

CONSENT CALENDAR

February 1, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Health, Human Services and Elderly
Affairs to which was referred HB 1390,**

**AN ACT relative to access to language translation
services in telemedicine. Having considered the same,
report the same with the following amendment, and the
recommendation that the bill OUGHT TO PASS WITH
AMENDMENT.**

Rep. Jerry Knirk

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	HB 1390
Title:	relative to access to language translation services in telemedicine.
Date:	February 1, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0409h

STATEMENT OF INTENT

This bill requires that if a health care facility is already required to provide meaningful language access to limited-English proficient speakers or to deaf or hard of hearing individuals under federal rule, that such access shall be provided whether services are provided in person or utilizing telemedicine. The amendment corrects the erroneous statutory reference in the bill.

Vote 19-0.

Rep. Jerry Knirk
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Health, Human Services and Elderly Affairs

HB 1390, relative to access to language translation services in telemedicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill requires that if a health care facility is already required to provide meaningful language access to limited-English proficient speakers or to deaf or hard of hearing individuals under federal rule, that such access shall be provided whether services are provided in person or utilizing telemedicine. The amendment corrects the erroneous statutory reference in the bill. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1390

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

2

3 1 New Paragraph; Telemedicine; Language Access Services Required. Amend RSA 415-J:3 by
4 inserting after paragraph XIII the following new paragraph:

5 XIV. If a facility is required to ensure meaningful language access to limited-English
6 proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing
7 individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, or RSA 354-A, such access shall be
8 provided regardless of whether services are provided in person or utilizing telemedicine.

9 2 New Paragraph; Medicaid Coverage of Telehealth Services; Language Access Services
10 Required. Amend RSA 167:4-d by inserting after paragraph V the following new paragraph:

11 VI. If a facility is required to ensure meaningful language access to limited-English
12 proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing
13 individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, and RSA 354-A, such access shall be
14 provided regardless of whether services are provided in person or utilizing telemedicine.

15 3 Effective Date. This act shall take effect upon its passage.

Amendment to HB 1390
- Page 2 -

2022-0409h

AMENDED ANALYSIS

This bill requires language access services for limited-English proficient speakers and deaf or hard of hearing individuals when healthcare services are provided through telemedicine.

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # HB1390

BILL TITLE: relative to access to language translation services in telemedicine

DATE: 1/24/2022

LOB ROOM: 210-11

MOTION:

Adoption of Amendment # 2022-0210h

Moved by Rep. Knirk Seconded by Rep. Gay Vote: 16-0

MOTION:

OTP/A

Moved by Rep. Knirk Seconded by Rep. Acton Vote: 16-0

CONSENT CALENDAR: YES NO

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

Respectfully submitted: BAF
Rep. Beth Folsom, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



9/28/2021 11:15:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB1390 Motion: OTPA AM #: 0210h Exec Session Date: 2/1/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman		N	
Layon, Erica J. Vice Chairman		N	
McMahon, Charles E.		N	
Acton, Dennis F.		N	
Gay, Betty I.		N	
Cushman, Leah P.		N	
Folsom, Beth A. Clerk		N	
Kelsey, Niki			absent
King, Bill C.		N	
Kofalt, Jim			absent
DeLemus, Susan		N	
Weber, Lucy M.		N	
MacKay, James R.		N	
Snow, Kendall A.		N	
Knirk, Jerry L.		N	
Salloway, Jeffrey C.		N	
Cannon, Gerri D.		N	
Nutter-Upham, Frances E.		N	
Schapiro, Joe		N	
Woods, Gary L.		N	
Merchant, Gary		N	
TOTAL VOTE:	0	19	2

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



9/28/2021 11:15:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Health, Human Services and Elderly Affairs

Bill #: 1390 Motion: OTPA AM #: 2022-0210h Exec Session Date: 1/24/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	Y		
Layon, Erica J. Vice Chairman	Y		
McMahon, Charles E.	Y		
Acton, Dennis F.	Y		
Gay, Betty I.	Y		
Cushman, Leah P.	Y		
Folsom, Beth A. Clerk	Y		
Kelsey, Niki	Y		
King, Bill C.	Y		
Kofalt, Jim			absent
DeLemus, Susan			absent
Weber, Lucy M.			absent
Mackay, James R.	Y		
Snow, Kendall A.	Y		
Knirk, Jerry L.	Y		
Salloway, Jeffrey C.			absent
Cannon, Gerri D.	Y		
Nutter-Upham, Frances E.	Y		
Schapiro, Joe	Y		
Woods, Gary L.	Y		
Merchant, Gary			absent
TOTAL VOTE:			

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # HB1390

BILL TITLE:An Act relative to language translation services in telemedicine.

