

REGULAR CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Executive Departments and Administration to which was referred HB 1330,

AN ACT relative to the board of registration of medical technicians. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Michael Yakubovich

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Executive Departments and Administration
Bill Number:	HB 1330
Title:	relative to the board of registration of medical technicians.
Date:	March 7, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0399h

STATEMENT OF INTENT

This bill, as amended, repeals the necessity for medical technicians to register with the state. Government licensing is the most burdensome form of occupational regulation. Hardly any other states licenses medical technicians. It's completely unnecessary; technicians already work under supervision of institutions and practitioners: hospitals, doctors, labs. Our hospitals and health care facilities have been struggling to hire workers. Let us remove a barrier in the way of Granite Staters entering the medical technician field, in the medical service of the public.

Vote 10-9.

Rep. Michael Yakubovich
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1330, relative to the board of registration of medical technicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Yakubovich for the **Majority** of Executive Departments and Administration. This bill, as amended, repeals the necessity for medical technicians to register with the state. Government licensing is the most burdensome form of occupational regulation. Hardly any other states licenses medical technicians. It's completely unnecessary; technicians already work under supervision of institutions and practitioners: hospitals, doctors, labs. Our hospitals and health care facilities have been struggling to hire workers. Let us remove a barrier in the way of Granite Staters entering the medical technician field, in the medical service of the public. **Vote 10-9.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 7, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Executive Departments and Administration to which was referred HB 1330,

AN ACT relative to the board of registration of medical technicians. 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. William Marsh

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1330
Title:	relative to the board of registration of medical technicians.
Date:	March 7, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0699h

STATEMENT OF INTENT

The minority opposes the majority amendment, which would repeal the board of registration of medical technicians. This Board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital. Briefly, a technician was diverting injectable opioids for personal use, contaminating drug vials with hepatitis C. NH was the first state to require registration of such technicians, and there have been no similar outbreaks in the state subsequently. According to the Association of Surgical technologists, 12 states currently require certification of surgical technologists, and 3 more besides NH require registration. The Board has been recently dysfunctional due to inability to obtain quorum and do its duties. HB 1330 would make it an advisory board so that OPLC can perform administrative functions. The first minority amendment ensures that the advisory board is consulted whenever important professional decisions need to be made. The second minority amendment adds alternate members. The minority believes that NH should continue to register medical technologists and the board should continue to exist, but become an advisory board. Therefore we recommend HB 1330 ought to pass with the proposed minority amendments.

Rep. William Marsh
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1330, relative to the board of registration of medical technicians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for the **Minority** of Executive Departments and Administration. The minority opposes the majority amendment, which would repeal the board of registration of medical technicians. This Board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital. Briefly, a technician was diverting injectable opioids for personal use, contaminating drug vials with hepatitis C. NH was the first state to require registration of such technicians, and there have been no similar outbreaks in the state subsequently. According to the Association of Surgical Technologists, 12 states currently require certification of surgical technologists, and 3 more besides NH require registration. The Board has been recently dysfunctional due to inability to obtain quorum and do its duties. HB 1330 would make it an advisory board so that OPLC can perform administrative functions. The first minority amendment ensures that the advisory board is consulted whenever important professional decisions need to be made. The second minority amendment adds alternate members. The minority believes that NH should continue to register medical technologists and the board should continue to exist, but become an advisory board. Therefore we recommend HB 1330 ought to pass with the proposed minority amendments.

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1330

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

2

3 AN ACT repealing the board of medical technicians in the office of professional licensure and
4 certification.
5

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

7

8 1 Office of Professional Licensure and Certification; Telemedicine and Telehealth. Amend RSA
9 310-A:1-g, III to read as follows:

10 III. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA
11 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F;
12 RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; ~~RSA~~
13 ~~328-I;~~ or RSA 328-J may provide services through telemedicine or telehealth, provided the services
14 rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand
15 the scope of practice for individuals regulated under this chapter.

16 2 Repeal. The following are repealed:

17 I. RSA 151:3-d, relative to the verification of medical technician registration.

18 II. RSA 310-A:1-a, I(pp), relative to the certification and regulation of medical technicians by
19 the office of professional licensure and certification.

20 III. RSA 328-I, relative to the board of medical technicians.

21 3 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to HB 1330
- Page 2 -**

2022-0399h

AMENDED ANALYSIS

This bill repeals the requirements for the certification and regulation of medical technicians by the office of professional licensure and certification.

Rep. Schuett, Merr. 20
Rep. Marsh, Carr. 8
February 14, 2022
2022-0699h
04/05

Amendment to HB 1330

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

2

3 1 Board of Registration of Medical Technicians; Definitions. Amend RSA 328-I:1, I to read as
4 follows:

5 I. "Board" means the *advisory* board of registration of medical technicians.

6 *I-a. "Executive director" means the executive director of the office of professional*
7 *licensure and certification.*

8 2 Board of Registration of Medical Technicians; Advisory Board Established. RSA 328-I:2 is
9 repealed and reenacted to read as follows:

10 328-I:2 Advisory Board of Registration of Medical Technicians. The executive director shall
11 establish an advisory board of registration of medical technicians consisting of 3 members. Two
12 members shall be licensed, registered, or certified health care providers with experience supervising
13 medical technicians. One shall be a medical technician required to be registered pursuant to this
14 chapter. Each member shall be appointed to a term of 3 years. No member shall serve more than 2
15 consecutive full terms. The advisory board shall advise the executive director regarding the
16 implementation of this chapter.

