Laura	lauracondon49@gmail.com	603.471.0787	A Member of the Public	Myself	Support	No	2/8/2021 8:08 AM
Love, Rep.David	davidlove4rep@gmail.com	603.275.9851	An Elected Official	Rockingham 6	Support	No	2/8/2021 8:37 AM
Testerman, Karen	karen@sanbornhall.net	603.934.7111	A Member of the Public	Myself	Support	No	2/7/2021 9:05 PM
Ruocco, HOLLY	holly@drholly.net	603.894.5654	A Member of the Public	Myself	Support	No	2/7/2021 9:18 PM
HOUGH, GREGG	GreggHough2020@gmail.com	603.455.4474	An Elected Official	Myself	Support	No	2/8/2021 9:57 AM
Frost, Sherry	sherry.frost@leg.state.nh.us	978.255.3924	An Elected Official	Myself	Oppose	No	2/8/2021 10:01 AM
Morin, Eric	ewmorin@yahoo.com	978.590.9508	A Member of the Public	Myself	Support	No	2/8/2021 10:03 AM
Mercer, Jennifer	cjmercerc@myfairpoint.net	603.783.4977	A Member of the Public	Myself	Support	No	2/8/2021 10:04 AM
Courchaine, Sarah	simplybalanced@yahoo.com	603.555.5555	A Member of the Public	Myself	Support	No	2/8/2021 10:06 AM
Healey, Robert	rvhealey@aol.com	603.424.1753	An Elected Official	Myself	Support	No	2/8/2021 10:07 AM
Avery, Cheryl	cavery@new-futures.org	603.217.7982	A Lobbyist	New Futures	Oppose	No	2/8/2021 10:12 AM
Walker, Debra	alearose2008@yahoo.com	603.203.7528	A Member of the Public	Myself	Support	No	2/8/2021 10:18 AM
Aron, Judy	judy.aron@leg.state.nh.us	603.843.5908	An Elected Official	Myself	Support	No	2/8/2021 10:18 AM
Tudor, Paul	paultudor.1strockingham@gmail.com	603.932.6184	An Elected Official	Myself	Support	No	2/8/2021 10:30 AM
Richardson, Wendy	Butterfly91011@yahoo.com	207.332.2619	A Member of the Public	Myself	Support	No	2/8/2021 10:31 AM
Frye, Annette	fryenh@comcast.net	603.491.6929	A Member of the Public	Myself	Oppose	No	2/8/2021 10:31 AM
Brown, Nancy	wcbnpb@comcast.net	603.731.5989	A Member of the Public	Myself	Oppose	No	2/8/2021 10:33 AM
Frye, Steven	clarkvet@gmail.com	603.491.2884	A Member of the Public	Myself	Oppose	No	2/8/2021 10:36 AM
Ankarberg, Aidan	aidan201@yahoo.com	603.770.1795	An Elected Official	Myself	Support	No	2/8/2021 10:46 AM
Tucker, Julie	julietucker960@gmail.com	603.964.2562	A Member of the Public	Myself	Support	No	2/8/2021 10:51 AM

DiMartino, Lisa	garylisa@metrocast.net	603.496.1115	A Member of the Public	Myself	Oppose	No	2/8/2021 10:51 AM
Kelliher, Chris	villagernh@gmail.com	603.660.8166	A Lobbyist	Myself	Oppose	No	2/8/2021 11:00 AM
Nunez, Hershel	Hershel.Nunez@leg.state.nh.us	603.260.9630	An Elected Official	Myself	Support	No	2/8/2021 11:14 AM
Torosian, Peter	FlyBirdAir@aol.com	603.340.6261	An Elected Official	Rockingham County District # 14	Support	No	2/8/2021 11:17 AM
Cahill, Kathy	kathyhigginscahill@gmail.com	603.731.3246	A Member of the Public	Myself	Oppose	No	2/8/2021 12:34 PM
Pray, Danielle	Dapsrp@gmail.com	603.288.2262	A Member of the Public	Myself	Support	No	2/8/2021 2:31 PM
Pauer, Diane	Diane.Pauer@leg.state.nh.us	603.801.5088	An Elected Official	Myself	Support	No	2/8/2021 2:46 PM
Groetzing, Tonda	groetzing6@aol.com	603.498.6955	A Member of the Public	Myself	Support	No	2/8/2021 2:54 PM
Barrett, Sara	Sarabarrett1219@gmail.com	406.231.2002	A Member of the Public	Myself	Support	No	2/8/2021 6:17 PM

Testimony

NH HB 601

Monday February 7, 2021

Testimony by Erine Gray

Good morning Mr. Chairman and Members of the Committee. My name is Erine (pronounced Aaron) Gray and my company, Aunt Bertha runs findhelp.org, the largest referral network for social services in the US. We are a Public Benefit Corporation based in Austin, Texas and we have earned the trust of more than 300 customers, including the States of Florida, South Carolina, Pennsylvania and more than 200 healthcare organizations, including many that do business in New Hampshire.

When we learned that the State of New Hampshire was interested in implementing a statewide referral network we were obviously delighted. We met with the State but they decided to move in another direction because our solution did not meet their specifications. I am not here today to complain about that decision or ask you to somehow reverse that. We value our relationships in the state and we plan to be here for the long term.

The reason I am here is to support HB 601, which will **in no way** dramatically change the direction the state is heading but **will** ensure the protection of individual privacy. There's a stigma that comes with needing social services — and it's important that we all recognize that this stigma exists.

On our network, we see search activity in New Hampshire for food and housing but we also see a rising need for **addiction services, mental health counseling, even domestic abuse support**. We believe the ability to **quickly** refer people to help is **critical** during an economic crisis.

