

LEGISLATIVE COMMITTEE MINUTES

HB1330

Bill as Introduced

HB 1330 - AS AMENDED BY THE HOUSE

16Mar2022... 0399h

2022 SESSION

22-2412

11/04

HOUSE BILL **1330**

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

SPONSORS: Rep. P. Schmidt, Straf. 19

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill repeals the requirements for the certification and regulation of medical technicians by 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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 repealing the board of medical technicians in the office of professional licensure and certification.

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

1 1 Office of Professional Licensure and Certification; Telemedicine and Telehealth. Amend RSA
2 310-A:1-g, III to read as follows:

3 III. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA
4 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F;
5 RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; ~~RSA~~
6 ~~328-I;~~ or RSA 328-J may provide services through telemedicine or telehealth, provided the services
7 rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand
8 the scope of practice for individuals regulated under this chapter.

9 2 Repeal. The following are repealed:

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

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

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

14 3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Executive Departments and Administration

Sen Sharon Carson, Chair
 Sen John Reagan, Vice Chair
 Sen Denise Ricciardi, Member
 Sen Kevin Cavanaugh, Member
 Sen Suzanne Prentiss, Member

Date: March 23, 2022

HEARINGS

	Wednesday	03/30/2022
	(Day)	(Date)
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. HB 1171-FN	exempting certain niche beauty services from licensure requirements.	
9:15 a.m. HB 1256-FN	relative to positions within the department of military affairs and veterans services.	
9:25 a.m. HB 1560	relative to nonresident licensure by the board of barbering, cosmetology, and esthetics.	
9:40 a.m. HB 1192	relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.	
9:50 a.m. HB 1102	relative to certain committees and commissions of the department of state.	
10:00 a.m. HB 1269	relative to certain legislative study committees.	
10:10 a.m. HB 1182	relative to the board of court reporters.	
10:20 a.m. HB 1330	repealing the board of medical technicians in the office of professional licensure and certification.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1171-FN

Rep. Pauer	Rep. Baxter	Rep. Pitre
Rep. Hough	Rep. Jeudy	Rep. Rhodes
Sen. Reagan		Rep. Rung

Rep. Rung
Rep. Sylvia

HB 1256-FN

Rep. Allard	Rep. Roy	Rep. Deshaies
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HB 1560

Rep. Pauer	Rep. Baxter	Rep. Pitre
Rep. Jeudy	Rep. Rhodes	Rep. Rung
Sen. Ricciardi	Sen. Reagan	Rep. Hough

Rep. Hough
Rep. Sylvia

HB 1192

Rep. McGuire

Sen. Reagan

Rep. P. Schmidt

HB 1102

Rep. Weyler

Rep. Umberger

Rep. Emerick

HB 1269

Rep. Ebel

Rep. Umberger

Rep. Espitia

Rep. Heath

Rep. Hill

Rep. Rouillard

Rep. Graham

Sen. Hennessey

Sen. Rosenwald

Sen. Prentiss

Sen. Reagan

HB 1182

Rep. P. Schmidt

HB 1330

Rep. P. Schmidt

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

Senate Executive Departments and Administration Committee

Chantell Wheeler 271-1403

HB 1330, repealing the board of medical technicians in the office of professional licensure and certification.

Hearing Date: March 30, 2022

Members of the Committee Present: Senators Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent: Senator Carson

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

Sponsors:
Rep. P. Schmidt

Who supports the bill: Rep. Pearson, Ross Connolly, AFP-NH, Chris Howland, Jesse Medeiros, Sharon Clark

Who opposes the bill: Senator Shrman, Paula Minnehan, N.H. Hospital Association

Who is neutral on the bill: Lindsey Courtney, OPLC

Summary of testimony presented in support:

Rep. Pearson introduced this bill which repeals the "catch-all" medical board.

- N.H. is the only state that licenses medical technicians under this catch-all.
- The board was created in response to an incident in Exeter, but there have been no further issues.