17 3 Medical Technicians; Initial Registration; Application; Fees. Amend RSA 328-I:6 to read as
18 follows:

19 328-I:6 Initial Registration; Application, Fees.

20 I. The ~~[board]~~ *executive director, in consultation with the advisory board,* may
21 register any person who submits a completed application. ~~[The fee for registration under this~~
22 ~~chapter shall be \$110.]~~

23 II. Completed applications shall include:

24 (a) Payment of the non-refundable registration fee;

25 (b) Reports of any pending criminal charges, criminal convictions, plea agreements in
26 lieu of convictions, or complaints made to or dispositions made by licensing, certification, or
27 registration boards.

28 (c) A complete set of fingerprints and a criminal history record release form pursuant to
29 RSA 328-I:7.

30 (d) The applicant's work history over the last 10 years.

Amendment to HB 1330

- Page 2 -

1 III. All applications shall include at a minimum, the applicant's name, social security
2 number, place and date of birth, place of employment in New Hampshire and the home address and
3 shall be duly signed and verified. Applications shall be available for public inspection.

4 IV. Upon approval of the application by the [board] *executive director, in consultation*
5 *with the advisory board*, the applicant shall be registered as a medical technician for 2 years.
6 Such registration shall take effect within 90 days after the filing of such completed application.

7 V. Any medical technician who changes his or her name, place or status of employment in
8 New Hampshire, or residence shall notify the [board] *executive director* in writing within 30 days.
9 For failure to report such a change within 30 days of such event, the [board] *executive director* may
10 suspend the medical technician's registration.

11 VI. Once an application has been approved by the [board] *executive director*, a temporary
12 registration may be issued, pending receipt of the criminal records check and fingerprint
13 information.

14 4 Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

15 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
16 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
17 [board] *executive director*. [~~The fee for renewal of certificates of registration shall be \$110.~~]
18 Certificates of registration for medical technician shall be renewed upon the payment of the renewal
19 fee.

20 5 Medical Technicians; Disciplinary Action; Investigations. Amend RSA 328-I:10-11 to read as
21 follows:

22 328-I:10 Disciplinary Action; Remedial Proceedings.

23 I. The [board] *executive director* is authorized to undertake investigations and disciplinary
24 proceedings upon:

25 (a) The [board's] *executive director's* initiative, *in consultation with the advisory*
26 *board*.

27 (b) A written complaint made by any person complaining that a registrant has
28 committed an act of misconduct and specifying the nature of the misconduct.

29 (c) A written complaint made by any person that a person is engaged in unauthorized
30 practice.

31 (d) Notification by a licensing or certifying agency of this state that a registrant has been
32 disciplined by that agency.

33 (e) Notification by the regulatory authority of another domestic or foreign jurisdiction
34 that a registrant has been disciplined in that jurisdiction.

35 (f) A report made pursuant to the obligation to report imposed by this chapter.

36 II. The [board] *executive director, in consultation with the advisory board*,

Amendment to HB 1330

- Page 3 -

1 may undertake non-disciplinary remedial proceedings (a) upon [its] *his or her* own initiative or (b)
2 upon written complaint of any person which charges that a person registered by the [board]
3 *executive director* is afflicted with a condition as set forth in paragraph VI and which specifies the
4 grounds therefor.

5 III. Every facility administrator, or designee, for any licensed hospital, health clinic,
6 ambulatory surgical center, or other health care facility within the state shall report to the [board]
7 *executive director* any disciplinary or action related to disruptive conduct, professional
8 incompetence or violation of an organizational rule or procedure involving controlled substances, or
9 any adverse action which results in the termination of an employment relationship, within 30 days
10 after such action is taken, including situations in which allegations of misconduct are settled by
11 voluntary resignation without adverse action, against a person registered by the [board] *executive*
12 *director*. Disciplinary or adverse action shall include the requirement that a registrant undergo
13 counseling or be subject to any policy with regard to disruptive behavior.

14 IV. In cases involving imminent danger to life or health, the [board] *executive director*
15 may order suspension of a license pending hearing for a period of no more than 120 days. In such
16 cases, the basis for the [board's] *executive director's* finding of imminent danger to life or health
17 shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11.
18 A licensee may be allowed additional time to prepare for a hearing, but any additional time for
19 preparation shall result in an extension of license suspension commensurate with the additional
20 time extended.

21 V. The [board] *executive director, in consultation with the advisory board,* after
22 hearing, may take disciplinary action against any person registered by it upon finding that the
23 person:

24 (a) Has knowingly provided false information during any application for registration or
25 employment, whether by making any affirmative statement which was false at the time it was made
26 or by failing to disclose any fact material to the application.

27 (b) Is a habitual user of drugs or intoxicants.

28 (c) Has engaged in dishonest or unprofessional conduct, or has negligently or
29 intentionally injured a patient while practicing as a medical technician or performing such ancillary
30 activities.

31 (d) Has willfully or repeatedly violated any provision of this chapter or any substantive
32 rule of the [board] *executive director*.