With a growing need for electronic access to social services comes a **corresponding** need to make sure people's information is protected. On our networks we do not share personal information unless the **person in need** knows **who** has access to it.

Right now, that is not the way New Hampshire is heading. In fact, the State identified it was **looking** for a company that embraced an "all in" consent approach that would "reduce the number of informed consent forms needed to connect clients with services" and they found a vendor that was willing to include a **single** informed digital consent. The approach outlined in the contract would **then create** a "Master Client Index" in which **members** of the "**Network**" could **search** for someone and see all the "Information" **attributed** to that person — information that **includes** a history of social service programs someone was referred to.

Remember, we're not just talking about people seeking **state funded** services, like Medicaid. Many people are being referred to a local nonprofit and aren't **applying** for state assistance and are **not on Medicaid**. **Is it the intent** of the **State** to track **these** interactions between nonprofits that are privately run and its **citizens**?

Now, some may say that this is perfectly OK, since the person in need is agreeing to an **“informed” consent**. The trouble with the “all-in” consent **described** is that it is **not** truly informed since the **network** of individuals and organizations that **could** have access is **not defined**. The term “Network” is **vague**, the person in need has **no idea** who can see their information now, or in the future.

Who makes up “The Network” and has this access? The Network can be **anybody** who has been trained and works or volunteers at **any** nonprofit, healthcare institution or government agency in the **entire** State of New Hampshire.

This poses important ethical considerations. Would people that receive help in this manner worry that someone in their church might find out that they were survivors of incest or domestic abuse? What if **the person needing help** worked **at the State** and they were going through some tough financial times? Would they worry that their coworkers might know that they can’t feed their family?

Public health agencies are spending a lot of time and attention addressing the Social Determinants of Health because studies show that if people’s basic needs are met they tend to be healthier. Some may say that an “all-in” consent is needed to perform care coordination of our neediest among us. Our organization has set up these types of referral networks with over 300 customers and millions of people — and in **no way** has care coordination been hindered by a **truly** informed consent model.

As it currently stands — the consent process does not appropriately consider these ethical dilemmas about information sharing. That is why we would support a better approach, like the one outlined in House Bill 601 that will create the **right** balance between the state’s interest and that of your citizens.

Testimony for Representative Keith Ammon on HB 601 - relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

House Health, Human Services & Elderly Affairs - February 8, 2021

Thank you Mr. Chairman and Members of the Committee:

For the record, my name is Keith Ammon, representing Hillsborough District 40. I am the prime sponsor of HB 601 which seeks to address a new problem that needs legislative attention. We have a new State database being built for the social services system but do not have clear informed consent for individuals receiving services in that system. HB 601 proposes to legislate informed consent.

By way of background, I agreed to sponsor HB 601 after I learned about a state contract awarded during this State of Emergency that would create a NEW "Closed Loop Referral" system for social services at the Department of Health & Human Services.

This new system is meant to link social service providers, including state agencies, not for profits and private providers, into a database that allows them to share and retrieve personal information about NH residents seeking and/or receiving services.

The purpose of the database is to help with coordinating care. While this is a good goal, I think the Legislature should understand how this system will work and what privacy protections will be in place in the database for the individual seeking services. Before the State created a vaccine registry or a prescription drug monitoring program, privacy issues were discussed. This database should not be different. As you may recall, in 2018, NH voters adopted a privacy provision to the New Hampshire Constitution.

We all have constituents who may be going through tough times and need social services that could range anywhere from food assistance to housing assistance to other services for child welfare and so on. These constituents will now be added to a database that will house their information for other social service providers to see and share. From what I understand, a person may sign only one consent form and that will allow their information to be shared beyond the agency actually providing them services.

This Committee is well versed in privacy issues as they relate to health and human services. There are questions that I think the Department should answer that would help us as legislators understand the new database program and what it may mean for our constituents. Here are three questions I hope the Committee will have answered:

- 1) Does the person seeking services know **what information** is being shared about them to other organizations? **Is it household income, description of their issues, other information?**
- 2) Does the person seeking services know when and how often their information will be “looked up” and **which organizations specifically** are accessing it?
- 3) Could the person seeking services be **turned down** for services if they don’t want their information to be in this database?

My intent is not to impede the work of the Department or the services provided to individuals needing assistance. My questions are raised by the implementation of this new database system and how it effects the services and privacy protections of our constituents.

In light of some of the concerns raised about the bill as presented, I have an amendment being drafted by OLS for the Committee’s consideration. The amendment replaces the bill to specifically address two specific issues. First, it would require an informed consent form for individuals each time their information is shared so they can take control of protecting their privacy. Second, it requires that services can’t be withheld if they choose not to be included in a database. I have sent the draft amendment to the Committee via email.

I know our Legislature and our constituents takes privacy seriously. We set parameters to make sure agencies across the State use private information in limited ways. I appreciate your expertise in reviewing these issues. There are others who will be able to speak more specifically to the language in the amendment.

I hope you look favorably on HB 601. Thank you.



LIVE UNITED

Granite United Way

The New Hampshire General Court
Health, Human Services, and Elderly Affairs Committee
107 North Main Street, Concord, NH 03301
HHSEA@leg.state.nh.us

February 19, 2021

Dear Committee Members,

This letter provides written testimony for the New Hampshire (NH) House Committee on Health, Human Services, and Elderly Affairs regarding our opposition of House Bill 601-FN.

Granite United Way (GUW) is an experienced and trusted organization dedicated to leveraging the resources of investors and volunteers to create lasting change by addressing the underlying causes of our community's most pressing needs. GUW works with over 1,000 companies, 25,000 investors and thousands of volunteers every year to help communities learn, earn and be healthy. GUW covers 80% of NH and Windsor County, Vermont.

