

REGULAR CALENDAR

October 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Executive Departments and
Administration to which was referred HB 1444-FN-A,**

AN ACT relative to the registration of medical spas.

**Having considered the same, report the same: NOT
RECOMMENDED FOR FUTURE LEGISLATION.**

Rep. Jennifer Rhodes

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1444-FN-A
Title:	relative to the registration of medical spas.
Date:	October 26, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill would have required medical spas to be licensed by the state. Similar to SB 230, it is important to acknowledge the practitioners of these establishments are licensed by their respected professions. We heard statements in the committee that during the subcommittee work session the term "medical cosmetology" was being considered for future legislation. This would create confusion for the public considering cosmetologists are not allowed to diagnose any medical condition given that they are not doctors. The majority on the committee strongly agree that this bill should not be recommended any further.

Vote 8-6.

Rep. Jennifer Rhodes
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 1444-FN-A, relative to the registration of medical spas.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill would have required medical spas to be licensed by the state. Similar to SB 230, it is important to acknowledge the practitioners of these establishments are licensed by their respected professions. We heard statements in the committee that during the subcommittee work session the term "medical cosmetology" was being considered for future legislation. This would create confusion for the public considering cosmetologists are not allowed to diagnose any medical condition given that they are not doctors. The majority on the committee strongly agree that this bill should not be recommended any further. **Vote 8-6.**

Original: House Clerk

Cc: Committee Bill File

CONSENT CALENDAR

February 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 1444-FN-A,

AN ACT relative to the registration of medical spas.

Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Stephen Pearson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 1444-FN-A
Title:	relative to the registration of medical spas.
Date:	February 8, 2022
Consent Calendar:	CONSENT
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

The Committee had concerns in reference to registration versus licensing of these facilities. There is also some confusion as to which agency this should all under; OPLC or DHHS. The Committee also had concerns in reference to the level of on-site involvement of the Medical Director. There was also concern about the addition of an inspector position and which State Agency this would all under. These issues warrant that this legislation be studied further.

Vote 17-0.

Rep. Stephen Pearson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 1444-FN-A, relative to the registration of medical spas. **REFER FOR INTERIM STUDY.**

Rep. Stephen Pearson for Executive Departments and Administration. The Committee had concerns in reference to registration versus licensing of these facilities. There is also some confusion as to which agency this should all under; OPLC or DHHS. The Committee also had concerns in reference to the level of on-site involvement of the Medical Director. There was also concern about the addition of an inspector position and which State Agency this would all under. These issues warrant that this legislation be studied further. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: October 5, 2022

LOB ROOM: 302 - 304

MOTION:

Interim Study (2nd yr) Recommended for Future Legislation

Moved by Rep. Grote Seconded by Rep. Goley Vote: 6-8

MOTION:

Interim Study (2nd yr) Not Recommended for Future Legislation

Moved by Rep. Rhodes Seconded by Rep. T. Lekas Vote: 8-6

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: 10-5-22

LOB ROOM: 302 - 304

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. GROTE

Seconded by Rep. GOLEY

Vote: 6-8

MOTION FAILS

Respectfully submitted,

Rep. 
Committee Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1444

BILL TITLE: REL TO REGISTRATION OF MEDICAL SPAS

DATE: 10-5-22

LOB ROOM: 301-303

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation PREVAILS

Moved by Rep. BYRNES

Seconded by Rep. LERAS

Vote: 8-6

Respectfully submitted,

Rep. [Signature]
Committee Clerk



2022 SESSION

Executive Departments and Administration

FAILS

Bill #: HB 1444 Motion: RECOMMENDED AM #: _____ Exec Session Date: 10-5-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman		X	
Rhodes, Jennifer M. Vice Chairman		X	
Sytek, John Clerk	X		
Rearson, Stephen C. LASCELLES		X	
Yakubovich, Michael DAWN JOHNSON		X	
Lekas, Tony		X	
Alliegro, Mark C.		X	
Bailey, Glenn		X	
Lanzara, Tom E.			
Santonastaso, Matthew		X	
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeady, Jean L.			
Schmidt, Peter B.			
Marsh, William M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.			
Grote, Jaci L.	X		
O'Brien, Michael B.			
TOTAL VOTE:			

6-8



2022 SESSION

Executive Departments and Administration

PREVAILS

Bill #: HB 1444 Motion: NOT RECOMMENDED AM #: _____ Exec Session Date: 10-5-22

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

8-6

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: February 8, 2022

LOB ROOM: 302-304

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. S. Pearson

Seconded by Rep. Grote

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS & ADMINISTRATION

EXECUTIVE SESSION on Bill # HB 1444

BILL TITLE: RELATIVE TO REGISTRATION OF MEDICAL SPAS.