Sen. Prentiss asked if the reason there are no further incidents can be attributed to the existence of the oversight board.

Rep. Pearson explained that the original statute was created in response to a specific incident involving one person who worked in many other states. The registry only works within N.H. as there are no similar boards in other states.

Sen. Prentiss asked if a medical technician in another state would need to apply in N.H.

Rep. Pearson explained that depending on the job function, a person would need to be licensed in N.H. and that people in these jobs cannot act independently, they must work under a licensed provider.

Sen. Prentiss asked how people with problems are identified to determine if there have been issues in other states.

Rep. Pearson was also an EMT for 20 years and explained that the current statute was never designed to vet candidates. That is done during the employment hiring process. This registry is only used in N.H.

Sen. Ricciardi stated that although the technician must be under supervision, that is not necessarily direct supervision. Technicians are often left alone with patients, without supervision.

Sen. Pearson explained that the people in these jobs are not nurses or physicians and that they are mostly doing repetitive functions.

Sen. Ricciardi asked for clarification regarding where the bill mentions those repetitive functions.

Sen. Pearson referred to lines 3-5 and stated they are referenced within statute, not defined.

Ross Connolly, Americans for Prosperity- N.H.

- Supports this bill as the license is superfluous. The issues arising from Exeter have been addressed and effective tools are in place to make sure that this does not happen again.
- The extra hurdle of this registration board is another step keeping people from entering a field that is struggling for workers.
- Hospitals and Health Care Facilities are tasked with screening applicants.

Sen. Ricciardi asked if Mr. Ross thinks an advisory board would be a good compromise that does not risk safety

Mr. Connolly stated that the risk and safety are handled by employers when considering applicants. An advisory committee would be a step in the right direction, but not as impactful as getting rid of the board.

Sen. Prentiss stated that employers do not have ways to communicate with each other regarding travelers and diversion. There needs to be an independent party to protect the public.

Mr. Connolly stated this policy is only in N.H. as other states do not have this board.

Sen. Prentiss stated that organizations within N.H. do not always communicate regarding personnel issues. Furthermore, although all states don't do this, they should.

Summary of testimony presented in opposition:

Sen. Sherman

- Opposed to the repeal of the board of registration of medical technicians.
- He and his partner, Dr. Tompkins, were looking at jaundice in two patients over the age of 80 and subsequently made a diagnosis of acute hepatitis C.
- The common thread was identified to be that both patients had been treated for a cardiac procedure at Exeter Hospital.
- A total of thirty-two patients contracted hepatitis C at Exeter Hospital.
- A number of stakeholders were involved in the investigation that ultimately identified that the person responsible for transmitting hepatitis C had been at 17 hospitals nationwide and was never reported.
- The responsible person was left alone with patients and also had access to fentanyl. He diverted the drug to himself and reused the needle on the patient which is what caused the exposure.
- Over 8500 patients were put at risk.
- This bill closes the gap for medical technicians with access to both controlled substances and patients.
- There was no record of behavior or infractions until the board of registration was established.
- Other states have had outbreaks and they do not have a similar board.
- This board can be fully staffed as this is not a competency board, it just logs that you are registered in N.H. if you have access to patients and controlled substances.
- N.H. made national press when this board was established.
- Asked that this bill not pass as is. This is about protecting the people of N.H. and this discreet board has worked well, with some exceptions that Director Courtney will discuss.

Paula Minnehan, New Hampshire Hospital Association

- Expressed concerns with this bill and does not support the bill as amended.
- Submitted written testimony.
- Ms. Minnehan supports the original bill as described by Senator Sherman.

Neutral Information Presented:

Lindsey Courtney, Office of Professional Licensure and Certification (OPLC)

- OPLC takes no position on this bill as amended, but does support the original bill. Written testimony was submitted.
- Diversion is an ongoing issue in N.H.
- 15%-18% of health-care workers will have a substance use disorder within their career.
- OPLC receives regular complaints regarding diversion.
- OPLC supports the original bill converting this board to an advisory board.
- This board has not met since February 2021 and this is a concern.