33 (e) Has been convicted of a felony under the laws of the United States or any state.

34 VI. The [board] *executive director, in consultation with the advisory board,* may take
35 non-disciplinary remedial action against any person registered by it upon finding that the person is
36 afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the

Amendment to HB 1330

- Page 4 -

1 public health. Upon making an affirmative finding, the [board] *executive director*, may take non-
2 disciplinary remedial action:

3 (a) By suspension, limitation, or restriction of a registration for a period of time as
4 determined reasonable by the [board] *executive director*.

5 (b) By revocation of registration.

6 (c) By requiring the person to submit to the care, treatment, or observation of a
7 physician, counseling service, health care facility, professional assistance program, or any
8 combination thereof which is acceptable to the [board] *executive director*.

9 (d) By requiring the person to practice under the direction of a physician in a public
10 institution, public or private health care program, or private practice for a period of time specified by
11 the [board] *executive director*.

12 VII. The [board] *executive director*, *in consultation with the advisory board*, upon
13 making an affirmative finding under paragraph V, may take disciplinary action in any one or more
14 of the following ways:

15 (a) By reprimand.

16 (b) By suspension, limitation, or restriction of a registration or probation for a period of
17 time as determined reasonable by the [board] *executive director*.

18 (c) By revocation of registration.

19 (d) By requiring the person to submit to the care, treatment, or observation of a
20 physician, counseling service, health care facility, professional assistance program, or any
21 combination thereof which is acceptable to the [board] *executive director*.

22 (e) By assessing administrative fines in amounts established by the [board] *executive*
23 *director* which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for
24 each day that the violation continues, whichever is greater.

25 VIII. The [board] *executive director*, *in consultation with the advisory board*, may
26 issue a non-disciplinary confidential letter of concern to a registrant advising that, the [board]
27 *executive director* believes the medical technician should modify or eliminate certain practices, and
28 that continuation of the activities which led to the information being submitted to the [board]
29 *executive director* may result in action against the registrant's registration. This letter shall not
30 be released to the public or any other licensing authority, except that the letter may be used as
31 evidence in subsequent disciplinary proceedings by the [board] *executive director*.

32 IX. Disciplinary or non-disciplinary remedial action taken by the [board] *executive director*
33 under this section may be appealed to the supreme court under RSA 541.

34 X. No civil action shall be maintained against the ~~[board or any member of the board]~~
35 *executive director or the advisory board*, or its agents or employees, with regard to any action or
36 activity taken in the performance of any duty or authority established by this chapter. No civil
37 action shall be maintained against any organization or its members or against any other person for

Amendment to HB 1330

- Page 5 -

1 or by reason of any good faith statement, report, communication, or testimony to the [board]
2 *executive director* or determination by the [board] *executive director* in relation to proceedings
3 under this chapter.

4 XI. [Repealed]

5 XII. Allegations of professional misconduct or other violations of this chapter enforceable by
6 the [board] *executive director* shall be brought within 6 years from the time the [board] *executive*
7 *director* could reasonably have discovered the act, omission, or failure complained of, except that
8 conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing
9 authority in another jurisdiction may be considered by the [board] *executive director* without time
10 limitation in making registration or disciplinary decisions if the conduct would otherwise be a
11 ground for discipline under this chapter. The [board] *executive director* may also consider
12 registrant conduct without time limitation when the ultimate issue before the [board] *executive*
13 *director* involves a pattern of conduct or the cumulative effect of conduct which becomes apparent
14 as a result of conduct which has occurred within the 6-year limitation period prescribed by this
15 paragraph.

16 XIII. When an investigation of a complaint against a registrant is determined to be
17 unfounded, the [board] *executive director* shall dismiss the complaint and explain in writing to the
18 complainant and the registrant its reason for dismissing the complaint. The [board] *executive*
19 *director* shall destroy all information collected during the course of the investigation ~~[after 6 years.~~
20 ~~The board shall retain a record only noting that an investigation was conducted and that the board~~
21 ~~determined the complaint to be unfounded]~~ *in accordance with the retention policy adopted by*
22 *the office of professional licensure and certification*. For the purpose of this paragraph, a
23 complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the [board]
24 *executive director*, does not relate to the actions of the registrant, or is determined by the [board]
25 *executive director* to be frivolous.

26 328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

27 I. The [board] *executive director* may investigate possible misconduct by registrants and
28 applicants for registration, as well as the unauthorized practice under this chapter and other
29 matters within the scope of this chapter. [Board] Investigations and the information gathered in
30 such investigations, including information provided to the [board] *executive director* under RSA
31 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of
32 RSA 91-A, except to the extent such information may later become the subject of a public
33 disciplinary hearing. The [board] *executive director* may disclose information acquired in an
34 investigation to law enforcement or health licensing agencies in this state or any other jurisdiction,
35 or in response to specific statutory requirements or court orders.

36 II. No certificate of registration shall be suspended or revoked until after a hearing before
37 the [board] *executive director*, *in consultation with the advisory board*, which shall be held in

Amendment to HB 1330

- Page 6 -

1 accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or
2 registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the
3 records of the [board] *executive director*, such a registrant fails to attend such hearing, then the
4 [board] *executive director* may suspend his or her registration without a hearing pending his or
5 her attendance at such hearing.