DATE: 2-8-12

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. PEARSON Secounded by Rep. GROB Vote: 17-0

MOTION: (Please check one box)

- OTP OTP/A ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secounded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secounded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL
- Retain (1st year)
- Adoption of Amendment # _____
- Interim Study (2nd year) (if offered)

Moved by Rep. _____ Secounded by Rep. _____ Vote: _____

CONSENT CALENDAR: X YES _____ NO

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

Respectfully submitted: *John Sytek*
Rep. John Sytek, Clerk



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

2021 SESSION

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CROW*

Executive Departments and Administration

Bill #: HB 1444 Motion: INTERIM STUDY AM #: _____ Exec Session Date: 2-8-22

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

17-0

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SUBCOMMITTEE WORK SESSION on HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: June 15, 2022

Subcommittee Members: Reps. Grote, Bailey and P. Schmidt

Comments and Recommendations: Focus on upcoming legislation needs to clarify medical director availability - that access to prescription medication. Supported by Board of Nursing, Medical and Pharmacology - consider changing name from "medical" 410, a group that testified before committee is now a spa to Medical Cosmetology" registered lobbyist. Registration is licensure - gives authority to inspect for referral to refining board - one person looks at everything.

MOTION:

Interim Study (2nd yr) Recommended for Future Legislation

Moved by Rep. P. Schmidt

Seconded by Rep. Bailey

Vote: 3-0

Respectfully submitted,

Rep. Jaci Grote
Subcommittee Chairman

SUBCOMMITTEE WORK SESSION on HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: June 15, 2022

Subcommittee Members: Reps. Grote, Rhodes, Goley, P. Schmidt and Lanzara

Bailey

Comments and Recommendations:

Focus on upcoming legislation needs to clarify medical director availability - that access to prescription medication - supported by Board of Nursing, Medication Pharmacy - consider changing name from "medical spa" to "medical cosmetology" registered lobbyist. And, a group that testified before committee is Nevada Registrants licensure - this gives authority to inspect transferred to referring board - one person looks at everything.

MOTION:

Recommended for Future Legislation

Not Recommended for Future Legislation

Moved by Rep. *Schmidt*

Seconded by Rep. *Bailey*

Vote: *30*

Respectfully submitted,

Rep. *Judith Grote*
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 1444-FN-A

BILL TITLE: relative to the registration of medical spas.

DATE: January 18, 2022

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 1:00 p.m.

Time Adjourned: 2:05 p.m.

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

Bill Sponsors:

Rep. Grote

Rep. Marsh

Rep. Knirk

TESTIMONY

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

Rep. Grote, prime sponsor, introduced the bill and spoke in support. She said this was a request of OPLC. She describes what medi spas are, the treatments offered and their growth. She said the bill is to protect the safety of the public.

Zubin Batilava, a physician representing AMPNH Aesthetic Medical Providers of NH, a non-profit), spoke in opposition. He recited his credentials, why he opened a "medical spa" (to bring cutting edge technology to NH in a safe way so that people would not have to travel) and the growth of the field. He described this practice as being run in the same way as any medical practice. He called the bill unnecessary and a burden. He stated that a medical spa is a medical practice and is no way related to other operations called spas. He took a Committee question regarding insurance.

Jessica Kallipolites, Director of the Enforcement Division of OPLC, spoke in support. OPLC is concerned about safety and that without the ability to inspect it cannot proactively insure safety. She said various other disciplines that practice in medical spas also support this bill. She took Committee questions concerning insurance, what recourse in bad outcomes, who would inspect.

Nicole Schettell, a Naturopathic Doctor, representing AMPNH, spoke in opposition. She said the bill is duplicative; they are already subject to random inspections. All the disciplines involved have a physician statement about safety. She did not feel another regulatory board is needed. She took Committee questions.

Rep. Merchant spoke but did not take a position. His interest was in the pharmacological aspect of the practice. The Board of Pharmacy checks for safe storage and handling of drugs. He pointed out that drugs cannot be shipped to someone unlicensed.

Tanya Lawson, a Naturopathic Doctor, representing AMPNH spoke in opposition. She operates a medical spa. She said the bill contains errors and misconceptions. She said her people are regulated by their professional boards. She said malpractice insurance does not cover those practicing outside their scope. She also said that the record of safety of medical spas. She took Committee questions. What was situation in other states.

Elsa Croteau, pharmacy compliance inspector for OPLC, spoke in support. She described some unsafe practices discovered in their inspections. She answered Committee questions noting that they inspect the provider.

Jennifer Fleming, APRN, representing AMPNH spoke in opposition. She described her experience and will be opening her own practice in the coming months. She described the goals of her group and these practitioners are trying to get representation in the various boards. She pointed out that these

procedures are already being done in other locations such as primary care offices – shouldn't they be included? The bill is redundant in view of present oversight.

Respectfully Submitted,

Rep. Sytek



Model Legislation

1 In the General Assembly State of _____

2 "Medical Spa Safety Act."

3 **Section 1. Title.** This act shall be known as and may be cited as the "Medical Spa Safety Act."

4 **Section 2. Purpose.** The legislature hereby finds and declares that:

- 5 (a) Patients are increasingly seeking cosmetic medical procedures and it is crucial that
6 patient safety remains the top priority for providers of these services.
- 7 (b) These procedures are often done outside of a physician office and in a medical spa
8 ("med spa"), many of which are legitimate, safe, physician-owned facilities that
9 operate with a high standard of patient care.
- 10 (c) Lack of regulation have enabled med spas to offer cosmetic medical procedures by
11 inadequately trained or supervised persons to an unsuspecting public.
- 12 (d) Some facilities have a physician listed as a medical director, who does not own the
13 facility and/or is not on-site or immediately available to directly supervise non-
14 physician providers.
- 15 (e) It is in the public interest to protect patients from harm by ensuring that med spas
16 deliver safe medical care supervised by an on-site physician.

