

CONSENT CALENDAR

January 24, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Health, Human Services and Elderly Affairs to which was referred HB 1405,

AN ACT allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency. Having considered the same, report the same with the following resolution:

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Beth Folsom

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	HB 1405
Title:	allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.
Date:	January 24, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The sponsor of this bill identified a real concern regarding mental health services in our state. We were fortunate to be able to obtain additional providers during the pandemic using out-of-state providers by way of telehealth. The concern was how not to lose those resources now that the state of emergency was lifted. It was decided that it was not the purview of our committee, as it was a licensing issue. It was also noted that the issue was already in the process of being addressed by other legislation.

Vote 16-0.

Rep. Beth Folsom
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Health, Human Services and Elderly Affairs

HB 1405, allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. The sponsor of this bill identified a real concern regarding mental health services in our state. We were fortunate to be able to obtain additional providers during the pandemic using out-of-state providers by way of telehealth. The concern was how not to lose those resources now that the state of emergency was lifted. It was decided that it was not the purview of our committee, as it was a licensing issue. It was also noted that the issue was already in the process of being addressed by other legislation. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on Bill # 1405

BILL TITLE: An Act allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

DATE: 1/24/2022

LOB ROOM: 210-11

MOTION: (Please check one box)

ITL

Moved by Rep. Folsom Seconded by Rep. Cannon 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 #: 1405 Motion: ITL AM #: _____ 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:	16	0	5

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING on Bill # HB1405

BILL TITLE: An Act allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

DATE: 01/24/2022

ROOM: LOB 210-11

Time Public Hearing Called to Order: 2:24pm

Time Adjourned: 3:45pm

Committee Members: Reps. M. Pearson, Layon, Folsom, Acton, Cushman, Kelsey, Gay, B. King, Kofalt, MacKay, DeLemus, Weber, Knirk, Salloway, Snow, Cannon, Schapiro, Woods and Merchant,

TESTIMONY

Representative Klein-Knight

- Presented the bill. The main purpose was to let those mental health providers from out of state, who had temporary licenses issued under emergency orders to serve by way of telemedicine, a continuance of those licenses.
- Many issues were raised
- out of state licensing
- who monitors quality of care?
- "Talk therapy" limited?
- are they licensed in home state
- limits of # of patients
- integration of licensing boards
- reciprocity in licensing
- possible expedited process for those with temp license

Dr. John Hinck, New Hampshire Psychiatric Society-supports

- video based telepsychiatry
- greater access to care, less no shows, better follow-through
- satisfied with treatments
- less ER presentations
- less costly
- subject to the rules and regulations in the patient's state
- which state handles reports of possible issues and incidents
- Pharmacists in patients home state can fill RX if Dr is licensed in their home state

Atty Philip Bradley, John Williams, DHHS

- mechanical defects in bill, language should be going into other RSA's
- this would fall under Office of Licensure and Certifications, Office of Insurance

Lindsay Courtney, OPLC, Exec Dir.

- granted over 22,000 temp licenses in pandemic, those have been extended to May 31
- Senate Bill 277 and Senate Bill 330 which have passed committee would handle all the issues that need to be dealt with.

Tyler Brannen, NH Insurance Dept.

- a lot of redundancy in bill with existing law
- out of state vs. out of network
- this bill should have gone possibly to the Commerce committee.