GUW has a long history of working closely with numerous public and private entities to break down silos that create barriers for Granite Staters seeking care through local health and human service agencies. Significant work has taken place over the last decade to better coordinate efforts to meet the diverse needs of NH citizens. Most recently, GUW has been an active participant in efforts supported by Governor Chris Sununu and the NH Department of Health and Human Services to launch a coordinated care network. This closed loop referral system is administered by Unite Us and is fully compliant with HIPAA and other strong privacy protections.

This coordinated care network will strengthen the relationship among providers to ensure citizens are connected to the services they need, leading to overall improvements in client care and outcomes. Additionally, the aggregated data gathered through this network will enhance the ability of service providers and public health/health care systems to identify and address gaps and barriers in real time. Essentially, this system will provide a secure referral mechanism for providers, in full compliance with all existing privacy laws and regulations, that will significantly improve service navigation and service delivery for Granite Staters.

GUW leads several initiatives across NH that support the coordination of health and human services and care, including three Regional Public Health Networks, the Whole Village Family Resource Center, the Recovery Friendly Workplace Initiative, and 211 NH. 211 NH serves as the primary access point for callers seeking resources and information regarding COVID-19 information, substance use disorder services, homelessness supports, and other basic needs. 211 NH received over 120,000 calls in 2020. Through these efforts, Granite Staters will be best served if providers, with the explicit consent of clients, are able to communicate more effectively concerning shared clients, electronically coordinate services, and collectively track outcomes. At 211 NH, we speak with countless callers each day who experience a myriad of challenges navigating all of the systems intended to serve them. Callers often have to repeat their story numerous times to numerous agencies. This results in wasted time and significant frustration among NH citizens. Without a system like Unite Us, providers are often unaware of the outcomes of these referrals.

Therefore, GUW opposes House Bill 601-FN, because we believe that this bill would impose undue burdens that would inhibit coordinated care among the most vulnerable of populations served by our health and human service organizations statewide. Please contact me at Patrick.Tufts@graniteuw.org or 603.625.6939 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Patrick Tufts".

Patrick Tufts, MSW
President & CEO

603.625.6939 www.graniteuw.org

[learnearnbehealthy](#)

[Central Region](#) | [Merrimack County](#) | [North Country](#) | [Northern Region](#) | [Southern Region](#) | [Upper Valley](#)



NH Local Welfare Administrators Association

c/o Dennehy & Bouley LLC
17 Depot Street, Suite #3
Concord, NH 03301
Telephone: 603-228-2118

Towards self-sufficiency...

February 19, 2021

Honorable Mark Pearson, Chair
House Health, Human Service and Elderly Affairs Committee
NH State House
LOB Room 205
Concord, NH 03301

Re: Opposition of HB 601 prohibiting personal information expectation and sharing between health or social service agencies, including financial assistance programs, without individual consent.

Dear Honorable Chairman Pearson and Committee Members,

The NH Local Welfare Administrators Association (NHLWAA) is a professional non-profit organization that educates and supports our municipal members to foster compliant, humanitarian and fiscally responsible assistance practices when assisting NH residents with NH RSA 165 statutorily obligated basic needs.

NHLWAA is respectfully submitting this letter to share information and strongly oppose HB 601, as its passage is contrary to NH RSA 165 compliant municipal welfare guidelines and will create a significant fiscal impact on municipalities by prohibiting the longstanding ability of municipal local welfare to verify potential applicant financial resources. Secondly, HB 601 will challenge developed humanitarian case management collaborative efforts.

NH RSA 165 indicates "Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town." The longstanding statute allows municipalities to verify financial resources and to require, when appropriate, applicants avail themselves to other public assistance agencies to minimize municipal need (RSA 165:1-b, 165:-e, 165:4.) It is vital municipal local welfare continues to verify true need to minimize municipal cost and prevent "double dipping" of funding from other assistance agencies.

If approved, HB 601 will allow applicants to seek taxpayer funded municipal local welfare assistance without the NH RSA 165 statutory expectation to disclose potentially available need mitigating financial resources. Also, HB 601 requires applicants be informed withholding consent to disclose available financial resources is void of consequence for assistance eligibility, which will foster a significant decrease of financial resource disclosures.

NHLWAA respects and appreciates HB 601's intent to further protect personal information, beyond the current HIPPA privacy rules; however, the unintended financial and humanitarian consequence of HB 601 will strip a longstanding statutory financial resource disclosure verification ability away from municipal local welfare, resulting in a substantial increase of costs to municipal property taxpayers.

We hope this clarifying information is helpful and urge you to oppose HB 601 for the reasons provided. We are available to answer any questions you may have.

Respectfully yours,

Todd M. Marsh
NHLWAA President
603 332-3505

todd.marsh@rochesternh.net

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Consent to Participate in the Unite Us Network

By consenting, you agree to share information with a Network of health and social service partners powered by Unite Us software. Your personal information may be shared securely on the Network in accordance with privacy laws to connect you with services.

This consent covers all information shared by you or by anyone that has the right to share information on your behalf. You can always limit the information you provide on the Network by requesting to have it removed.

To understand how your information may be used and kept safe on the Network, please see uniteus.com/privacy.

If you no longer want your information shared on the Network, you can email consent@uniteus.com or ask any Network partner. It will take three business days to stop sharing your information.

Client:

Name: _____

Signature: _____

Date: _____

Personal Representative (if applicable for minor clients):

Name: _____

Signature: _____

Date: _____

Relationship to Client: _____

RE: HB 601-FN, an act relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

Dear Chairman Pearson and Members of the House Health, Human Services and Elderly Affairs Committee:

Since 2013, Unite Us has been a national leader in deploying community-wide infrastructure to meaningfully connect health and social care providers to communicate, coordinate services and track outcomes on a common platform. Unite Us was founded by veterans initially to serve military populations, but has grown to connect all people to services in their communities and support the positive outcomes they deserve.

