HB 693-FN - AS INTRODUCED

2019 SESSION

19-0731

01/04

HOUSE BILL       693-FN

AN ACT relative to aid to persons funded by Medicaid and for persons who are uninsured and establishing a special fund.

SPONSORS:       Rep. P. Schmidt, Straf. 19

COMMITTEE:       Health, Human Services and Elderly Affairs

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ANALYSIS

This bill requires health care practitioners and health care facilities to accept persons who are funded by Medicaid and who are uninsured. A health care practitioner or facility may opt out of this requirement by paying an annual fee to the department of health and human services which shall be deposited into a fund to aid such persons.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to aid to persons funded by Medicaid and for persons who are uninsured and establishing a special fund.

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

1 New Subdivision; Aid to Medicaid and Uninsured Persons. Amend RSA 126-A by inserting after section 77 the following new subdivision:

Aid to Medicaid and Uninsured Persons

I. "Facility" means any facility required to be licensed by RSA 151.

II. "Health care practitioner" means any person licensed or registered as a health care provider in the state of New Hampshire. "Health care practitioner" shall not include any person who has retired from the practice of health care, or any person who does not hold a current license or certificate to practice health care.

126-A:79 Acceptance of Medicaid and Uninsured Persons Required.

I. Except as provided in paragraph II, all health care practitioners and facilities shall provide services for patients funded by Medicaid and uninsured persons.

II. A health care practitioner may opt out of the provisions required by paragraph I by paying an annual fee of $10,000 to the department. Facilities may opt out of the requirements of paragraph I by paying an annual fee of $10,000 per full time professional staff equivalent to the department. The commissioner shall deposit the fees collected under this paragraph in the fund established in RSA 126-A:81.

III. Notwithstanding any provision of law to the contrary, the state shall not pay Medicaid facility fees to facilities and facility-employed physicians.

126-A:80 Audits Required.

I. The commissioner shall conduct an annual audit of health care practitioners and facilities, including outpatient facilities. Based on the audited data the commissioner shall calculate the ratio of Medicaid and uninsured procedures to other compensated procedures.

II. The commissioner shall also conduct an annual audit of licensed health care facilities to determine endowment. From the data collected, the commissioner shall calculate a ratio of Medicaid and uninsured procedures per unit of endowment. The commissioner shall then determine the average number of Medicaid and uninsured procedures per dollar of endowment for all facilities in the state. Data relative to facilities which exceed the state average by 20 percent shall be submitted to the department of revenue administration for purposes of penalties under RSA 21-J.
126-A:81  Fund Established. There is hereby established a nonlapsing fund to be known as the
aid to Medicaid and uninsured persons fund to aid persons who rely on Medicaid and who are
uninsured for medical procedures. The fund shall consist of all moneys collected under RSA 126-
A:79, II. The fund shall be administered by the commissioner. The commissioner shall adopt rules
pursuant to RSA 541-A relative to the qualifications and manner in which the funds shall be
distributed to persons who qualify for aid from the fund.

2 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after
subparagraph (343) the following new subparagraph:

(344) Moneys received under RSA 126-A:79, II which shall be credited to the aid to
Medicaid and uninsured persons fund established in RSA 126-A:81.

3 Effective Date. This act shall take effect 60 days after its passage.
AN ACT relative to aid to persons funded by Medicaid and for persons who are uninsured and establishing a special fund.

FISCAL IMPACT: [ X ] State [ ] County [ ] Local [ ] None

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<th>STATE:</th>
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<td>Funding Source:</td>
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METHODOLOGY:

This bill inserts a new section after RSA 126-A:77 requiring health care practitioners and facilities to provide services for patients funded by Medicaid and uninsured persons. The bill establishes the Aid to Medicaid and Uninsured Persons Fund and allows health care practitioners and facilities to opt out of the requirement by paying an annual fee of $10,000 for practitioners and $10,000 per full-time professional staff for facilities. The fees are to be deposited in the fund for the purpose of distributing aid to qualified individuals as determined by the Commissioner of the Department of Health and Human Services and adopted in rules.

The Department states the fiscal impact is indeterminable because the data collection, analysis, auditing, and operational responsibilities assigned to it by the bill are insufficiently detailed. It also notes the bill may conflict with existing Medicaid programs or violate existing federal or state Medicaid, insurance, or professional licensing laws or regulations, but there is insufficient information to determine the impact. However, the Department anticipates an indeterminable amount of additional staff and financial resources would be required to develop, administer, and evaluate the program. There would be an indeterminable increase to revenue to the extent practitioners and facilities opt to pay fees in lieu of providing services.

AGENCIES CONTACTED:

Department of Health and Human Services