6 III. Upon the denial of an application for a certificate of registration, the [board] *executive*
7 *director* shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made
8 within 30 days after the applicant is notified of denial. The [board] *executive director* shall have
9 the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of
10 such hearing.

11 IV. If a certificate of registration is revoked or suspended or an application is denied, no
12 such certificate shall be issued to such former registrant or applicant for at least 6 months, or
13 thereafter, except in the discretion of the [board] *executive director, in consultation with the*
14 *advisory board.*

15 V. The applicant or registrant may be heard in person or by counsel. The [board] *executive*
16 *director* shall notify the applicant of the time and place of the hearing. The [board] *executive*
17 *director* shall have the power to subpoena any person in this state, or document, record or other
18 relevant evidence, and administer an oath to and take the testimony of any such person or cause his
19 or her deposition to be taken.

20 6 Medical Technicians; Investigative Costs. Amend RSA 328-I:14 to read as follows:

21 328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by
22 the board, where the [board] *executive director, in consultation with the advisory board,* has
23 found misconduct sufficient to support disciplinary action, including but not limited to a violation of
24 this chapter or an administrative rule adopted under this chapter, the [board] *executive director*
25 may require the registrant who is the subject of such finding to pay the [board] *executive director* a
26 sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum
27 shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized
28 administrative fines levied by the [board] *executive director* as part of the penalty. The
29 investigative and prosecution costs shall be assessed by the [board] *executive director* and any
30 sums recovered shall be credited to the [board's] *office of professional licensure and*
31 *certification* fund and disbursed by the [board] *executive director* for any future investigations of
32 complaints and activities ~~[that violate this chapter or rules adopted under this chapter].~~

33 7 Reference Change; Executive Director. Amend the following RSA provisions by replacing the
34 term "board" with "executive director": RSA 328-I:3; 328-I:4; 328-I:5; 328-I:7; 328-I:9; 328-I:13; and
35 328-I:16.

36 8 Effective Date. This act shall take effect 60 days after its passage.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1330

BILL TITLE: relative to the board of registration of medical technicians.

DATE: March 7, 2022

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Yakubovich Seconded by Rep. T. Lekas AM Vote: 10-9

Amendment # 2022-0399h

Moved by Rep. Yakubovich Seconded by Rep. T. Lekas Vote: 10-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk



1/22/2021 9:57:48 AM
Roll Call Committee Registers
Report

21
2021 SESSION

YA
LEK

Executive Departments and Administration

Bill #: *HR* 1330 Motion: *ADOPT AMEND* AM #: *0399 H* Exec Session Date: *3-7-22*

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman <i>RHOODES</i>	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.		X	
Schuett, Dianne E.		X	
Judy, Jean L.		X	
Schmidt, Peter B. <i>HORRIGAN</i>		X	
Schultz, Kristina M. <i>MARSH</i>		X	
Fellows, Sallie D.		X	
Fontneau, Timothy J.		X	
Grote, Jaci L.		X	
O'Brien, Michael B.		X	
TOTAL VOTE:			

10-9



1/22/2021 9:57:48 AM
Roll Call Committee Registers
Report

²⁰
2021 SESSION

YAK
LEK

Executive Departments and Administration

Bill #: HB 1330 Motion: OTP/A AM #: (0399H) Exec Session Date: 3-7-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman <i>RHODES</i>	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X	X	
Schuett, Dianne E.		X	
Jeady, Jean L.		X	
Schmidt, Peter B. <i>HORRIGAN</i>		X	
Schultz, Kristina M. <i>MARSH</i>		X	
Fellows, Sallie D.		X	
Fontneau, Timothy J.		X	
Grote, Jaci L.		X	
O'Brien, Michael B.		X	
TOTAL VOTE:			

10-9

MIA MARSH

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1330

BILL TITLE: relative to the board of registration of medical technicians.

DATE: 2/1/2022

Subcommittee Members: Reps. Yakubovich, Bailey, Goley, Fellows and Santonastaso

Comments and Recommendations:

HB 1330 with amendment 0399h.
Amendment passed 3-1
Passed OTPA, 3-1

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

Moved by Rep. Santonastaso Seconded by Rep. Bailey AM Vote: 3-1

Adoption of Amendment # 0399h

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, (OTP/A), ITL, Retained (1st Yr), Interim Study (2nd Yr) with 0399h
(Please circle one)

Moved by Rep. Santonastaso Seconded by Rep. Bailey AM Vote: 3-1

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. Glenn Bailey
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1330

BILL TITLE: relative to the board of registration of medical technicians.

DATE: February 1, 2022

Subcommittee Members: Reps. Yakubovich, Bailey, Goley and Santonastaso

Comments and Recommendations: HB1330 with Amendment 0399h. Amendment passed 3-1,
Passed OTPA 3-1

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Santonastaso Seconded by Rep. Bailey AM Vote: 3-1

Amendment # 2022-0399h

Moved by Rep. Santonastaso Seconded by Rep. Bailey Vote: 3-1

Respectfully submitted,

Rep. Glenn Bailey
Subcommittee Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1330

BILL TITLE: relative to the board of registration of medical technicians.