To address the impacts of COVID-19, Unite Us has worked with the Department of Health and Human Services (DHHS) and Granite United Way to launch a coordinated closed-loop referral system throughout New Hampshire. The infrastructure created will ultimately build a healthier, more equitable state. HB 601-FN would freeze innovative health solutions and have far-reaching consequences beyond our platform. We write today to oppose the legislation because it will make it harder for those in need to receive assistance and for the following reasons:

- **It would lead to the disruption of New Hampshire's health care industry:** As drafted, HB 601-FN would not only upend New Hampshire's efforts to coordinate care on the Unite Us Platform, but also prohibit existing forms of collaboration and coordination among health and social service providers, significantly disrupting the state's health care system during a global pandemic.
- **It would establish overly burdensome consent requirements:** HB 601-FN, which would effectively mandate consent multiple times at different service points, not only results in program inefficiencies, it creates barriers to accessing quality care for the most vulnerable populations. Our solution is designed to respect the privacy of our clients and eliminate the trauma that could potentially arise from repeated disclosures.
- **It would create an additional level of bureaucracy:** Unite Us stringently complies with federal HIPAA guidelines and regulations. While states can certainly impose additional regulations like those outlined in HB 601-FN, we urge the committee to consider how the bill's proposed revisions to HIPAA's well-established, decades-old guidelines will unintentionally reduce access to care. This proposed bill would set back over a decade of efforts by public and private partners to break down the silos between health and human service providers that lead to substandard health outcomes.

The proposed bill is far reaching and will create severe, unintended consequences that will make it harder for citizens of the Granite State to access health and social services during a global pandemic. For these reasons, we oppose HB 601-FN and respectfully ask you to do the same. We appreciate your consideration and thank you for your time on this important issue.

Sincerely,



Taylor Justice, Co-Founder and President, Unite Us

Unite Us Privacy Notice

Last Updated: June 15, 2020

THIS PRIVACY NOTICE DESCRIBES HOW YOUR INFORMATION MAY BE USED AND DISCLOSED AND HOW YOU CAN ACCESS THIS INFORMATION.

About Unite Us and the Network

Unite Us is a technology platform that connects individuals with health and social services such as housing, food, legal aid, transportation, employment, job training and disaster relief across a network of organizations that we call the **Network**. Unite Us works together with our “**Network Participants**” that include health care providers, health plans, health information exchanges, social service providers and state and local government entities across the country to ensure that a person’s health care and social care are coordinated into one seamless journey.

What information is collected on the Network and where do we get it?

Information about you may come to us directly through a care coordinator or social worker helping you seek assistance or through a website request form. Information about you may also be disclosed to us by your service providers if they are a member of our Network or by your health plan in the course of trying to get you access to services that they may not directly provide. This information will also be shared within our organization and with other Network Participants to provide you with services. In some situations, we may receive protected health information from a Network Participant, which we may use and disclose only as permitted or required by applicable law. We may also receive personal information about you from third-party analytics providers. Regardless of the source of information, Unite Us and its Network Participants are committed to safeguarding your personal information from unlawful use and disclosure.

To address your needs and connect you to our Network Participants, Unite Us may collect and keep a record of information about you. This information may include your name, social security number, telephone number, address and email, age, gender, nationality, ethnicity, physical and mental health condition, health insurance and care team, finances and employment, housing needs, contact information for your family members and caregivers, military background, information about the community programs you have been or are currently enrolled in, and other information that may be required to determine if you are eligible for government benefits, tax credits, income/debt assistance, insurance coverage, housing assistance and other programs and services offered by our Network Participants.

Some of the information we collect may be considered personal information under federal and/or state privacy laws. Unite Us limits who can access your information and takes reasonable steps to prevent third parties from accessing your information inappropriately. Our technology allows us to track the source of the information, who accessed your information, if any disclosures have been made and control what information is shared within the Network.

How will Unite Us use and disclose your information?

Unite Us may disclose personal information about you as permitted by you or as permitted or required under applicable laws. The following list describes examples of situations where your information may be used and disclosed to individuals outside our organization:

- **To Contact You, a Family Member or Caregiver:** When your information is entered into our web-based platform, you will be asked to provide contact information for yourself and any other persons involved in your care. If you do so, you give us permission to use that information to contact you and the individuals you have identified and to provide services to you. We may use the information to communicate necessary information about your appointments, to update you on your care or care management options, programs and benefits you or your family may be eligible for, or to connect you with any of our Network Participants and to follow up with our Network Participants about services you have received or programs you have enrolled in.
- **Referral for Treatment, Care Coordination, Case Management:** Unite Us may gather, use and disclose your personal information to Network Participants to facilitate the delivery of health and social care, care coordination, case management, the determination of eligibility for governmental or other private program benefits or for other purposes permitted by you or required by law. Our referral network providers may include case managers, care navigators, doctors, nurses and other healthcare professionals, public health agencies and officials, insurers, social workers, housing officials, and other professionals that provide or coordinate health and social care, mental health or behavioral health treatment, housing and emergency shelter, transportation, education, food and financial assistance among other services. Different departments within our organization may also share personal information about you in order to coordinate the referral of services you need to our Network Participants.
- **For Payment or Qualification for Government Benefits:** Unite Us and Network Participants may disclose your personal information to insurance or managed care companies, government agencies, utility companies and other providers to assist in the payment of your bills, reduce debt or tax liability or to qualify you for government benefits or other programs.
- **For Business Operations:** Unite Us may use and disclose your personal information for our business operations. For example, Unite Us and Network Participants may use personal information to evaluate the performance of our platform and the Network. Unite Us may use your information for our business planning and program development, and to investigate complaints. Additionally, Unite Us may disclose your personal information to our subcontractors, and “business associates” when they perform services that may require the use of your personal information, such as technology, accounting, auditing, legal, and consulting services. Our business associates will be required to keep your personal information confidential and comply with all applicable laws.
- **Marketing:** Subject to applicable law, Unite Us may contact you to give you information about products, services or programs related to your treatment, case management, care coordination or other healthcare, social, and financial needs. Unite Us will not use or disclose your personal information for marketing purposes without your written authorization.