17 **Section 3. Definitions.**

- 18 (a) "Medical spa (med spa)" means a facility that provides cosmetic medical procedures,
19 which may include neuromodulators, dermal fillers and non-ablative laser
20 procedures outside of a physician's office.
- 21 (b) "Cosmetic medical procedure" means medical procedures or treatments that are
22 performed to alter or reshape normal structures of the body or ablate or remove
23 living tissue solely in order to improve physical appearance.
- 24 (c) "Medical Director" means a physician who assumes the role of, or holds oneself out
25 as, medical director at a medical spa. The medical director is:
 - 26 i. Trained in the indications for, and performance of, cosmetic medical
27 procedures, including all medical devices or instruments that can alter or
28 cause biologic change or damage the skin and subcutaneous tissue and;
 - 29 ii. Responsible for implementing policies and procedures to ensure quality
30 patient care and for the delegation and supervision of cosmetic medical
31 procedures and;
 - 32 iii. Responsible for all cosmetic medical procedures performed by physicians
33 or non-physician providers at a medical spa and;

34 iv. Responsible for ensuring that all supervising physicians and non-physician
35 providers to whom a cosmetic medical procedure has been delegated are
36 properly trained in the safe and effective performance of all cosmetic
37 medical procedures performed at the medical spa.

38 (d) "Physician" means an allopath or osteopath who has an active, unrestricted medical
39 license granted under the authority of XX and practices within the state that the
40 medical spa is located.

Drafting Note – RE: "Physician": States may choose to define "allopath" and "osteopath" for further clarification.

41 (e) "Delegate" means a non-physician tasked with performing a procedure as defined in
42 Paragraph (b) by a Physician as defined in Paragraph (d).

Drafting Note – RE: "Delegate": States may choose to list the different types of non-physician categories that have the authority to perform cosmetic medical procedures. This should not be interpreted to expand the scope of practice authority of any non-physician health care provider.

43 (f) "Supervision" means a supervising physician that is both present at the site and
44 immediately able to respond in-person as needed.

45 **Section 4. Protecting Patients in a Medical Spa Setting**

46 (a) A physician who performs or supervises cosmetic medical procedures by a non-
47 physician must be trained in the indications for and performance of the cosmetic
48 medical procedure.

49 i. Training by a vendor or manufacturer of any injectables and/or medical
50 devices used during a cosmetic medical procedure is insufficient as the
51 physician's only educational training.

52 ii. ACGME or AOA approved continuing medical education, or completion of
53 an ACGME or AOA accredited postgraduate program that includes
54 training in the cosmetic medical procedure being performed satisfies the
55 education requirement.

56 (b) The supervising physician must:

57 i. Develop and maintain written office protocols for each cosmetic medical
58 procedure.

59 ii. Perform the initial assessment of the patient.

60 iii. Prepare a written treatment plan for each patient, including diagnosis,
61 course of treatment and specifications for any device being utilized.

62 iv. Obtain patient consent if the procedure is being done by a non-physician
63 provider and identify credentials and name of the non-physician provider
64 who will be performing the medical procedure.

- 65 v. Create and maintain medical records in a manner consistent with
66 accepted medical practice and in compliance with the rules of the State
67 of XX.
- 68 (c) Non-physician providers may only perform cosmetic medical procedures in which
69 they have been properly trained and if the procedure has been delegated to them
70 by a supervising physician. All non-physician providers must:
- 71 i. Wear identification that clearly communicates they are not physicians
72 and identifies the type of provider they are and their licensing.
- 73 ii. Review and follow written protocols for each delegated cosmetic medical
74 procedure;
- 75 iii. Verify that the supervising physician has assessed the patient and given
76 written treatment instructions for each procedure to be performed;
- 77 iv. Review the cosmetic medical procedure to be performed with each
78 patient;
- 79 v. Notify the medical director and supervising physician of any adverse
80 events or complications before the patient leaves the medical spa or as
81 they become aware; and follow-up communications with the patient
82 post-operatively;
- 83 vi. Document all relevant details of the cosmetic medical procedure in each
84 patient's medical record; and
- 85 vii. Satisfy any requirements imposed by the licensing board of the non-
86 physician.

Drafting note - RE: Protecting Patients in a Medical Spa Setting: This section should not be interpreted to expand existing statute or regulation regarding the scope of practice of non-physician providers.

States may choose to require medical spas to post if a physician is not on-site and mandate adverse event reporting to the U.S. Food and Drug Administration. States may also require reporting to a physician organization's adverse event database, such as the American Society for Dermatologic Surgery Association's CAPER (coming in 2020).

87 **Section 5. Effective.** This Act shall become effective immediately upon being enacted into law.