DATE: January 20, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 11:30 a.m.

Time Adjourned: 11:40 a.m.

Committee Members: Reps. McGuire, Rhodes, Yakubovich, Sytek, S. Pearson, T. Lekas, Alliegro, Bailey, Santonastaso, Goley, Schuett, P. Schmidt, Jeudy, Fellows, Grote, O'Brien and Marsh

Bill Sponsors:
Rep. P. Schmidt

TESTIMONY

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

Rep. Schmidt, sponsor, introduced the bill. As with other similar bills (regarding the smaller professions), it shifted the administrative functions of the Board to the OPLC.

Lindsey Courtney, Executive Director of the OPLC, said this was another Board that has a statutory lack of quorum with another resignation imminent. She took Committee questions. She said that NH was the only state that registers medical technician; that medical technicians acts always act under supervision; whether this profession should be un-registered.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1330 Non Germain Amendment 2022-0399h

BILL TITLE: relative to the board of registration of medical technicians.

DATE: February 14, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 11:05 a.m.

Committee Members: Reps. Sytek, Yakubovich, S. Pearson, T. Lekas, Alliegro, Bailey, Goley, Jeudy, Schuett, Fellows, Grote, O'Brien and Marsh, Perez

Bill Sponsors:
Rep. P. Schmidt

TESTIMONY

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

In the absence of Chairman McGuire, **Rep. Pearson** opened the public hearing.

Rep. Yakubovitch introduced the non-germane amendment. He said that NH was the only state that regulates medical technicians and that they practice only under the supervision of doctors and hospitals – they do not practice independently. There was a Committee question as to whether NH was, in fact, the only state that regulated med techs. As a result of a follow-up, the Chair agreed to have this statement researched.

Kathy Bizzaro, Executive VP, NH Hospital Ass'n, spoke in opposition to the amendment. She said the NHMA was supportive of the unamended bill. She referenced the serious incident a few years back where a med tech infected numerous patients resulting in fatalities. She said this was only a registration, a list of med techs who have access to both opioids and patient care. She enumerated that list. Concerning the situation in other states, she explained that these other states license lab technicians which, under present law, are registered in NH. She took Committee questions.

Sen. Sherman spoke in opposition to the amendment but was supportive of the underlying bill. He recounted his personal history and involvement in the discovery of the cause and the technician responsible for the tragic incident. He described the consequences on the incident at Exeter Hospital. He described the formation of a steering committee and bills that followed. He said that the perpetrator fell "into a gap" of medical personnel who had access to controlled substances and patient care but who were not listed anywhere. He said this was not the only incident and described another episode. He said that he was trying to close this gap, not to register everyone. He took Committee questions which led to extensive dialogue.

Michael Padmore, Director of Advocacy, NH Medical Ass'n, spoke in opposition to the amendment. He described his opposition as a matter of patient safety. This registry would be an additional resource for hospitals. He took a Committee question regarding references given about a terminated medical personnel.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1330 on 2022-01-20

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/19/2022 2:43 PM



February 16th, 2022

Dear Representative,

I write to you in support of amendment 2022-0399h. Government licensing is the most burdensome form of occupational regulation. Medical technicians are a critical component of our health care workforce. Hospitals and health care facilities have been struggling to hire workers. This license puts an additional barrier in the way of Granite Staters entering the medical technician field.

Protecting the health and safety of workers and patients is the foundation upon which the health care industry is built. Hospitals and health care facilities perform background checks, training, and certification to ensure patients' needs are being met in a safe manner. Ending the license requirement would do nothing to jeopardize this key function. Health care employers have an incentive to ensure the medical technicians employed at their facilities are not a risk to patient safety and many of their existing practices in hiring make the license requirement superfluous. These points make it obvious why no other State in the Union licenses medical technicians.

Reducing the burden on Granite State workers and those looking to move to our state to work should be a priority. Furthermore, in this instance unnecessary burdens also reduce the availability of health care for many Granite State patients. 16% of New Hampshire's workforce is licensed, and due to the onerous regulations licensure requires, an estimated 8,032 jobs are lost.¹ We should be seeking to reduce burdens on individuals pursuing work by using alternatives to licensure to address consumer and worker safety.

Licensing should be considered a last resort in regulating employment. If there is not a direct risk to consumer safety, the legislature should consider alternatives like private certification, inspections, bonding, private civil action, mandatory disclosures, etc. instead of licensing. The burden should be on advocates to prove that licensing is necessary and in the case of medical technicians we believe that their arguments fell far short of proving a need to continue the burden of licensure.

For these reasons we urge the committee to adopt amendment 2022-0399h and move HB 1330 Ought to Pass as Amended.

Sincerely,

Ross Connolly
Deputy State Director
Americans for Prosperity-New Hampshire
603-530-1151

¹ <https://new.ij.org/report/license-to-work-2/ltw-state-profiles/ltw2-new-hampshire/>

Archived: Thursday, May 19, 2022 9:57:11 AM
From: [Courtney, Lindsey](#)
Sent: Wednesday, January 26, 2022 3:16:35 PM
To: ~House Executive Departments and Administration
Subject: Correction to Record on HB1018, HB1330, and HB1061
Importance: Normal

Dear Members of the House Executive Departments and Administration Committee:

Thank you for the opportunity to provide testimony regarding the above bills. I am writing to correct the record. Specifically, during a portion of my testimony, I testified that the Board of Court Reporters have had quorum issues due to concerns over COVID-19 and the physical presence requirement of RSA 91-A. I also testified that we offered to meet them outside in the office's parking lot. Based upon discussions I had with staff members, and upon information and belief, we did make such an offer; however, my staff have since further clarified that the offer was not, in fact, communicated to the two board members as I had previously thought.