- **Disclosures Required by Law:** Unite Us may use or disclose your personal information when required or permitted to do so by applicable law. The following are examples of some of the situations where we may be required to use or disclosure information about you without your consent.
 -
 - **Regulatory Oversight Activities:** Unite Us may disclose your information to a regulatory agency for activities authorized by law.
 -
 - **Lawsuits and Other Legal Proceedings:** We may disclose your personal information in the course of a judicial or administrative proceeding or in response to an order of a court or administrative tribunal, a subpoena, a discovery request, or other lawful process.
 -
 - **Military:** If you are a member of the armed forces, we may use and disclose personal information as required by military command authorities, the Department of Veterans Affairs, or other authorized federal officials.

42 CFR Part 2 Compliance: Unite Us takes additional precautions, including prohibitions on redisclosure, for those referrals and services that are subject to 42 CFR Part 2 and deemed sensitive.

Privacy and Security of Information: Unite Us complies with applicable law to maintain the privacy and security of personal information. Although no system is completely secure from unauthorized access, we maintain administrative, technical and physical controls to reasonably safeguard your information from unauthorized access, use or disclosure.

Our Website

We maintain a website to provide general information about our services to the public. We collect personal and other information about users over time and across different websites and devices when you use our website. For example, we may collect your name, email address, phone number, the name of your company and the state or region where you reside when you request a demo of our software, request to receive our newsletters or blog updates, fill out a “Contact Us” form, contact us by email or phone, apply for a position at Unite Us, or provide us feedback. We also have third parties that collect personal information this way. We, or our vendors, use several common online tracking tools to collect this information. These may include browser and flash cookies, as well as web beacons and similar technologies. Some browsers have a “Do Not Track” feature that lets you inform websites that you do not want to have your online activities tracked. These browser features are not uniform, so we are not currently set up to respond to those signals.

We use third-party advertising companies to serve ads when you visit our website. These companies use cookies or similar technologies to track visitors to this website and gather demographic information about them. This data is used to deliver customized content and

promotions to users whose behavior indicates that they are interested in a particular subject area. Our provision of a link to any other website or location is for your convenience and does not signify our endorsement of such other website or location or its contents. If you do not want information concerning your website visits to be used for the purposes described above you can send us a request as described below.

Notice to California Residents

This section of our privacy notice applies only to California residents and describes additional rights available to such residents. These rights do not apply to personal information covered by HIPAA or the California Confidentiality of Medical Information Act, publicly available information from government records, de-identified or aggregated information, or personal information covered by certain other privacy laws. We do not sell personal information as the term “sale” is defined under the California Consumer Protection Act.

As outlined in our privacy notice, you have the right to request deletion of personal information from our records, subject to applicable law; the right to request information collected about you in the prior twelve months; and the right to request information about the sale or disclosure of your personal information. We reserve the right to request additional information from you to verify your identity in connection with any such request. We will not discriminate against you for exercising any of these rights.

General Information

Requests: Please submit all requests, complaints, concerns or requests for a copy of this notice in writing to our Director of Compliance at compliance@uniteus.com or via our toll-free number at (844) 786-4838.

Changes to this Notice: Unite Us reserve the right to change this notice at any time, which changes shall be available on the Unite Us website. Unite Us reserves the right to make the revised or changed notice effective for the personal information we already have about you as well as any personal information we receive about you in the future.

Notice to Website Users Located Outside the U.S.: Unite Us operates in accordance with the laws of the U.S. When you access our website from outside the U.S., we may transfer the personal information that we collect from you to a location outside of your jurisdiction, including the U.S. The data protection laws in these jurisdictions may not provide you with the same protections as those of your jurisdiction. By using this website you acknowledge that these laws may provide a different standard of protection and you consent to the transfer of your personal data to other jurisdictions, including the U.S.

Children: We do not intentionally collect personal information about website visitors under the age of 13.

Translations: We make versions of this privacy notice available in languages other than English. The English version governs our relationship. The translated version is provided for convenience only and will not be interpreted to modify the English version.

PROPOSED AMENDMENT TO HB 601-FN - AS INTRODUCED

February 8, 2021

2021 SESSION

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

REPLACE ALL AFTER THE ENACTING CLAUSE WITH THE FOLLOWING:

1 New Subdivision; Health or Social Service Agency Personal Information Privacy. Amend RSA 126-A by inserting after section 88 the following new subdivision:

Health or Social Service Agency Personal Information Privacy

126-A:89 Health or Social Service Agency; Personal Information Privacy

- I. Definitions. In this subdivision, the following words shall have the following meanings***
 - a. "Personal information" includes an individual's image, location, name, address, or telephone number; social security, health insurance policy, bank account, credit card or any other identification number; finger prints, voice prints, DNA or any other unique biological identification information; and any other data that would, alone or in combination with other data, enable the individual to be identified.***
 - b. "Health or social service agency" means an agency that offers a range of social services funded by the government or a private, for profit, or nonprofit organization that promotes the well-being of individuals, families, and communities, including, in each case, employees, volunteers, agents, contractors and vendors.***
 - c. "Department" shall mean the department of health and human services, including employees, agents, contractors and vendors.***
 - d. "Searchable database" means a systematized collection of information generally stored, accessed and manipulated electronically from a computer system.***