Archived: Thursday, May 19, 2022 9:57:06 AM
From: Lindsay Pletch
Sent: Wednesday, February 9, 2022 8:28:12 AM
To: ~House Executive Departments and Administration
Subject: HB 1444-FN-A, relative to the registration of medical spas
Importance: Normal

Good morning, Members of the House Executive Departments and Administration Committee,

The Aesthetic Medical Providers of New Hampshire (AMPNH) wanted to thank you again for allowing them to provide public testimony regarding HB 1444 on January 18th. They are tracking the bill and are aware that the bill was discussed during a subcommittee work session yesterday morning. Although they are unsure the status of the bill at this time, they wanted to remind you of their opposition to the bill and their request for the bill to be voted down in committee. Their reasoning is as follows:

- The bill creates a new regulatory entity for Medical Spas which creates over regulation because they are already regulated by the respective medical boards of the various providers. This leads to duplicative, as well as contradictory, regulations to the existing scope of practice outlined and enforced by the various medical boards to who they currently answer.
- There is confusion as to why Medical Spas would be the only practices required to register with this new entity when some other medical practices also provide cosmetic treatments (dermatologists, dentists, etc.).
- Medical Spas in New Hampshire are primarily operated by small, female, and minority-owned business owners. This industry was hurt by COVID so now is not the right time to impose additional fees upon them.
- The original draft of the bill, provided to us by the OPLC after a call with them on October 19th, copied the model legislation drafted by the American Society for Dermatologic Surgery Association (ASDSA) that is posted on their website (both documents are attached here for your reference). This makes it seem that this bill is not stemming from a necessity in NH but from a national push by that Association.
- Currently, many states do not have this legislation and it would make NH one of the stricter states. There is concern this will cause Medical Spa professionals in NH to move their practices to neighboring states or that patients will seek lower cost treatment from neighboring states. They want to work with NH legislators to keep the increasing revenue of Medical Spas in the state of New Hampshire. To give perspective, below is Medical Spa licensure requirements from the state of Massachusetts. As mentioned in the second paragraph, Medical Spas run by practitioners are exempt from being licensed and subject to oversight by their respective medical boards.

--

A medical spa that provides medical services or in which medical procedures are rendered must be licensed by DPH and meet the requirements of 105 CMR 140.000. A medical spa or equivalent establishment that is not currently licensed as a clinic, or a planned medical spa, must complete an application to become a licensed clinic. A medical spa that is part of a licensed clinic that is currently in compliance with 105 CMR 140.00 does not need to apply for additional licensure.

If the medical spa is wholly owned and controlled by one or more of the practitioners who provide its medical services, it does not have to be licensed as a clinic and is therefore exempt from the requirements of 105 CMR 140.000. However, the practice itself is still subject to oversight by the licensing board appropriate to the practitioner providing the service.

<https://www.mass.gov/advisory/medical-spa-services-advisory#clinic-licensure-regulation-105-cmr-140-000->

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AMPNH is eager to learn where this bill goes next. We will be on the lookout and hope you help stop the bill in committee.

Thank you,

Lindsay Pletch
A10 Associates
(518) 817-2887



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From: Lindsay Pletch <lindsay.pletch@a10associates.com>
Sent: Monday, January 24, 2022 9:09 AM
To: HouseExecutiveDepartmentsandAdministration@leg.state.nh.us
<HouseExecutiveDepartmentsandAdministration@leg.state.nh.us>
Subject: Requested information regarding Dr. Lawson's claims in testimony presented for HB 1444

Good morning House Executive Departments and Administration Committee Members,

We want to thank you again for hearing testimony from members of the Aesthetic Medical Providers of New Hampshire last week regarding HB 1444. As mentioned in Dr. Lawson's testimony, she stated that this legislation is close to copying the model legislation drafted by the American Society for Dermatologic Surgery Association (ASDSA). To show you how similar they are, we have attached the two here. The "DRAFT_An Act Concerning Medical Spa Safety" document was sent to us by OPLC after speaking with them on October 19th.

Thank you,

Lindsay Pletch
A10 Associates
(518) 817-2887



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AN ACT Concerning Medical Spa Safety