I take very seriously my professional and ethical obligations to provide accurate information to the General Court, and therefore, wish to correct the record to reflect that the offer to conduct a meeting outside was not communicated to the BOCR as previously indicated. I sincerely apologize for this error, which was a result of miscommunication with my staff. OPLC remains concerned about this board's ability to consistently meet quorum and is willing to do what is necessary to facilitate board meetings, including holding meetings outside.

Regards,

Lindsey

Lindsey B. Courtney, J.D. | Executive Director

NH Office of Professional Licensure and Certification

7 Eagle Square, Suite 200, Concord, New Hampshire 03301

603.271.6985 (Office) 603.406.4018 (Cell) | lindsey.courtney@oplcnh.gov | www.oplc.nh.gov

STATEMENT OF CONFIDENTIALITY

The information contained in this electronic message and any attachment to this message may contain confidential or privileged information and are intended for the exclusive use of the addressee(s). Please notify the NH Office of Professional Licensure and Certification immediately at (603) 271-6985 or reply to lindsey.courtney@oplcnh.gov if you are not the intended recipient and destroy all copies of this electronic message and any attachments. Thank you.

Archived: Thursday, May 19, 2022 9:57:05 AM
From: [Ross Connolly](#)
Sent: Wednesday, February 16, 2022 4:36:32 PM
To: ~[House Executive Departments and Administration](#)
Subject: Written Testimony HB 1330 Amend. 2022-0399h
Importance: Normal

Dear Representatives,

Attached is written testimony on HB 1330 Amendment 2022-0399h for your consideration. Please feel free to contact me with any questions on our position.

Best regards,

Ross Connolly | Deputy State Director | Americans for Prosperity – New Hampshire
m: 603.530.1151 | e: RConnolly@afphq.org | twitter @ConnollyRoss

HB 1330 - AS INTRODUCED

2022 SESSION

22-2412

11/04

HOUSE BILL **1330**

AN ACT relative to the board of registration of medical technicians.

SPONSORS: Rep. P. Schmidt, Straf. 19

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes the board of registration of medical technicians an advisory board within the office of professional licensure and certification.

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 Two

AN ACT relative to the board of registration of medical technicians.

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

1 1 Board of Registration of Medical Technicians; Definitions. Amend RSA 328-I:1, I to read as
2 follows:

3 I. "Board" means the **advisory** board of registration of medical technicians.

4 ***I-a. "Executive director" means the executive director of the office of professional***
5 ***licensure and certification.***

6 2 Board of Registration of Medical Technicians; Advisory Board Established RSA 328-I:2 is
7 repealed and reenacted to read as follows:

8 328-I:2 Advisory Board of Registration of Medical Technicians. The executive director shall
9 establish an advisory board of registration of medical technicians consisting of 3 members. Two
10 members shall be licensed, registered, or certified health care providers with experience supervising
11 medical technicians. One shall be a medical technician required to be registered pursuant to this
12 chapter. Each member shall be appointed to a term of 3 years. No member shall serve more than 2
13 consecutive full terms. The advisory board shall advise the executive director regarding the
14 implementation of this chapter.

15 3 Medical Technicians; Initial Registration; Application; Fees. Amend RSA 328-I:6 to read as
16 follows:

17 328-I:6 Initial Registration; Application, Fees.

18 I. The ~~board~~ **executive director** may register any person who submits a completed
19 application. ~~[The fee for registration under this chapter shall be \$110.]~~

20 II. Completed applications shall include:

21 (a) Payment of the non-refundable registration fee;

22 (b) Reports of any pending criminal charges, criminal convictions, plea agreements in
23 lieu of convictions, or complaints made to or dispositions made by licensing, certification, or
24 registration boards.

25 (c) A complete set of fingerprints and a criminal history record release form pursuant to
26 RSA 328-I:7.

27 (d) The applicant's work history over the last 10 years.

28 III. All applications shall include at a minimum, the applicant's name, social security
29 number, place and date of birth, place of employment in New Hampshire and the home address and
30 shall be duly signed and verified. Applications shall be available for public inspection.

1 IV. Upon approval of the application by the [board] *executive director*, the applicant shall
2 be registered as a medical technician for 2 years. Such registration shall take effect within 90 days
3 after the filing of such completed application.

4 V. Any medical technician who changes his or her name, place or status of employment in
5 New Hampshire, or residence shall notify the [board] *executive director* in writing within 30 days.
6 For failure to report such a change within 30 days of such event, the [board] *executive director* may
7 suspend the medical technician's registration.

8 VI. Once an application has been approved by the [board] *executive director*, a temporary
9 registration may be issued, pending receipt of the criminal records check and fingerprint
10 information.