- II. Neither the department nor any health or social service agency in the state of New Hampshire shall share, transfer, sell, rent or otherwise make available to any individual, person or organization any personal information of any individual who requests information, assistance or services from that entity without the individual's informed consent.***

III. Neither the department nor any health or social service agency in the state of New Hampshire shall require an individual's consent to share, transfer, sell, rent or otherwise make available personal information with the department or another health or social service agency in this state or another state as a condition for such individual to receive information, assistance or services from the department or such health or social service agency. Neither the department nor any health or social service agency in the state of New Hampshire shall attempt by any means to influence the individual's decision to provide consent.

IV. If the interaction between the individual and the department or health and social service agency is by electronic means, "informed consent" shall mean the selection by the individual seeking information, assistance or services from the department or a social service agency of one of the options set forth below presented to him or her in 14-point or larger type on a separate electronic page containing the following and nothing else:

CONSENT TO SHARE PERSONAL INFORMATION

**Choose one of the following by placing an X on the appropriate line.
Please note that you will get the same services regardless of your choice.**

___ Do not share my personal information with anyone.

OR

___ You may share my personal information with any other public or private health or social service agency in this or any other state, BUT YOU MAY NOT INCLUDE IT IN ANY SEARCHABLE DATABASE that may be accessed by any such agency.

OR

___ You may share my personal information with any other public or private health or social service agency in this or any other state, AND YOU MAY INCLUDE IT IN ANY SEARCHABLE DATABASE that may be accessed by any such agency.

V. If the interaction between the individual and the department or health and social service agency is by non-electronic means, such as in person or on paper, "informed consent" shall mean the signature of the individual seeking information, assistance

or services from the department or a social service agency beneath one of the options set forth below presented to him or her in 14-point or larger type on a separate piece of paper containing the following and nothing else:

CONSENT TO SHARE PERSONAL INFORMATION

Choose one of the following by placing signing your name and dating your signature on the appropriate line. Please note that you will get the same services regardless of your choice

Do not share my personal information with anyone.

Signature _____ Date _____

OR

*You may share my personal information with any other public or private health or social service agency in this or any other state, **BUT YOU MAY NOT INCLUDE IT IN ANY SEARCHABLE DATABASE** that may be accessed by any such agency.*

Signature _____ Date _____

OR

*You may share my personal information with any other public or private health or social service agency in this or any other state **AND YOU MAY INCLUDE IT IN ANY SEARCHABLE DATABASE** that may be accessed by any such agency.*

Signature _____ Date _____

2 Effective Date. This act shall take effect 60 days after its passage

Archived: Wednesday, March 17, 2021 9:54:59 AM
From: Carolyn Virtue
Sent: Monday, March 8, 2021 1:06:48 PM
To: ~House Health Human Services and Elderly Affairs
Cc: senclegg@aol.com
Subject: HB 601 - Representative Ammon Amendment
Importance: High

3/8/21

HB 601 -

Good Morning

Bob Clegg, Legislative Solution for my client Carolyn Virtue of Granite Case Management. We are here today in Support of the Representative Ammon Amendment Number 2021-0412

To recap from the initial hearing, a sole source DHHS contract to add a closed loop referral platform, utilizing blanket consents in NH was issued with Federal CARES act dollars as the funding source. The contract was passed through G&C WITHOUT approval of the counselors (Information Only Item). The contract was sole sourced to a vendor which is NOT HIPAA compliant. There are many Closed Loop Referral platforms available, many ARE HIPAA compliant. One of NH's MCO's and NH's larger hospitals utilize their own HIPAA compliant data sharing platforms and these alternatives should be considered.

The legislature has yet to weigh in on the NH DHHS move to create and endorse a system of non-medical providers sharing NH citizens health information. The amendment before you seeks a moratorium to give the legislature time to develop the policy surrounding closed loop referral systems and blanket consents. Time to decide if NH does or does not want to engage in this level of data sharing of our citizens personal information and what, if any protections should be offered. Time to consider the addition of another layer of bureaucracy without the removal of existing layers which become duplicative. Time to fully vet the definitions of providers and or services before adding those to statute.

The amendment addresses those concerns.

We agree there may be some merit to closed loop referral systems and blanket consents, but NH is ill prepared to move into a state run system at this time without legislative consideration of such a program. The necessary framework to implement should be put in place by this body. The whole program should be suspended until the legislature has legislated their will and the will of those they represent on the initiative. The amendment before you does that.

Carolyn is the Chair of the New Hampshire Medical Care Advisory Committee. Please know that I do not speak for the MCAC, it's members or the department today when I convey that which is public record. The MCAC has a Subcommittee on Closed Loop Referral Systems and Blanket Consents and that subcommittee will begin their work this week.

Data storage, Information sharing and Referral Management solutions are powerful tools. Streamlining processes though "in the cloud" referral routing and tracking for healthcare delivery systems with multiple care-locations (hospitals, clinics, specialists, practices, sites of care) can produce efficiencies. However, we must keep in the adverse can be true if the system is not

properly managed or when it duplicates other practices. Also, where the Electronic Health Record (EHR - individual data collected from many sources, stored for sharing) solutions tracks referrals from all sources and can fully pull the information from your Electronic Medical Records (EMR - an electronic version of your physicians office chart) HIPAA compliance should be an essential component. This information will be safest kept in medical systems. The information once collected, has value. How will it or will it not be shared or sold? We should all fully understand each of these components before we move forward.