1. Purpose – The legislature hereby finds and declares that:
 - a. Patients are increasingly seeking cosmetic medical procedures and treatment and it is crucial that patient safety remains the top priority for providers of these services.
 - b. These procedures and treatments are often administered or performed in a medical spa setting.
 - c. Lack of regulation has enabled medical spas to offer cosmetic medical procedures by inadequately trained or supervised persons to an unsuspecting public.
 - d. Some medical spas have a physician, doctor of naturopathic medicine, or APRN listed as a medical director, who does not own the facility and/or is not physically present at the location or immediately available.
 - e. It is in the public interest to protect patients from harm by ensuring that medical spas deliver safe medical care with supervision by a physician, doctor of naturopathic medicine, or APRN.
2. Definitions
 - a. “Medical spa” or “med spa” means a facility registered with the office of professional licensure and certification that provides cosmetic medical procedures.
 - b. “Cosmetic medical procedure” means a medical procedure or treatment that is directed at improving the appearance and that does not meaningfully promote the proper function of the body or prevent or treat illness or disease.
 - c. “Physician” means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery who has an active, unrestricted medical license granted under the authority of the State of NH Board of Medicine and practices within the State of NH.
 - d. “Doctor of naturopathic medicine” means a person authorized and licensed to practice naturopathic medicine under RSA 328-E.
 - e. “Advanced Practice Registered Nurse” or “APRN” means a registered nurse who has an active, unrestricted license granted under the authority of the NH Board of Nursing under RSA 326-B:18 and practices within the State of NH.
 - f. “Medical Director” means a physician, doctor of naturopathic medicine, or APRN who assumes the role of, or holds oneself out as, medical director at a medical spa. The medical director is responsible for the supervision of all medical spa staff performing procedures and ensuring compliance with all applicable federal and state laws and regulations and must meet all of the following requirements:
 - i. Trained in the indications for, and performance of, cosmetic medical procedures, including all medical devices or instruments that can alter or cause biologic change or damage the skin and subcutaneous tissue;
 - ii. Responsible for implementing policies and procedures to ensure quality patient care and for the delegation and supervision of cosmetic medical procedures;
 - iii. Responsible for all cosmetic medical procedures performed by physicians, doctors of naturopathic medicine, APRNs or non-physician providers at a medical spa;
 - iv. Responsible for ensuring that all supervising physicians, doctors of naturopathic medicine, APRN, and non-physician providers to whom a cosmetic medical procedure has been delegated are properly trained in the safe and effective performance of all cosmetic medical procedures performed at the medical spa; and

- v. The name of the Medical Director(s) must be posted in such a location within the Medical Spa that it is visible and known to patients.

3. Protecting Patients in a Medical Spa Setting

- a. Medical spas shall have one or more Medical Directors as defined in this act.
- b. A physician, doctor of naturopathic medicine, or APRN who performs or supervises cosmetic medical procedures by a non-physician must be trained in the indications for and performance of the cosmetic medical procedure.
 - i. Training by a vendor or manufacturer of any injectables and/or medical devices used during a cosmetic medical procedure is insufficient as the physician, doctor of naturopathic medicine, or APRN's only educational training unless such training would qualify as Continuing Medical Education under RSA 329:16-g or Continuing Education under RSA 326-B:31.
 - ii. To satisfy the educational requirement, a physician must complete a program or courses approved by the NH Board of Medicine, a doctor of naturopathic medicine must complete a program or courses approved by the NH Naturopathic Board of Examiners, and an APRN must complete a program or courses approved by the NH Board of Nursing. Programs or courses which meet the Continuing Education requirements of RSA 329:16-g or RSA 326-B:31 would satisfy this requirement.
- c. The supervising physician, supervising doctor of naturopathic medicine, or supervising APRN must do each of the following:
 - i. Develop and maintain written office protocols for each cosmetic medical procedure.
 - ii. Perform the initial assessment of the patient.
 - iii. Prepare a written treatment plan for each patient, including diagnosis, course of treatment and specifications for any device or injectable being utilized.
 - iv. Implement policies and procedures to obtain patient consent if the procedure is being done by a non-physician provider and identify credentials and name of the non-physician provider who will be performing the medical procedure.
 - v. Create and maintain medical records in a manner consistent with accepted medical practice and in compliance with the laws of the State of New Hampshire.
 - vi. Be readily available at all times during which the patient is receiving the procedure or treatment.
- d. Non-physician, non-doctor of naturopathic medicine, and non-APRN providers may only perform cosmetic medical procedures in which they have been properly trained and if the procedure has been delegated to them by a supervising physician, supervising doctor of naturopathic medicine, or supervising APRN. All non-physician, non-doctor of naturopathic medicine, and non-APRN providers must do each of the following:
 - i. Wear identification that clearly communicates they are not physicians, doctors of naturopathic medicine, or APRNs and identifies the type of provider they are and their licensing.
 - ii. Review and follow written protocols for each delegated cosmetic medical procedure.
 - iii. Verify that the supervising physician, supervising doctor of naturopathic medicine, or supervising APRN has assessed the patient and given written instructions for each procedure or treatment to be performed.
 - iv. Review the cosmetic medical procedure to be performed with each patient.