DATE: 2/1/2022

LOB ROOM: 210-11

MOTION: RECONSIDER

Moved by Rep. Knirk Seconded by Rep. Acton Vote: 19-0

MOTION:

OTP/A Amendment # 2022-0210h

Moved by Rep. Knirk Seconded by Rep. Acton Vote: 0-19

MOTION:

Adoption of Amendment # 2022-0409h

Moved by Rep. Knirk Seconded by Rep. Salloway Vote: 19-0

MOTION:

OTP/A

Moved by Rep. Knirk Seconded by Rep. Gay Vote: 19-0

CONSENT CALENDAR: YES NO

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

Respectfully submitted: _____ baf _____
Rep. Beth Folsom, Clerk

**STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK**



9/28/2021 11:15:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Health, Human Services and Elderly Affairs

Bill #: 1390 **Motion:** OTP **AM #:** 2022-0210h **Exec Session Date:** 1/24/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	Y		
Layon, Erica J. Vice Chairman	Y		
McMahon, Charles E.	Y		
Acton, Dennis F.	Y		
Gay, Betty I.	Y		
Cushman, Leah P.	Y		
Folsom, Beth A. Clerk	Y		
Kelsey, Niki	Y		
King, Bill C.	Y		
Kofalt, Jim			absent
DeLemus, Susan			absent
Weber, Lucy M.			absent
Mackay, James R.	Y		
Snow, Kendall A.	Y		
Knirk, Jerry L.	Y		
Salloway, Jeffrey C.			absent
Cannon, Gerri D.	Y		
Nutter-Upham, Frances E.	Y		
Schapiro, Joe	Y		
Woods, Gary L.	Y		
Merchant, Gary			absent
TOTAL VOTE:			

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



9/28/2021 11:15:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB1390 Motion: Reconsider AM #: _____ Exec Session Date: 2//2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	Y		
Layon, Erica J. Vice Chairman	Y		
McMahon, Charles E.	Y		
Acton, Dennis F.	Y		
Gay, Betty I.	Y		
Cushman, Leah P.	Y		
Folsom, Beth A. Clerk	Y		
Kelsey, Niki			absent
King, Bill C.	Y		
Kofalt, Jim			absent
DeLemus, Susan	Y		
Weber, Lucy M.	Y		
Mackay, James R.	Y		
Snow, Kendall A.	Y		
Knirk, Jerry L.	Y		
Salloway, Jeffrey C.	Y		
Cannon, Gerri D.	Y		
Nutter-Upham, Frances E.	Y		
Schapiro, Joe	Y		
Woods, Gary L.	Y		
Merchant, Gary	Y		
TOTAL VOTE:	19	0	2

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK



9/28/2021 11:15:01 AM
Roll Call Committee Registers
Report

2022 SESSION

Health, Human Services and Elderly Affairs

Bill #: HB1390 **Motion:** OTPA **AM #:** 0409h **Exec Session Date:** 2/1/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Pearson, Mark A. Chairman	Y		
Layon, Erica J. Vice Chairman	Y		
McMahon, Charles E.	Y		
Acton, Dennis F.	Y		
Gay, Betty I.	Y		
Cushman, Leah P.	Y		
Folsom, Beth A. Clerk	Y		
Kelsey, Niki			absent
King, Bill C.	Y		
Kofalt, Jim			absent
DeLemus, Susan	Y		
Weber, Lucy M.	Y		
Mackay, James R.	Y		
Snow, Kendall A.	Y		
Knirk, Jerry L.	Y		
Salloway, Jeffrey C.	Y		
Cannon, Gerri D.	Y		
Nutter-Upham, Frances E.	Y		
Schapiro, Joe	Y		
Woods, Gary L.	Y		
Merchant, Gary	Y		
TOTAL VOTE:	19	0	2

Amendment to HB 1390

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Amendment to HB 1390
- Page 2 -

2022-0409h

AMENDED ANALYSIS

This bill requires language access services for limited-English proficient speakers and deaf or hard of hearing individuals when healthcare services are provided through telemedicine.

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB1390

BILL TITLE: An Act relative to language translation services in telemedicine.

DATE: 01/12/2022

ROOM: LOB 210-11

Time Public Hearing Called to Order: 2:05pm

Time Adjourned: 2:35pm

Committee Members: Reps. M. Pearson, Layon, Folsom, Acton, Gay, Cushman, Kelsey, B. King, Kofalt, Weber, MacKay, Query, Knirk, Salloway, Cannon, Nutter-Upham, Schapiro, Woods and Merchant, Murray

TESTIMONY

Rep Murray - introduced the bill

Several questions and comments from other legislators

- are the translators currently in person or using some other media such as telephonic/zoom
- new coding is being established due to the rise in telemedicine and this may need to be jointly addressed with that committee.
- there are times in psychotherapy sessions when a translator can be a barrier between patient and provider.
- who pays, the provider, insurance?