11 4 Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

12 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
13 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
14 [board] *executive director*. [~~The fee for renewal of certificates of registration shall be \$110.~~]
15 Certificates of registration for medical technician shall be renewed upon the payment of the renewal
16 fee.

17 5 Medical Technicians; Disciplinary Action; Investigations. Amend RSA 328-I:10-11 to read as
18 follows:

19 328-I:10 Disciplinary Action; Remedial Proceedings.

20 I. The [board] *executive director* is authorized to undertake investigations and disciplinary
21 proceedings upon:

22 (a) The [board's] *executive director's* initiative.

23 (b) A written complaint made by any person complaining that a registrant has
24 committed an act of misconduct and specifying the nature of the misconduct.

25 (c) A written complaint made by any person that a person is engaged in unauthorized
26 practice.

27 (d) Notification by a licensing or certifying agency of this state that a registrant has been
28 disciplined by that agency.

29 (e) Notification by the regulatory authority of another domestic or foreign jurisdiction
30 that a registrant has been disciplined in that jurisdiction.

31 (f) A report made pursuant to the obligation to report imposed by this chapter.

32 II. The [board] *executive director* may undertake non-disciplinary remedial proceedings (a)
33 upon [its] *his or her* own initiative or (b) upon written complaint of any person which charges that a
34 person registered by the [board] *executive director* is afflicted with a condition as set forth in
35 paragraph VI and which specifies the grounds therefor.

36 III. Every facility administrator, or designee, for any licensed hospital, health clinic,
37 ambulatory surgical center, or other health care facility within the state shall report to the [board]

1 **executive director** any disciplinary or action related to disruptive conduct, professional
2 incompetence or violation of an organizational rule or procedure involving controlled substances, or
3 any adverse action which results in the termination of an employment relationship, within 30 days
4 after such action is taken, including situations in which allegations of misconduct are settled by
5 voluntary resignation without adverse action, against a person registered by the [board] **executive**
6 **director**. Disciplinary or adverse action shall include the requirement that a registrant undergo
7 counseling or be subject to any policy with regard to disruptive behavior.

8 IV. In cases involving imminent danger to life or health, the [board] **executive director**
9 may order suspension of a license pending hearing for a period of no more than 120 days. In such
10 cases, the basis for the [board's] **executive director's** finding of imminent danger to life or health
11 shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11.
12 A licensee may be allowed additional time to prepare for a hearing, but any additional time for
13 preparation shall result in an extension of license suspension commensurate with the additional
14 time extended.

15 V. The [board] **executive director**, after hearing, may take disciplinary action against any
16 person registered by it upon finding that the person:

17 (a) Has knowingly provided false information during any application for registration or
18 employment, whether by making any affirmative statement which was false at the time it was made
19 or by failing to disclose any fact material to the application.

20 (b) Is a habitual user of drugs or intoxicants.

21 (c) Has engaged in dishonest or unprofessional conduct, or has negligently or
22 intentionally injured a patient while practicing as a medical technician or performing such ancillary
23 activities.

24 (d) Has willfully or repeatedly violated any provision of this chapter or any substantive
25 rule of the [board] **executive director**.

26 (e) Has been convicted of a felony under the laws of the United States or any state.

27 VI. The [board] **executive director** may take non-disciplinary remedial action against any
28 person registered by it upon finding that the person is afflicted with physical or mental disability,
29 disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative
30 finding, the [board] **executive director**, may take non-disciplinary remedial action:

31 (a) By suspension, limitation, or restriction of a registration for a period of time as
32 determined reasonable by the [board] **executive director**.

33 (b) By revocation of registration.

34 (c) By requiring the person to submit to the care, treatment, or observation of a
35 physician, counseling service, health care facility, professional assistance program, or any
36 combination thereof which is acceptable to the [board] **executive director**.

1 (d) By requiring the person to practice under the direction of a physician in a public
2 institution, public or private health care program, or private practice for a period of time specified by
3 the ~~[board]~~ **executive director**.

4 VII. The ~~[board]~~ **executive director**, upon making an affirmative finding under paragraph
5 V, may take disciplinary action in any one or more of the following ways:

6 (a) By reprimand.

7 (b) By suspension, limitation, or restriction of a registration or probation for a period of
8 time as determined reasonable by the ~~[board]~~ **executive director**.

9 (c) By revocation of registration.

10 (d) By requiring the person to submit to the care, treatment, or observation of a
11 physician, counseling service, health care facility, professional assistance program, or any
12 combination thereof which is acceptable to the ~~[board]~~ **executive director**.

13 (e) By assessing administrative fines in amounts established by the ~~[board]~~ **executive**
14 **director** which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for
15 each day that the violation continues, whichever is greater.

16 VIII. The ~~[board]~~ **executive director** may issue a non-disciplinary confidential letter of
17 concern to a registrant advising that, the ~~[board]~~ **executive director** believes the medical technician
18 should modify or eliminate certain practices, and that continuation of the activities which led to the
19 information being submitted to the ~~[board]~~ **executive director** may result in action against the
20 registrant's registration. This letter shall not be released to the public or any other licensing
21 authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by
22 the ~~[board]~~ **executive director**.

23 IX. Disciplinary or non-disciplinary remedial action taken by the ~~[board]~~ **executive director**
24 under this section may be appealed to the supreme court under RSA 541.

