

**CHAPTER 131**  
**HB 322 - FINAL VERSION**

05/11/2017 1623s

2017 SESSION

17-0502  
01/09

HOUSE BILL                    **322**

AN ACT                    adding rulemaking authority to require completion of a certain survey as part of the license renewal process for health care providers.

SPONSORS:            Rep. Fothergill, Coos 1; Rep. S. Schmidt, Carr. 6; Rep. Campion, Graf. 12; Rep. J. MacKay, Merr. 14; Rep. P. Schmidt, Straf. 19; Sen. Woodburn, Dist 1; Sen. Feltes, Dist 15; Sen. Reagan, Dist 17

COMMITTEE:        Executive Departments and Administration

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AMENDED 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.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    adding rulemaking authority to require completion of a certain survey as part of  
the license renewal process for health care providers.

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

1            131:1 Department of Health and Human Services; State Office of Rural Health. Amend RSA  
2            126-A:5, XVIII(c) to read as follows:

3                    (c) The commissioner shall submit an annual report beginning on November 1, 2009 to  
4            the speaker of the house of representatives, the senate president, [~~and~~] the governor, ***the oversight***  
5            ***committee on health and human services established under RSA 126-A:13, the chairs of the***  
6            ***house and senate executive departments and administration committees, the chairs of the***  
7            ***house and senate committees having jurisdiction over health and human services, and the***  
8            ***commission on primary care workforce issues established under RSA 126-T:1***, on the health  
9            status of rural residents incorporating current data from the bureau of health statistics and data  
10           management and the SORH.

11           131:2 New Paragraph; Department of Health and Human Services; State Office of Rural  
12           Health; Survey. Amend RSA 126-A:5 by inserting after paragraph XVIII the following new  
13           paragraph:

14           XVIII-a.(a) The state office of rural health (SORH) established in paragraph XVIII may  
15           receive and collect data regarding surveys completed by participating licensees pursuant to RSA  
16           317-A:12-a, RSA 318:5-b, RSA 326-B:9-a, RSA 328-D:10-a, RSA 328-F:11-a, RSA 329:9-f, RSA 329-  
17           B:10-a, RSA 330-A:10-a, and RSA 330-C:9-a.

18                    (b) The data collected shall be reviewed, evaluated, and analyzed by the SORH to  
19           provide policy decision makers and the commission on primary care workforce issues established  
20           under RSA 126-T:1, with critical information to develop and plan for New Hampshire's primary  
21           workforce current and future needs and to identify innovative ways for expanding primary care  
22           capacity and resources.

23                    (c) Any personally identifiable information contained within the surveys collected by  
24           the SORH shall remain confidential and are exempt from disclosure pursuant to RSA 91-A. Any  
25           request for information maintained by and in the custody of the SORH under this paragraph shall  
26           require the redaction of any and all personally identifiable information by the SORH prior to the  
27           release of such information; provided, that the SORH shall be authorized to provide required data  
28           to the Health Resources and Services Administration (HRSA) pursuant to federal regulation and or  
29           directives governing receipt of federal resources by the SORH.

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(d) The SORH shall be authorized to provide aggregate data and interval reports and such information shall be made available and published on the department of health and human services' Internet website. For purposes of quality assurance and validation of data including participation rates for survey completion, the SORH shall be authorized to provide the licensing boards identified in subparagraph (a) as follows:

(1) A list of National Provider Identification numbers of those licensees who have completed or appropriately opted-out of the survey; and

(2) Aggregate data results as it pertains to non-personal information listed on the survey.

(e) On or before November 1, 2017, and annually thereafter, the SORH shall make a written report to the speaker of the house of representatives, the senate president, the governor, the oversight committee on health and human services established under RSA 126-A:13, the chairs of the house and senate executive departments and administration committees, the chairs of the house and senate policy committee having jurisdiction over health and human services, and the commission on primary care workforce issues established by RSA 126-T:1. The report shall include, but not be limited to, aggregate data and information on current and projected primary workforce needs and the participation rate on surveys completed pursuant to this paragraph. This report shall be incorporated into the report required pursuant to RSA 126-A:5, XVIII(c).

(f) The commissioner may adopt rules, pursuant to RSA 541-A, relative to the administration of this paragraph.

131:3 New Section; Board of Dental Examiners; Rulemaking. Amend RSA 317-A by inserting after section 12 the following new section:

317-A:12-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in the survey under this section shall not be a condition of licensure.