John Williams, DHHS,/ Dorein Schockley, DHHS

Department is OK with this bill

- is there a better place in the statutes for this language
- needs to include providers, not just facilities
- all languages - fall back to Federal law
- how current telehealth translation works, will a whole new platform be needed
- the fact that no one from the industry is speaking against it may signal that this is not an imposition.

Respectfully submitted,

Rep. Beth Folsom, Clerk

House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill HB1390 on 2022-01-11

Support: 3 Oppose: 0 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>
Berry, Jake	Concord, NH jberry@new-futures.org	A Lobbyist	New Futures	Support	No	No	1/10/2022 11:49 AM
Almy, Susan	Lebanon, NH susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/10/2022 6:33 PM
Sullivan, Brian	Grantham, NH briansullivannh@gmail.com	An Elected Official	Myself	Support	No	No	1/10/2022 6:50 PM
Istel, Claudia	Acworth, NH cistel79@gmail.com	A Member of the Public	Myself	Support	No	No	1/10/2022 7:39 PM
Moore, Susan	Franconis, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Support	No	No	1/10/2022 8:58 PM
Hakken-Phillips, Mary	Hanover, NH Mhp4nhrep@gmail.com	An Elected Official	Myself	Support	No	No	1/10/2022 9:20 PM
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	1/10/2022 9:55 PM
Gilman, Julie	Exeter, NH Jgilman@exeternh.gov	An Elected Official	Town of Exeter	Support	No	No	1/10/2022 10:10 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/10/2022 11:10 PM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/11/2022 1:45 AM
Walker, Garrett	Manchester, NH garrwalker94@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 6:29 AM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/11/2022 7:33 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	District 23	Support	No	No	1/11/2022 7:44 AM

Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 9:02 AM
Feder, Marsha	Hollis, NH marshafeder@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 9:06 AM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/11/2022 9:18 AM
Heath, Mary	Manchester, NH m.heath@comcast.net	An Elected Official	Myself	Support	No	No	1/11/2022 9:28 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	1/11/2022 10:45 AM
Oxenham, Lee	Plainfield, NH leexenham@comcast.net	An Elected Official	Myself	Support	No	No	1/11/2022 11:25 AM
Dickinson, Jeff	Concord, NH jdickinson@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	1/11/2022 12:41 PM
Ahlberg, Ingrid	Newmarket, NH inkynnh@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 12:55 PM
Opramolla, Deborah	Rindge, NH dopramolla@gmail.com	A Member of the Public	Myself	Support	No	No	1/11/2022 2:13 PM
Yen, Aloyo	Pembroke, NH lyen@afsc.org	A Member of the Public	Myself	Support	No	No	1/11/2022 3:11 PM

HB 1390 - AS INTRODUCED

2022 SESSION

22-2669

05/04

HOUSE BILL **1390**

AN ACT relative to access to language translation services in telemedicine.

SPONSORS: Rep. M. Murray, Hills. 22; Rep. Espitia, Hills. 31; Rep. Query, Hills. 16; Rep. Wazir, Merr. 17; Rep. Grossman, Rock. 18; Rep. Marsh, Carr. 8; Rep. Knirk, Carr. 3; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill directs licensed health care facilities required to provide meaningful language access to limited-English proficient speakers and deaf or heard of hearing individuals to provide such access when services are provided through telemedicine.

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 access to language translation services in telemedicine.

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

1 1 Policies Required for Health Facilities and Special Health Care Service Licenses;
2 Telemedicine; Translation Services Required. Amend RSA 151:2-f, III-IV to read as follows:

3 III. Provide data to the commissioner of the department of health and human services
4 regarding the volume, cost and outcomes of services provided in the facility; ~~and~~

5 IV. Pay fees under RSA 151:2-e, III to the commissioner of the department to cover the costs
6 of administering the licensing of special health care services, the administration of the quality and
7 patient safety requirements of this section, and the collection and analysis of the data collected
8 under this section[-]; **and**

9 ***V. Ensure that, if the facility is required to ensure meaningful language access to***
10 ***limited-English proficient speakers under 45 C.F.R. section 155.205(c) and section 156.250,***
11 ***or to deaf or hard of hearing individuals pursuant to RSA 521-A and RSA 354-A, such***
12 ***access is provided regardless of whether services are provided in person or utilizing***
13 ***telemedicine.***

14 2 Effective Date. This act shall take effect upon its passage.