

# Senate Executive Departments and Administration Committee

*Deb Chroniak 271-1403*

**HB 322**, adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.

**Hearing Date:** April 26, 2017

**Time Opened:** 9:30 a.m.

**Time Closed:** 10:06 a.m.

**Members of the Committee Present:** Senators Carson, Reagan, Gannon, Soucy and Woodburn

**Members of the Committee Absent:** None

**Bill Analysis:** This bill declares that certain licensing boards for health care providers may adopt rules to require completion of a certain survey as part of the license renewal process.

This bill is a result of the commission established in 2016, 252.

**Sponsors:**

Rep. Fothergill

Rep. S. Schmidt

Rep. Campion

Rep. J. MacKay

Rep. P. Schmidt

Sen. Woodburn

Sen. Feltes

Sen. Reagan

---

**Who supports the bill:** Representative Fothergill, Coos 1; Representative Carol McGuire, Merrimack 29; Representative Polly Campion, Grafton 12; Representative Dianne Schuett, Merrimack 20; Senator Jeff Woodburn, Paula Minnehan, Vice President, Government Relations, New Hampshire Hospital Association; Danielle Weiss, Program Manager, Health Professions Data Center, Department of Health and Human Services; Laurie Harding, Lebanon, New Hampshire, Grafton County, Commission on Primary Care Workforce; Joan Widmer, New Hampshire Nurses Association; Joseph Shoemaker, Director, Division of Health Professions, Office of Professional Licensure and Certification; Tina Kelly, Allied Health Boards, Holly Stevens, New Futures; Courtney Tanner, New Hampshire Providers Association; Lynn Stanley, New Hampshire National Association of Social Workers; Valerie Acres, New Hampshire Medical Society; Mary Bidgood Wilson, New Hampshire Nurse Practitioner Association; Kim Reeve, Esquire, Bi-State Primary Care Association; Krista Morris, Legislative Liaison, Division of Public Health, Health and Human Services Department; John Williams, Health and Human Services Department

**Who opposes the bill:** No one

**Who is neutral to the bill:** No one

**Summary of testimony presented in support:**

**Representative John Fothergill**

- Allows various boards to require a survey be completed at time of licensing renewal, providing an opt-out for individual providers.
- In the fall of 2016, a workforce commission began via SB 439.
- SB 161 passed House HHS and sets up a commission to assess workforce data. Need for data is important and is lacking.
- Supply and demand issue, there is a reasonable amount of data on demand, but not on the supply-side.
- There is agreement that data is needed, but the question is how to get it, and who is responsible.
- The most effective way is through the licensing process.
- Sharing of information in the medical community is not fluent.
- As a physician he would fill out a survey once every two years, data goes to one place, and data is available to everyone.
- Do providers have a duty to do this? According to the Code of Ethics for the AMA and Nursing Association, providers have an ethical responsibility to their patients, but they also have an ethical obligation to community to assure there is access to care, to assist in workforce development and provide a safe and acceptable work environment.
- Access to care needs to be addressed and providing an acceptable work environment needs to be addressed. Provider burnout is one of the biggest issues facing this profession.
- By having this survey completed, allows to fulfilling this obligation in assisting in addressing those issues.
- This survey would only add more questions.

**Senator Reagan** asked how successful has the data survey been in other states?

Representative Fothergill said this is mandatory in many states, i.e., California, Florida, Massachusetts, Minnesota, Missouri, New Mexico, New York, North Carolina, Oregon, South Carolina, Texas, Vermont, Virginia, and West Virginia.

**Representative Carol McGuire**

- HB 332 provides an explicit opt-out for people who are receiving license request. If you opt-out it is legal, but most do not opt-out. They need to know, for example, if a registered nurse is working as a nurse or as an administrator.
- This gives the boards the authority to place this in rules, and all boards have agreed. **Senator Soucy** asked if there was one final collection point for this data. Representative McGuire stated all data will go to the Department of Health and Human Services, where they are expected to use an on-line survey. **Senator Reagan** asked if the regulated communities had any objections to the data collection. Representative McGuire stated no.