Sen. Prentiss asked if N.H. has relaxed the registration and licensure for any other health profession in consideration of the workforce shortage.

Ms. Courtney stated licensure is designed to be a barrier as a way to ensure competency. The only change to criteria was the authority to issue temporary licenses to out of state workers. The agency is focused on processing licenses more efficiently. Some boards take 60-120 days. Other states process licenses within 24-48 hours.

Sen. Prentiss stated there was a prior bill that addressed a longer re-entry period, but did not remove any safeguards.

Ms. Courtney agreed that vetting is needed for competence and suitability.

cbw

Date Hearing Report completed: March 31, 2022

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB1330 on 2022-03-30

Support: 2 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Howland, Curtis	A Member of the Public	Myself	Support
Medeiros, Jesse	A Member of the Public	Myself	Support

Testimony

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

7 Eagle Square, Suite 200
Concord, N.H. 03301-2412
Telephone 603-271-2152

LINDSEY B. COURTNEY
Executive Director



March 30, 2022

Hon. Sharon Carson
Chair, Executive Departments and Administration Committee
State House, Room 103
Concord, NH 03301

Re: Testimony regarding HB 1330

Dear Hon. Chair Carson:

The Office of Professional Licensure & Certification (“OPLC”) writes regarding HB 1330. OPLC is the agency responsible for providing support to approximately fifty occupational licensing boards with independent regulatory authority. OPLC also directly regulates four professions with advice of advisory boards. As amended, this bill proposes to repeal the board of registration of medical technicians, eliminating the requirement that medical technicians register with the state.

OPLC takes no position on the bill, as amended by the House. OPLC understands that this board was initially created due to concerns about diversion of controlled substances in healthcare facilities. Under RSA 328-I, a person “engaging in the work as a medical technician” is required to register with the board. Medical technicians are individuals not otherwise licensed by a regulatory board who “assist licensed health care professionals in the diagnosis, treatment, and prevention of disease,” and who have “access to controlled substances” and “contact with patients in a healthcare facility.” RSA 328-I:1, VI.

Diversion and misuse of controlled substances by healthcare professionals remains an ongoing issue in New Hampshire. OPLC receives complaints on a regular basis concerning issues of diversion. Licensure of healthcare professionals is one way to respond to diversion, although there are certainly others.

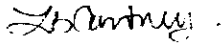
While OPLC takes no position on this bill as amended, OPLC strongly supports the bill, as introduced in the House. The bill, as introduced, would have changed this board to advisory board. Despite best efforts to obtain qualified individuals to serve on this board, this board lacks a quorum. There are only two members. There has not been a meeting since February 2021. This means that there is no statutory authority for applications to be denied, even if the individual is not qualified. Additionally, the board cannot conduct rulemaking, nor can the board take disciplinary action. The agency has received complaints but there is no body that can act on such complaints. OPLC is greatly concerned that the State is not meeting its obligation to protect the public.

Hon. Sharon Carson
March 30, 2022
Page Two

Changing this board to an advisory board would permit the agency to act in the absence of a quorum of the board. The agency could, with advice of board members, license individuals, evaluate complaints, and deny licensure applications to those who are not qualified. Such a structure would ensure that the State is adequately protecting the public, while providing a mechanism for the State to obtain expertise of board members even in the absence of a quorum.

Thank you for the opportunity to provide comments. Feel free to contact me directly with any questions.

Very truly yours,



Lindsey B. Courtney, JD
Executive Director
Office of Professional Licensure and Certification

SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE

Wednesday, March 30, 2022

HB 1330 - Repealing the Board of Medical Technicians in the Office of Professional Licensure and Certification

Testimony

Good morning, Madam Chair and members of the committee. My name is Paula Minnehan, Senior Vice President with the New Hampshire Hospital Association (NHHA), representing all 26 of the state's community hospitals as well as all specialty hospitals.