- v. Notify the medical director and supervising physician, supervising doctor of naturopathic medicine, or APRN of any adverse events or complications before the patient leaves the medical spa or as they become aware; and follow-up communications with the patient post-operatively.
 - vi. Document all relevant details of the cosmetic medical procedure in each patient's medical record.
 - vii. Comply with all laws and rules imposed by the licensing board of the non-physician, non-doctor of naturopathic medicine, and non-APRN.
4. Exemptions – Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.
5. Medical Spa Facility Registration - It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain a medical spa unless such medical spa is registered in accordance with this act.
6. Rulemaking – The executive director shall adopt rules, pursuant to RSA 541-A, relative to:
 - a. The issuance, suspension, revocation, renewal, and denial of registrations.
 - b. Hold hearings and conduct investigations, public or confidential, and issue orders relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541.
 - c. Conditions, requirements, and standards for operation of a registered medical spa facility.
 - d. Standards and procedures for inspections of facilities.
 - e. A fine schedule for violations of the administrative rules adopted by the executive director under this chapter.
 - f. Application forms and procedures to open, close, relocate, or renew a facility.
 - g. Requiring public display of the registration certificate.
 - h. Procedures for disciplinary action, including cease and desist orders, suspensions, limitations, or revocation of facility registration.
 - i. Requiring an applicant for registration to obtain a certificate of good standing from the secretary of state.
 - j. Establishing the fees for registration of a medical spa facility.
 - k. Qualifications for exemption of schools, health facilities, or others from medical spa facility registration requirements in section 5.
7. Violations
 - a. The executive director may undertake disciplinary proceedings against a medical spa facility registrant:
 - i. Upon his or her initiative; or
 - ii. Upon written complaint of any person which charges that a registered medical spa facility or any person who owns or is employed by such medical spa facility has committed misconduct and the grounds therefore. A person who owns or is employed by a medical spa facility who has been alleged to have committed misconduct shall be referred to the board which issued his or her individual professional license for further investigation and any appropriate disciplinary proceedings.
 - b. Misconduct sufficient to support disciplinary proceedings against a medical spa facility registrant shall include:
 - i. The practice of fraud or deceit in procuring or attempting to procure a registration under this chapter;

- ii. Willful or repeated violation of the provisions of this chapter;
 - iii. Suspension or revocation of a registration, similar to one issued in this chapter in another jurisdiction and not reinstated.
 - c. The executive director may take disciplinary action in one or more of the following ways:
 - i. By reprimand;
 - ii. By suspension, limitation, or restriction of a registration
 - iii. By revocation of a registration;
 - iv. By imposing an administrative fine in accordance with section 9.
- 8. Administrative Fines – The executive director, after notice and hearing pursuant to rules adopted under RSA 541-A, may impose fines upon any medical spa registrant who violates any provision of this chapter or rules adopted pursuant to this chapter, in an amount not to exceed \$2,000. Rehearings and appeals from a decision of the executive director shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative fines under this chapter.
- 9. Inspectors –
 - a. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any facility registered under this chapter for the purpose of ascertaining whether or not the administrative rules of the executive director and the provisions of this chapter are being observed. Each inspector shall file a report with the executive director of inspection findings and results. Salaries and necessary expenses shall be charged against the fees and other moneys collected under this chapter.
 - b. The executive director shall adopt rules relative to the qualifications of an inspector under this section.

Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One program inspector, labor grade 21, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph 9, which shall be in addition to any sums appropriated in 2021, 90:1, 01-21-21-216010-3302, for the division of enforcement, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund established in RSA 310-A:1-e.

HB 1444-FN-A - AS INTRODUCED

2022 SESSION

22-2506

11/10

HOUSE BILL

1444-FN-A

AN ACT

relative to the registration of medical spas.

SPONSORS:

Rep. Grote, Rock. 24; Rep. Marsh, Carr. 8; Rep. Knirk, Carr. 3

COMMITTEE:

Executive Departments and Administration

ANALYSIS

This bill establishes the registration of medical spa facilities.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

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 registration of medical spas.

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

1 1 Legislative Purpose and Findings. The legislature hereby finds and declares that patients are
2 increasingly seeking cosmetic medical procedures and treatment and it is crucial that patient safety
3 remains the top priority for providers of these services. These procedures and treatments are often
4 administered or performed in a medical spa setting; however, lack of regulation has enabled medical
5 spas to offer cosmetic medical procedures by inadequately trained or supervised persons to an
6 unsuspecting public. Some medical spas have a physician, doctor of naturopathic medicine, or APRN
7 listed as a medical director, who does not own the facility and/or is not physically present at the
8 location or immediately available. It is in the public interest to protect patients from harm by
9 ensuring that medical spas deliver safe medical care with supervision by a physician, doctor of
10 naturopathic medicine, or APRN.

11 2 New Chapter; Medical Spa Facilities. Amend RSA by inserting after chapter 313-A the
12 following new chapter:

13 CHAPTER 313-B
14 MEDICAL SPA FACILITIES

15 313-B:1 Definitions.

16 I. "Advanced Practice Registered Nurse" or "APRN" means a registered nurse who has an
17 active, unrestricted license granted under the authority of the New Hampshire board of nursing
18 under RSA 326-B:18 and practices within the state of New Hampshire.

19 II. "Cosmetic medical procedure" means a medical procedure or treatment that is directed at
20 improving the appearance and that does not meaningfully promote the proper function of the body or
21 prevent or treat illness or disease.

22 III. "Doctor of naturopathic medicine" means a person authorized and licensed to practice
23 naturopathic medicine under RSA 328-E.