Representative Megan Murray supports

- would like to see continuity of care

Respectfully submitted,

Rep. Beth Folsom, Clerk

House Remote Testify

Health, Human Services and Elderly Affairs Committee Testify List for Bill HB1405 on 2022-01-24

Support: 51 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>
Blais, Vanessa	Manchester, NH Bessblais@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 9:25 AM
McWilliams, Rebecca	Concord, NH rebecca.mcwilliams@leg.state.nh.us	An Elected Official	Merrimack 27	Support	No	No	1/16/2022 5:28 PM
Foster, Joanne	Portsmouth, NH Jocfoster@outlook.com	A Member of the Public	Myself	Support	No	No	1/17/2022 7:42 AM
Ropp, Elizabeth	manchester, NH arunareiki@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 9:29 AM
Bletzer, Hallina	Hampton, NH juicygirl188@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:19 AM
Shaw, Autumn	Bow, NH autumncshaw@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 2:52 PM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 1:53 PM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 1:56 PM
QUISUMBING-KING, Cora	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 2:59 PM
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 4:46 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 5:04 PM
Rich, Martha	Enfield, NH martha.rich@thet.net	A Member of the Public	Myself	Support	No	No	1/21/2022 11:35 AM
Ashton, Miriam	LEBANON, NH miriamashton3@gmail.com	A Member of the Public	Myself	Support	No	No	1/21/2022 2:55 PM

Lane, Connie	Concord, NH nhlanes@comcast.net	An Elected Official	Merrimack House District 12	Support	No	No	1/21/2022 5:25 PM
Lacasse, Nancy	Hampton, NH nandialac23@hotmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 8:02 AM
O'Neill, Nan	SALISBURY, NH raptorko@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 1:19 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Support	No	No	1/22/2022 2:08 PM
Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	1/22/2022 3:04 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Support	No	No	1/22/2022 4:17 PM
Telerski, Rep. Laura	Nashua, NH Laura.Telerski@Leg.State.NH.US	An Elected Official	Myself	Support	No	No	1/22/2022 4:18 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/22/2022 5:16 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/22/2022 8:39 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2022 9:22 AM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Support	No	No	1/23/2022 9:33 AM
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2022 10:36 AM
Cotton, Bev	Weare, NH bevcott@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2022 12:38 PM
Gilman, Julie	Exeter, NH Julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Support	No	No	1/23/2022 3:16 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Support	No	No	1/23/2022 6:06 PM
Dickinson, Jeff	Concord, NH jdickinson@gsil.org	A Member of the Public	Granite State Independent Living	Support	No	No	1/23/2022 6:22 PM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2022 6:26 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/23/2022 7:42 PM

Kutz, David	Concord, NH dkutz87@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2022 9:10 PM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 7:21 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 8:11 AM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Support	No	No	1/24/2022 8:41 AM
Hoey, Kathleen	Manchester, NH kmhoey@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 8:45 AM
Howard, Raymond	Alton, NH brhowardjr@yahoo.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 8:50 AM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 8:56 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2022 9:20 AM
Hakken-Phillips, Mary	Hanover, NH mhp4nhrep@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2022 9:32 AM
Palmer, William	Cornish, NH wspalmer56@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 9:42 AM
Chase, Susan	ANDOVER, NH SRFCHASE@GMAIL.COM	A Member of the Public	Myself	Support	No	No	1/24/2022 9:49 AM
Vendetti, Marissa	Nashua, NH Mvendetti@protonmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 10:23 AM
Darling, Gisela	Andover, NH darlinggi@tds.net	A Member of the Public	Myself	Support	No	No	1/24/2022 10:44 AM
levesque, cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/24/2022 11:12 AM
Reed, Sarah	Concord, NH stubbs.saraha@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 12:24 PM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 2:09 PM
Pugh, BARBARA	Amherst, NH barbara.pugh@comcast.net	A Member of the Public	Myself	Support	No	No	1/24/2022 2:45 PM
Cahill, Michael	Newmarket, NH michael.cahill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/24/2022 3:17 PM

Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 9:41 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/24/2022 10:09 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Support	No	No	1/24/2022 10:12 PM

HB 1405 - AS INTRODUCED

2022 SESSION

22-2723

05/11

HOUSE BILL **1405**

AN ACT allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

SPONSORS: Rep. Klein-Knight, Hills. 11; Rep. Moran, Hills. 34; Rep. M. Murray, Hills. 22; Rep. Hyland, Hills. 38; Rep. Query, Hills. 16; Rep. Espitia, Hills. 31; Rep. Toll, Ches. 16; Rep. Burroughs, Carr. 1

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill allows out-of-state mental health care providers to provide telehealth treatment during a mental health emergency and requires insurance coverage for out-of-state mental health services 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 allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency.