The NHHA has concerns with HB 1330. The bill before you will repeal the requirements for the certification and regulation of medical technicians by the office of professional licensure and certification. This bill was amended in the House Executive Departments and Administration Committee – in fact the original bill did not repeal the board, it merely changed it to an advisory board. Unfortunately, the bill was amended extensively, and passed out of committee narrowly (10-9) and then narrowly passed the full House. NHHA does not believe repealing the board of medical technicians is the right approach. We believe maintaining a medical technician registry is an important tool in supporting patient safety by vetting individuals that have access to controlled drugs in healthcare settings.

As you know, the board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital. New Hampshire was the first state to require registration of medical technicians. What is important to mention is there have been no similar outbreaks since 2016. We believe having established the medical technician registry was a deterrent and the appropriate response to ensure patient safety in health care settings.

Some may argue that the board has not been functioning effectively in recent years – due to quorum issues. That is a reason the original bill was introduced, to allow OPLC to perform the administrative functions – and set up an advisory board to consult with when necessary. NHHA believes that New Hampshire should continue to register medical technologists and the board should continue to exist but become an advisory board.

We do not believe this bill should pass as it has the potential to jeopardize the safety of New Hampshire residents. Thank you for the opportunity to provide our comments to HB 1330.

Voting Sheets

Senate Executive Departments and Administration Committee

EXECUTIVE SESSION RECORD

2022 Session

Bill # HB 1330

Hearing date: 3/30/2022

Executive Session date: 4/20/2022

Motion of: ITL Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Carson

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 20, 2022

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 1330**

AN ACT

repealing the board of medical technicians in the
office of professional licensure and certification.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill is intended to repeal the necessity for medical technicians to register with the state. This Board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital resulting from a technician who diverted 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. The Committee agreed that this board has worked well, and that the safety of NH patients is a priority that should not be compromised.

Chantell Wheeler 271-1403

General Court of New Hampshire - Bill Status System

Docket of HB1330

Docket Abbreviations

Bill Title: (New Title) repealing the board of medical technicians in the office of professional licensure and certification.

Official Docket of HB1330.:

Date	Body	Description
11/20/2021	H	Introduced 01/05/2022 and referred to Executive Departments and Administration
1/20/2022	H	Public Hearing: 01/20/2022 11:30 a.m. LOB302-304
1/26/2022	H	Subcommittee Work Session: 02/01/2022 08:00 am LOB 302-304
2/3/2022	H	Public Hearing on Amendment #2022-0399h : 02/14/2022 10:00 am LOB 302-304
3/7/2022	H	Executive Session: 03/07/2022 11:50 a.m. LOB302-304
3/9/2022	H	Majority Committee Report: Ought to Pass with Amendment #2022-0399h (NT) (Vote 10-9; RC)
3/9/2022	H	Minority Committee Report: Ought to Pass with Amendment #2022-0699h
3/17/2022	H	Amendment #2022-0399h : AA RC 175-168 03/16/2022 HJ 7
3/20/2022	H	Amendment #2022-0699h : AF RC 167-184 03/16/2022 HJ 7
3/17/2022	H	Ought to Pass with Amendment 2022-0399h : MA VV 03/16/2022 HJ 7
3/22/2022	S	Introduced 03/17/2022 and Referred to Executive Departments and Administration; SJ 6
3/23/2022	S	Hearing : 03/30/2022, Room 103, SH, 10:20 am; SC 13
4/20/2022	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 04/28/2022; SC 17
4/28/2022	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 04/28/2022; SJ 10

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 1330

Senate Committee: EDFA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # _____ - amendment # _____

- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: (Clerk's Office)

as amended by the senate as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

OTBul
Committee Aide

5/13/2002
Date

Senate Clerk's Office AK