24 IV. "Executive director" means the executive director of the office of professional licensure
25 and certification.

26 V. "Medical director" means a physician, doctor of naturopathic medicine, or APRN who
27 assumes the role of, or holds oneself out as, the person at a medical spa responsible for the
28 supervision of all medical spa staff performing procedures and ensuring compliance with all
29 applicable federal and state laws and regulations. Medical directors shall be:

1 (a) Trained in the indications for, and performance of, cosmetic medical procedures,
2 including all medical devices or instruments that can alter or cause biologic change or damage the
3 skin and subcutaneous tissue;

4 (b) Responsible for implementing policies and procedures to ensure quality patient care
5 and for the delegation and supervision of cosmetic medical procedures;

6 (c) Responsible for all cosmetic medical procedures performed by physicians, doctors of
7 naturopathic medicine, APRNs or non-physician providers at a medical spa;

8 (d) Responsible for ensuring that all supervising physicians, doctors of naturopathic
9 medicine, APRN, and non-physician, non-doctor of naturopathic medicine, and non-APRN providers
10 to whom a cosmetic medical procedure has been delegated are properly trained in the safe and
11 effective performance of all cosmetic medical procedures performed at the medical spa; and

12 (e) The name of the medical directors must be posted in such a location within the
13 medical spa that it is visible and known to patients.

14 VI. "Medical spa" or "med spa" means a facility registered with the office of professional
15 licensure and certification that provides cosmetic medical procedures.

16 VII. "Physician" means a doctor of medicine or osteopathy legally authorized to practice
17 medicine and surgery who has an active, unrestricted medical license granted under the authority of
18 the state of New Hampshire board of medicine and practices within the state of New Hampshire.

19 313-B:2 Protecting Patients in a Medical Spa Setting.

20 I. Medical spas shall have one or more medical directors.

21 II. A physician, doctor of naturopathic medicine, or APRN who performs or supervises
22 cosmetic medical procedures by a non-physician, non-doctor of naturopathic medicine, or non-APRN
23 shall be trained in the indications for and performance of the cosmetic medical procedure.

24 III. Training by a vendor or manufacturer on the use of any injectables and/or medical
25 devices used during a cosmetic medical procedure is insufficient as the physician, doctor of
26 naturopathic medicine, or APRN's only educational training unless such training would qualify as
27 continuing education under RSA 329:16-g, RSA 328-E:13, or RSA 326-B:31.

28 IV. To satisfy the educational requirement, a physician must complete a program or courses
29 approved by the New Hampshire board of medicine, a doctor of naturopathic medicine must
30 complete a program or courses approved by the New Hampshire naturopathic board of examiners,
31 and an APRN must complete a program or courses approved by the New Hampshire board of
32 nursing. Programs or courses which meet the continuing education requirements of RSA 329:16-g,
33 RSA 328-E:13, RSA 326-B:31 would satisfy this requirement.

34 V. The supervising physician, supervising doctor of naturopathic medicine, or supervising
35 APRN shall:

36 (a) Develop and maintain written office protocols for each cosmetic medical procedure.

37 (b) Perform the initial assessment of the patient.

1 (c) Prepare a written treatment plan for each patient, including diagnosis, course of
2 treatment and specifications for any device or injectable being utilized.

3 (d) Implement policies and procedures to obtain patient consent if the procedure is being
4 done by a non-physician, non-doctor of naturopathic medicine, or non-APRN provider and identify
5 credentials and name of the non-physician provider who will be performing the medical procedure.

6 (e) Create and maintain medical records in a manner consistent with accepted medical
7 practice and in compliance with all applicable laws.

8 (f) Be readily available at all times during which the patient is receiving the procedure
9 or treatment.

10 VI. Those providers who are not licensed by board of medicine, naturopathic board of
11 examiners, or board of nursing may only perform cosmetic medical procedures:

12 (a) In which they have been properly trained; and

13 (b) If the procedure has been delegated to them by a supervising physician, supervising
14 doctor of naturopathic medicine, or supervising APRN.

15 VII. All providers who are not licensed by the board of medicine, naturopathic board of
16 examiners, or board of nursing shall:

17 (a) Wear identification that clearly communicates they are not physicians, doctors of
18 naturopathic medicine, or APRNs and identifies the type of provider they are and their licensing.

19 (b) Review and follow written protocols for each delegated cosmetic medical procedure.

20 (c) Verify that the supervising physician, supervising doctor of naturopathic medicine, or
21 supervising APRN has assessed the patient and given written instructions for each procedure or
22 treatment to be performed.

23 (d) Review the cosmetic medical procedure to be performed with each patient.

24 (e) Notify the medical director and supervising physician, supervising doctor of
25 naturopathic medicine, or APRN of any adverse events or complications before the patient leaves the
26 medical spa or as they become aware; and follow-up communications with the patient post-
27 operatively.

28 (f) Document all relevant details of the cosmetic medical procedure in each patient's
29 medical record.

30 (g) Comply with all laws and rules imposed by the licensing board of the non-physician,
31 non-doctor of naturopathic medicine, and non-APRN.

32 313-B:3 Exemptions. Nothing in this chapter shall be construed so as to prohibit any individual
33 licensed by any regulatory board from performing functions or duties within the scope of such
34 individual's license.

35 313-B:4 Medical Spa Facility Registration Required; Penalties. It shall be a misdemeanor for
36 any person, as owner, manager, or agent to open, establish, conduct or maintain a medical spa
37 unless such medical spa is registered in accordance with this chapter.