**Laurie Harding (in support) (testimony provided)**

- Chairs the New Hampshire Commission on Primary Care Workforce,

established in 2010 for the state to understand primary care workforce shortages.

- Primary care umbrella includes family physicians, practicing internists, pediatricians, obstetricians, general surgeons, dentists, etc.
- Behavioral health providers have been a recent add-on to address shortages.
- Been working on adequate workforce data over the last several years, but without data there is no way to tell how many physicians, nurses, physical therapists are working in any one area of the state or out-of-state.
- In order to collect accurate data it was determined to attach this to the licensing.
- This in enabling legislation and does not require the boards to implement this until they are ready to implement. The opt-out language was placed in the legislation because people felt strongly it needed to be an option. Opting out will not interfere with someone getting their license.
- The legislation will affect nine different boards.
- Three commissions have made this data collection their number one recommendation.
- They have worked with boards to keep them engaged.
- JLCAR was familiar with the opt-out language.

**Senator Carson** said the survey was asking for personal information, was there a way to redact this information will be collecting all of this information and if information were to go out, it would be in the aggregated format. Reports will be generated from this information to better understand the primary care workforce.

**Danielle Weiss (in support) (testimony provided)**

- Need data for planning purposes and to answer questions on workforce shortages.
- Accurate data is crucial.
- Minimum data sets were created by national boards, councils, and associations.
- Each provider survey would be built, tested and approved by appropriate stakeholders prior to implementation.
- Surveys will be developed, disseminated, managed and results analyzed by their office with minimal administrative obligation on the licensing boards and no financial cost to them.
- Complete workforce data is not currently collected.
- An opt-out option will be in the board's rules.

**Christa Morris (in support)**

- Willing to work with committee with any issues they have with bill.

**Joseph Shoemaker (in support)**

- They have worked closely with Ms. Harding.
- Their office does not have any concerns and supports the bill as written.
- His office gets calls for this information, which information they do not have.
- Boards feel a responsibility to assure adequate coverage state-wide and this bill supports that effort to assure there is adequate coverage.
- They have had success with Board of Nursing with a high level of participation.

**Paula Minnehan (in support) (testimony provided)**

- Important piece of legislation.
- Realize there is a health care workforce shortage, but do not have the necessary data to determine the appropriate types of clinicians needed and in what parts of the state the need is.
- Enables boards to adopt rules allowing for the collection and there is an opt-out. This makes the bill fair and balanced.

**Senator Reagan** asked what is the incentive for people to complete the survey. Ms. Minnehan said she does not think those making out the survey would find it burdensome and it would not take long to complete.

- The data information for hospitals is very important.
- In order to get support from the federal government and grant funding, they need to provide accurate data to them.

**Valarie Acres (in support) (testimony provided)**

- Public health is important to their members.
- Working on building that up going forward.
- Doctors are very engaged in this bill.
- Data driven society.
- Need good data for systems to work from.
- Decisions are easier when good data exists.
- 2016 survey is five 5 pages and does not take long to complete.
- The survey will become electronic next year, which will make it much more convenient.
- There has been universal and immediate support for this bill.
- Not mandatory on the boards or the participants.
- More participation in surveys when it is an opt-out option versus an opt-in.
- There are incentives for people to participate because the data is important. Physicians want to know this data.

**John Williams (in support)**

- Suggesting a friendly amendment to make clear participation in this shall not be a condition of licensure. All are in agreement of this change from the bill sponsor to the Office of Professional Licensure and Certification.
- Changes will occur on Page 1, lines 8, 16, 25 and 30, the following sentence would be added: "Under no circumstances shall participation with the survey be a condition of licensure". This sentence would also be added on Page 2, lines 8, 16, 24 and 32; and, on Page 3, lines 2 and 10.

**Summary of testimony presented in opposition:** No one

**Future Action:** Pending

dac

Date Hearing Report completed: May 1, 2017  
[file: HB 322-F report]