25 X. No civil action shall be maintained against the ~~[board or any member of the board]~~
26 **executive director** or its agents or employees with regard to any action or activity taken in the
27 performance of any duty or authority established by this chapter. No civil action shall be
28 maintained against any organization or its members or against any other person for or by reason of
29 any good faith statement, report, communication, or testimony to the ~~[board]~~ **executive director** or
30 determination by the ~~[board]~~ **executive director** in relation to proceedings under this chapter.

31 XI. [Repealed]

32 XII. Allegations of professional misconduct or other violations of this chapter enforceable by
33 the ~~[board]~~ **executive director** shall be brought within 6 years from the time the ~~[board]~~ **executive**
34 **director** could reasonably have discovered the act, omission, or failure complained of, except that
35 conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing
36 authority in another jurisdiction may be considered by the ~~[board]~~ **executive director** without time
37 limitation in making registration or disciplinary decisions if the conduct would otherwise be a

1 ground for discipline under this chapter. The [board] *executive director* may also consider
 2 registrant conduct without time limitation when the ultimate issue before the [board] *executive*
 3 *director* involves a pattern of conduct or the cumulative effect of conduct which becomes apparent
 4 as a result of conduct which has occurred within the 6-year limitation period prescribed by this
 5 paragraph.

6 XIII. When an investigation of a complaint against a registrant is determined to be
 7 unfounded, the [board] *executive director* shall dismiss the complaint and explain in writing to the
 8 complainant and the registrant its reason for dismissing the complaint. The [board] *executive*
 9 *director* shall destroy all information collected during the course of the investigation ~~[after 6 years.~~
 10 ~~The board shall retain a record only noting that an investigation was conducted and that the board~~
 11 ~~determined the complaint to be unfounded]~~ *in accordance with the retention policy adopted by*
 12 *the office of professional licensure and certification.* For the purpose of this paragraph, a
 13 complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the [board]
 14 *executive director*, does not relate to the actions of the registrant, or is determined by the [board]
 15 *executive director* to be frivolous.

16 328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

17 I. The [board] *executive director* may investigate possible misconduct by registrants and
 18 applicants for registration, as well as the unauthorized practice under this chapter and other
 19 matters within the scope of this chapter. [Board] Investigations and the information gathered in
 20 such investigations, including information provided to the [board] *executive director* under RSA
 21 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of
 22 RSA 91-A, except to the extent such information may later become the subject of a public
 23 disciplinary hearing. The [board] *executive director* may disclose information acquired in an
 24 investigation to law enforcement or health licensing agencies in this state or any other jurisdiction,
 25 or in response to specific statutory requirements or court orders.

26 II. No certificate of registration shall be suspended or revoked until after a hearing before
 27 the [board] *executive director*, which shall be held in accordance with RSA 541-A, and upon
 28 written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is
 29 mailed to a registrant at the address shown in the records of the [board] *executive director*, such a
 30 registrant fails to attend such hearing, then the [board] *executive director* may suspend his or her
 31 registration without a hearing pending his or her attendance at such hearing.

32 III. Upon the denial of an application for a certificate of registration, the [board] *executive*
 33 *director* shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made
 34 within 30 days after the applicant is notified of denial. The [board] *executive director* shall have
 35 the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of
 36 such hearing.

1 IV. If a certificate of registration is revoked or suspended or an application is denied, no
2 such certificate shall be issued to such former registrant or applicant for at least 6 months, or
3 thereafter, except in the discretion of the ~~[board]~~ **executive director**.

4 V. The applicant or registrant may be heard in person or by counsel. The ~~[board]~~ **executive**
5 **director** shall notify the applicant of the time and place of the hearing. The ~~[board]~~ **executive**
6 **director** shall have the power to subpoena any person in this state, or document, record or other
7 relevant evidence, and administer an oath to and take the testimony of any such person or cause his
8 or her deposition to be taken.

9 6 Medical Technicians; Investigative Costs. Amend RSA 328-I:14 to read as follows:

10 328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by
11 the board, where the ~~[board]~~ **executive director** has found misconduct sufficient to support
12 disciplinary action, including but not limited to a violation of this chapter or an administrative rule
13 adopted under this chapter, the ~~[board]~~ **executive director** may require the registrant who is the
14 subject of such finding to pay the ~~[board]~~ **executive director** a sum not to exceed the reasonable cost
15 of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may
16 be imposed in addition to any otherwise authorized administrative fines levied by the ~~[board]~~
17 **executive director** as part of the penalty. The investigative and prosecution costs shall be assessed
18 by the ~~[board]~~ **executive director** and any sums recovered shall be credited to the ~~[board's]~~ **office of**
19 **professional licensure and certification** fund and disbursed by the ~~[board]~~ **executive director**
20 for any future investigations of complaints and activities ~~[that violate this chapter or rules adopted~~
21 ~~under this chapter]~~.

22 7 Reference Change; Executive Director. Amend the following RSA provisions by replacing the
23 term "board" with "executive director": RSA 328-I:3; 328-I:4; 328-I:5; 328-I:7; 328-I:9; 328-I:13; and
24 328-I:16.

25 8 Effective Date. This act shall take effect 60 days after its passage.