Collaboration with this legislature and this committee is needed to effectively legislate and create this system, a system with proper privacy protections in place for the individuals served. The amendment before you gives all parties the opportunity to do their job.

Carolyn A Virtue
Granite Case Management
Cell: (603) 848-7345

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Archived: Wednesday, March 17, 2021 9:54:59 AM
From: Leah Cushman
Sent: Monday, March 8, 2021 3:57:18 PM
To: Carolyn Virtue; ~House Health Human Services and Elderly Affairs
Cc: senclegg@aol.com
Subject: Re: HB 601 - Representative Ammon Amendment
Importance: Normal

Ms. Virtue and Hon. Mr. Clegg,

Unfortunately, this bill received an ITL recommendation. My motion to adopt the amendment failed. There needs to be a lawsuit. This closed loop system is unconstitutional.

Thank you for your email.

Sincerely,

Rep. Leah Cushman
(603) 851 7890

From: Carolyn Virtue <carolyn@granitecm.us>
Sent: Monday, March 8, 2021 1:06 PM
To: ~House Health Human Services and Elderly Affairs <HHSEA@leg.state.nh.us>
Cc: senclegg@aol.com <senclegg@aol.com>
Subject: HB 601 - Representative Ammon Amendment

3/8/21

HB 601 -

Good Morning

Bob Clegg, Legislative Solution for my client Carolyn Virtue of Granite Case Management. We are here today in Support of the Representative Ammon Amendment Number 2021-0412

To recap from the initial hearing, a sole source DHHS contract to add a closed loop referral platform, utilizing blanket consents in NH was issued with Federal CARES act dollars as the funding source. The contract was passed through G&C WITHOUT approval of the counselors (Information Only Item). The contract was sole sourced to a vendor which is NOT HIPAA compliant. There are many Closed Loop Referral platforms available, many ARE HIPAA compliant. One of NH's MCO's and NH's larger hospitals utilize their own HIPAA compliant data sharing platforms and these alternatives should be considered.

The legislature has yet to weigh in on the NH DHHS move to create and endorse a system of non-medical providers sharing NH citizens health information. The amendment before you seeks a moratorium to give the legislature time to develop the policy surrounding closed loop referral systems and blanket consents. Time to decide if NH does or does not want to engage in this level of data sharing of our citizens personal information and what, if any protections should be offered. Time to consider the addition of another layer of bureaucracy without the removal of existing layers which become duplicative. Time to fully vet the definitions of providers and or services before adding those to statute.

The amendment addresses those concerns.

We agree there may be some merit to closed loop referral systems and blanket consents, but NH is ill prepared to move into a state run system at this time without legislative consideration of such a program. The necessary framework to implement should be put in place by this body. The whole program should be suspended until the legislature has legislated their will and the will of those they represent on the initiative. The amendment before you does that.



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Carolyn A Virtue
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Cell: (603) 848-7345


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Archived: Wednesday, March 17, 2021 9:55:00 AM
From: Rep03281
Sent: Sunday, February 7, 2021 4:13:33 PM
To: ~House Health Human Services and Elderly Affairs
Subject: HB 601
Importance: Normal
Attachments:
[NC Consent Form.docx](#)  [Unite Us Privacy Notice.docx](#) 

Kindly distribute the attached items to HHS Committee members prior to the February 8, 2021, hearing at 11 a.m. on HB 601. I am signed up to testify on the bill and in my testimony will be referring to the attached items.

Thank you,

Neal Kurk

Archived: Wednesday, March 17, 2021 9:54:59 AM
From: [Todd Marsh](#)
Sent: Monday, February 22, 2021 10:50:01 AM
To: ~House Health Human Services and Elderly Affairs
Subject: NH Local Welfare Administrators Association Opposition of HB 601
Importance: Normal
Attachments:
[NH Local Welfare Administrators Association Opposition of HB 601.pdf](#) 

Dear Honorable Chairman Pearson and Committee Members,

Attached is a letter in Opposition of **HB 601** prohibiting personal information expectation and sharing between health or social service agencies, including financial assistance programs, without individual consent.

The NH Local Welfare Administrators Association (NHLWAA) is a professional non-profit organization that educates and supports our municipal members to foster compliant, humanitarian and fiscally responsible assistance practices when assisting NH residents with NH RSA 165 statutorily obligated basic needs.

NHLWAA is respectfully submitting the attached letter to share information and strongly oppose HB 601, as its passage is contrary to NH RSA 165 compliant municipal welfare guidelines and will create a significant fiscal impact on municipalities by prohibiting the longstanding ability of municipal local welfare to verify potential applicant financial resources.

If approved, HB 601 will allow applicants to seek taxpayer funded municipal local welfare assistance without the NH RSA 165 statutory expectation to disclose potentially available need mitigating financial resources. Also, HB 601 requires applicants be informed withholding consent to disclose available financial resources is void of consequence for assistance eligibility, which will foster a significant decrease of financial resource disclosures.

NHLWAA respects and appreciates HB 601's intent to further protect personal information, beyond the current HIPPA privacy rules; however, the unintended financial and humanitarian consequence of HB 601 will strip a longstanding statutory financial resource expectation and disclosure verification ability away from municipal local welfare, resulting in a substantial increase of costs to municipal property taxpayers.

We hope this clarifying information is helpful and urge you to oppose HB 601 for the reasons provided. We are available to answer any questions you may have.