131:4 New Section; Pharmacy Board; Rulemaking. Amend RSA 318 by inserting after section 5-a the following new section:

318:5-b Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey. Participation in

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1 the survey under this section shall not be a condition of licensure.

2 131:5 New Section; Board of Nursing; Rulemaking. Amend RSA 326-B by inserting after  
3 section 9 the following new section:

4 326-B:9-a Completion of Survey; Rulemaking.

5 I. The board may adopt rules, pursuant to RSA 541-A, for APRNs only requiring, as part of  
6 the license renewal process, completion by licensees of a survey provided by the office of rural  
7 health, department of health and human services, for the purpose of collecting data regarding the  
8 New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T.  
9 Any rules adopted under this section shall provide the licensee with written notice of his or her  
10 opportunity to opt-out from participation in the survey. Participation in the survey under this  
11 paragraph shall not be a condition of licensure.

12 II. The board may adopt rules, pursuant to RSA 541-A, for RNs and LPNs only requiring,  
13 as part of the license renewal process, completion by licensees of a survey provided by the National  
14 Council of State Boards of Nursing regarding minimum data sets. Any rules adopted under this  
15 section shall provide the licensee with written notice of his or her opportunity to opt-out from  
16 participation in the survey. Participation in the survey under this paragraph shall not be a  
17 condition of licensure.

18 131:6 New Section; Board of Medicine; Physician Assistants. Amend RSA 328-D by inserting  
19 after section 10 the following new section:

20 328-D:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA  
21 541-A, requiring, as part of the license renewal process, completion by licensees of a survey  
22 provided by the office of rural health, department of health and human services, for the purpose of  
23 collecting data regarding the New Hampshire primary care workforce, pursuant to the commission  
24 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
25 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
26 the survey under this section shall not be a condition of licensure.

27 131:7 New Section; Allied Health Professionals; Rulemaking. Amend RSA 328-F by inserting  
28 after section 11 the following new section:

29 328-F:11-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA  
30 541-A, requiring, as part of the license renewal process, completion by licensees of a survey  
31 provided by the office of rural health, department of health and human services, for the purpose of  
32 collecting data regarding the New Hampshire primary care workforce, pursuant to the commission  
33 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
34 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
35 the survey under this section shall not be a condition of licensure.

36 131:8 New Section; Board of Medicine; Rulemaking. Amend RSA 329 by inserting after section  
37 9-e the following new section:

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1       329:9-f Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA 541-  
2 A, requiring, as part of the license renewal process, completion by licensees of a survey provided by  
3 the office of rural health, department of health and human services, for the purpose of collecting  
4 data regarding the New Hampshire primary care workforce, pursuant to the commission  
5 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
6 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
7 the survey under this section shall not be a condition of licensure.

8       131:9 New Section; Board of Psychologists; Rulemaking. Amend RSA 329-B by inserting after  
9 section 10 the following new section:

10       329-B:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA  
11 541-A, requiring, as part of the license renewal process, completion by licensees of a survey  
12 provided by the office of rural health, department of health and human services, for the purpose of  
13 collecting data regarding the New Hampshire primary care workforce, pursuant to the commission  
14 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
15 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
16 the survey under this section shall not be a condition of licensure.

17       131:10 New Section; Board of Mental Health Practice; Rulemaking. Amend RSA 330-A by  
18 inserting after section 10 the following new section:

19       330-A:10-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA  
20 541-A, requiring, as part of the license renewal process, completion by licensees of a survey  
21 provided by the office of rural health, department of health and human services, for the purpose of  
22 collecting data regarding the New Hampshire primary care workforce, pursuant to the commission  
23 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
24 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
25 the survey under this section shall not be a condition of licensure.

26       131:11 New Section; Board of Licensing for Alcohol and Other Drug Use Professionals;  
27 Rulemaking. Amend RSA 330-C by inserting after section 9 the following new section:

28       330-C:9-a Completion of Survey; Rulemaking. The board may adopt rules, pursuant to RSA  
29 541-A, requiring, as part of the license renewal process, completion by licensees of a survey  
30 provided by the office of rural health, department of health and human services, for the purpose of  
31 collecting data regarding the New Hampshire primary care workforce, pursuant to the commission  
32 established in RSA 126-T. Any rules adopted under this section shall provide the licensee with  
33 written notice of his or her opportunity to opt-out from participation in the survey. Participation in  
34 the survey under this section shall not be a condition of licensure.

131:12 Effective Date. This act shall take effect upon its passage.

Approved: June 16, 2017  
Effective Date: June 16, 2017