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

1 1 New Paragraph; Telemedicine; Mental Health Emergency. Amend RSA 310-A:1-g by inserting
2 after paragraph II the following new paragraph:

3 II-a. "Mental health emergency" means the department of health and human services has
4 determined that the percentage of licensed mental health professionals residing in New Hampshire
5 is inadequate to serve the population of New Hampshire. The department shall conduct an annual,
6 needs based analysis, with a report to the legislature, regarding its determination of whether to
7 declare a mental health emergency for that year.

8 2 Office of Professional Licensure and Certification; Telemedicine and Telehealth Services;
9 Temporary Authorization for Out-of-State Mental Health Care Providers to Provide Services During
10 a Mental Health Emergency. Amend RSA 310-A:1-g, IV to read as follows:

11 IV. Notwithstanding any provision of law to the contrary, an out-of-state healthcare
12 professional providing services by means of telemedicine or telehealth shall be required to be
13 licensed, certified, or registered by the appropriate licensing board within the division of health
14 professions. This paragraph shall not apply to out-of-state physicians who provide consultation
15 services pursuant to RSA 329:21, II ***or out-of-state mental health care providers who provide***
16 ***telehealth treatment to fewer than 5 patients per year during a mental health emergency.***

17 3 New Paragraph; Telemedicine; Reporting Requirement. Amend RSA 310-A:1-g by inserting
18 after paragraph VI the following new paragraph:

19 VII. For each year in which a mental health emergency is in effect, the office of professional
20 licensure and certification shall conduct an annual audit of out-of-state mental health care providers
21 who provide telehealth treatment to patients in the state of New Hampshire.

22 4 New Section; Accident and Health Insurance; Mental Health Services. Amend RSA 415 by
23 inserting after section 6-aa the following new section:

24 415:6-bb Mental Health Services; Telehealth. Each insurer that issues or renews any individual
25 policy, plan, or contract of accident or health insurance providing benefits for mental health services
26 shall provide to persons covered by such insurance who are residents of this state coverage for
27 mental health services provided through telemedicine, including treatment provided by an out-of
28 state provider during a mental health emergency pursuant to RSA 310-A:1-g.

29 5 New Section; Accident and Health Insurance; Mental Health Services. Amend RSA 415 by
30 inserting after section 18-ee the following new section:

HB 1405 - AS INTRODUCED

- Page 2 -

1 415:18-ff Mental Health Services; Telehealth. Each insurer that issues or renews any group or
2 blanket policy, plan, or contract of accident or health insurance providing benefits for mental health
3 services shall provide to persons covered by such insurance who are residents of this state coverage
4 for mental health services provided through telemedicine, including treatment provided by an out-of
5 state provider during a mental health emergency pursuant to RSA 310-A:1-g.

6 6 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

7 420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter
8 and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the
9 provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6,
10 II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u,
11 RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb***,
12 RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA
13 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w,
14 RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA
15 415:18-ee, ***RSA 415:18-ff***, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable
16 provisions of title XXXVII wherein such corporations are specifically included. Every health service
17 corporation and its agents shall be subject to the fees prescribed for health service corporations
18 under RSA 400-A:29, VII.

19 7 Health Maintenance Organizations; Applicable Statutes. Amend RSA 420-B:20, III to read as
20 follows:

21 III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g,
22 RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA
23 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, ***RSA 415:6-bb***, RSA 415:18, VII-a, RSA 415:18,
24 XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-
25 v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA
26 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall
27 apply to health maintenance organizations.

28 8 Effective Date. This act shall take effect 60 days after its passage.