Respectfully yours,

Todd M. Marsh

NHLWAA President

603 332-3505

todd.marsh@rochesternh.net

Archived: Wednesday, March 17, 2021 9:54:59 AM
From: [Kenny S](#)
Sent: Sunday, February 28, 2021 3:16:59 PM
To: ~House Health Human Services and Elderly Affairs
Subject: PLease SUPPORT HB 601-FN
Importance: Normal

Legislators,

As a citizen of NH, I urge you to support HB 601-FN. It is time to end the government spying and data collection and respect individual privacy rights.

Please SUPPORT!

Thank you.

Respectfully,
Kenny Scipione
17 Highland Ave
Sandown NH 03873

Bill as
Introduced

HB 601-FN - AS INTRODUCED

2021 SESSION

21-0724

04/05

HOUSE BILL **601-FN**

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

SPONSORS: Rep. Ammon, Hills. 40; Rep. Sylvia, Belk. 6; Rep. Notter, Hills. 21; Sen. Daniels, Dist 11

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill requires that the privacy of personal information retained by a health or social service agency be protected and prohibits the sharing of such information between such agencies.

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 the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

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

1 1 New Subdivision; Health or Social Service Agency Personal Information Privacy. Amend RSA
2 126-A by inserting after section 88 the following new subdivision:

3 Health or Social Service Agency Personal Information Privacy

4 126-A:89 Health or Social Service Agency; Personal Information Privacy.

5 I. When an individual consents to receive assistance from any health or social service agency
6 in the state of New Hampshire, the consent given to the initial health or social service agency to use
7 the individual's personal information shall not be transferred to or retained by any other health or
8 social service agency, network, or entity.

9 II. No health or social service agency in the state of New Hampshire shall require a
10 individual's consent to share personal information with another health or social service agency in
11 this state or another state as a prerequisite for such individual to receive services from such health
12 or social service agency, including consent to share details regarding which health or social service
13 agency the individual has received help from in the past and associated information related to that
14 interaction. A health or social service agency shall explicitly and in writing inform any individual
15 seeking such assistance that lack of consent shall not affect the individual's ability to receive health
16 or social services from the agency and that the individual shall not be otherwise penalized.

17 III. The consent to the release of personal information to any health or social service agency
18 in the state shall not include consent to release personal information to other health or social service
19 agency, or a network of such agencies, to which the initial agency may belong, unless the individual
20 grants additional informed consent to the release of his or her personal information. Consent to the
21 release of personal information to a specific health or social service agency shall not include consent
22 to participate in a network of health or social service agency, unless the individual explicitly grants
23 such consent.

24 IV. Consent to the release of personal information to any health or social service agency in
25 the state shall not include the release of such information to a health or social service agency, or a
26 network of such agencies that merged after the individual consented to the initial release of personal
27 information.

28 V. No health or social service agency in this state shall develop or implement a searchable
29 database of an individual's personal information relating to the individual's interactions with

1 another health or social service agency in this or another state, other than the personal information
2 stored within the database of the health or social service agency providing the services to the
3 individual. No searchable database shall be accessible by any health or social service agency or
4 network of such agencies, or other individual, unless the individual who is the subject of the personal
5 information provides explicit informed consent to such release.

6 VI. In this subdivision:

7 (a) "Consent" and "informed consent" shall mean the signature of the individual, and the
8 date on which the signature was placed, on a piece of paper that states verbatim, in 14-point type or
9 larger, the following:

10 CONSENT TO SHARE PERSONAL INFORMATION

11 Please choose what you want to happen to any personal information you provide to [here insert
12 the name of a health or social service agency]? Choose one of options listed below. You will get the
13 same services regardless of your choice

14 I give my consent to [here insert the name of a health or social service agency] to share my
15 personal information with another health social service agency in this or any other state BUT NOT
16 to have it included in a searchable database that may be accessed by another health or social service
17 agency.

18 Signature _____ Date _____

19 OR

20 I give my consent to [here insert the name of a health or social service agency] to share my
21 personal information with another health or social service agency in this or any other state and to
22 have it INCLUDED IN A SEARCHABLE DATABASE that may be accessed by another health or
23 social service agency.

24 Signature _____ Date _____

25 OR

26 I DO NOT GIVE MY CONSENT to [here insert the name of a health or social service agency] to
27 share my personal information with another social service agency or to have it included in any
28 searchable database.

29 Signature _____ Date _____

30 (b) "Health or social service agency" means an agency that offers a range of social
31 services, funded by the government, or a private, for profit, or nonprofit organization, that promotes
32 the well-being of individuals, families, and communities.

33 (c) "Personal information" shall include an individual's image, location, name, address,
34 or telephone number; social security, health insurance policy, bank account, credit card or any other
35 identification number; finger prints, voice prints, DNA and any other unique biological identification
36 information; and any other data that would, alone or in combination with other data, enable the
37 individual to be identified.

HB 601-FN - AS INTRODUCED

- Page 3 -

1 2 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0724
1/13/21

**HB 601-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Health and Human Services

Fiscal Notes

**HB 601-FN FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

The proposed legislation prohibits health or social service agencies from:

- sharing private health information unless consent, as defined in the legislation, is provided by individuals who received relevant services;
- requiring an individual to provide consent as a prerequisite to receive services;
- allowing any other "health or service agency" or individuals from accessing databases that contain personal health information; and
- storing personal information about an individual in a searchable database unless the individual provides consent, as defined in the legislation.

The Department of Health and Human Services anticipates the proposed legislation will lead to an indeterminable increase in costs to amend rules and forms, redesign Department databases, and track consenting and non-consenting individuals. The Department states that database redesign, in particular, may be costly. Federal funds may also be lost or paid back in the event of any violations of federal law.

It is assumed any fiscal impact from this bill will not occur until FY 2022.

AGENCIES CONTACTED:

Department of Health and Human Services