HB 1444-FN-A - AS INTRODUCED

- Page 4 -

1 313-B:5 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative
2 to:

3 I. The issuance, suspension, revocation, renewal, and denial of registrations.

4 II. Hearings and the conduct of investigations, public or confidential, and issuing orders
5 relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall
6 apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals
7 shall be made in accordance with RSA 541.

8 III. Conditions, requirements, and standards for operation of a registered medical spa
9 facility.

10 IV. Standards and procedures for inspections of facilities.

11 V. A fine schedule for violations of any law or administrative rule.

12 VI. Application forms and procedures to open, close, relocate, or renew a facility.

13 VII. Requiring public display of the registration certificate.

14 VIII. Procedures for disciplinary action, including cease and desist orders, suspensions,
15 limitations, or revocation of facility registration.

16 IX. Requiring an applicant for registration to obtain a certificate of good standing from the
17 secretary of state.

18 X. Establishing the fees for registration of a medical spa facility.

19 XI. Qualifications for exemption of schools, health facilities, or others from medical spa
20 facility registration requirements in section

21 313-B:6 Violations.

22 I. The executive director may undertake disciplinary proceedings against a medical spa
23 facility registrant:

24 (a) Upon his or her initiative; or

25 (b) Upon written complaint of any person which charges that a registered medical spa
26 facility or any person who owns or is employed by such medical spa facility has committed
27 misconduct and the grounds therefore. A person who owns or is employed by a medical spa facility
28 who has been alleged to have committed misconduct shall be referred to the board which issued his
29 or her individual professional license for further investigation and any appropriate disciplinary
30 proceedings.

31 II. Misconduct sufficient to support disciplinary proceedings against a medical spa facility
32 registrant shall include:

33 (a) The practice of fraud or deceit in procuring or attempting to procure a registration
34 under this chapter;

35 (b) Willful or repeated violation of the provisions of this chapter or rule adopted
36 thereunder;

1 (c) Suspension or revocation of a registration, similar to one issued in this chapter in
2 another jurisdiction.

3 III. The executive director may take disciplinary action in one or more of the following ways:

4 (a) By reprimand;

5 (b) By suspension, limitation, or restriction of a registration;

6 (c) By revocation of a registration;

7 (d) By imposing an administrative fine in accordance with RSA 313-B:7.

8 313-B:7 Administrative Fines. The executive director, after notice and hearing pursuant to
9 rules adopted under RSA 541-A, may impose fines upon any medical spa registrant who violates any
10 provision of this chapter or rules adopted pursuant to this chapter, in an amount not to exceed
11 \$2,000. Rehearings and appeals from a decision of the executive director shall be in accordance with
12 RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of
13 further penalties or administrative fines under this chapter.

14 313-B:8 Inspectors.

15 I. The office of professional licensure and certification shall employ inspectors and authorize
16 them to enter and inspect any facility registered pursuant to this chapter for the purpose of
17 ascertaining whether or not the administrative rules of the executive director and the provisions of
18 this chapter are being observed. Each inspector shall file a report with the executive director of
19 inspection findings and results. Salaries and necessary expenses shall be charged against the fees
20 and other moneys collected under this chapter.

21 II. The executive director shall adopt rules relative to the qualifications of an inspectors.

22 3 Office of Professional Licensure and Certification; New Classified Position; Salary and
23 Expenses.

24 I. One program inspector, labor grade 21, is hereby established as a classified position in the
25 office of professional licensure and certification.

26 II. The amount necessary to pay for the salary and necessary expenses of the position
27 established in paragraph I, which shall be in addition to any sums appropriated in 2021, 90:1, 01-21-
28 21-216010-3302, for the division of enforcement, shall be a charge against the office of professional
29 licensure and certification fund established in RSA 310-A:1-e.

30 4 Effective Date. This act shall take effect 60 days after its passage.

**HB 1444-FN-A- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the registration of medical spas.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$150,000	\$7,500	\$165,300	\$8,400
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input checked="" type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification Agency Fund			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill establishes registration for medical spas and clarifies the scope of practice for medical professionals. It also establishes a classified position to inspect medical spas as well as establishes penalties for unlicensed massage establishments.

The Office of Professional Licensure and Certification (OPLC) assumes the fee for spa registration would be \$300 for two years and that approximately 500 medical spas would be required to pay the spa registration fee. OPLC also assumes there would be a 5% increase in spa registrations each year thereafter. Based on these assumption OPLC assumes the increase in revenue will be as follows:

- FY 2022: \$150,000 (500 licensees X \$300) for biennium
- FY 2023: \$7,500 (25 (new licenses) X \$300)
- FY 2024: \$165,300 (551 (new plus renewal) X \$300) for biennium
- FY 2025: \$8,400 (28 (new licenses) X \$300)

OPLC estimates the cost for the new program inspector, Labor Grade 21, step one, position with a start date of 7/1/2022 would be \$74,000 in FY 2023, \$74,000 in FY 2024, and \$81,000 in FY 2025.

This bill contains penalties that may have an impact on the New Hampshire judicial system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

It is assumed the State and County expenditures would not occur until FY 2023 and forward.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification, Judicial Branch, Department of Justice,
Judicial Council, and New Hampshire Association of Counties