

CHAPTER 254
HB 127 - FINAL VERSION

14Feb2019... 0043h
05/15/2019 1775s

2019 SESSION

19-0040
10/04

HOUSE BILL ***127***

AN ACT relative to the board of medicine and the medical review subcommittee and relative to health care workforce survey data.

SPONSORS: Rep. Campion, Graf. 12; Rep. Fothergill, Coos 1; Rep. Weber, Ches. 1; Sen. Feltes, Dist 15

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill clarifies the service of the medical director on the board of medicine and the employment of the medical review subcommittee investigator. The bill also requires certain health care professionals to complete a survey or an opt-out form for collecting data on the primary care workforce.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the board of medicine and the medical review subcommittee and
relative to health care workforce survey data.

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

1 254:1 Physicians and Surgeons; Examining Board; Appointment. Amend RSA 329:4, I to read
2 as follows:

3 I. The commissioner or the medical director of the department of health and human
4 services, **or the commissioner's physician designee**, shall serve as a voting member of the board[;
5 ~~or in the case of a vacancy in the office of medical director, the commissioner shall appoint a~~
6 ~~designee~~]. The commissioner and the medical director, or designee, are exempt from the provisions
7 of RSA 329:4, II and the residency requirements of RSA 329:3.

8 254:2 Medical Review Subcommittee; Investigator. Amend RSA 329:17, V-a to read as follows:

9 V-a. A medical review subcommittee of 13 members shall be nominated by the board of
10 medicine and appointed by the governor and council. The subcommittee shall consist of 13 persons,
11 ~~[3 of whom shall be public members, one of whom shall be a physician assistant, and]~~ 9 of whom
12 shall be physicians, **one of whom shall be a physician assistant, and 3 of whom shall be**
13 **public members**. One of the physician members shall practice in the area of pain medicine and
14 anesthesiology. ~~[Any]~~ **No** public member of the subcommittee shall be ~~[a person who is not, and~~
15 ~~never was,]~~ **or ever have been** a member of the medical profession or the spouse of ~~[any such~~
16 ~~person, and who does not have, and never has had,]~~ **a member of the medical profession. No**
17 **public member shall have or ever have had** a material financial interest in either the provision
18 of medical services or an activity directly related to medicine, including the representation of the
19 board or profession for a fee~~[at any time during the 5 years preceding appointment]~~. The terms of
20 the public members shall be staggered so that no 2 public members' terms expire in the same year.
21 The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2
22 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to
23 the board under paragraphs II-V of this section, except that matters concerning a medical director
24 involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed
25 until the grievance process has been completed. Following review of each case, the subcommittee
26 shall make recommendations to the board. Funds shall be appropriated from the general fund for
27 use by the subcommittee to investigate allegations under paragraphs I-V of this section. ~~[The board~~
28 ~~shall employ through the office of professional licensure and certification a physician as a medical~~
29 ~~review subcommittee investigator who shall serve at the pleasure of the board. The salary of the~~

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~~medical review subcommittee investigator shall be established by RSA 94:1-a.]~~ ***The state of New Hampshire, by the board and the office of professional licensure and certification, and with the approval of governor and council, shall contract with a qualified physician to serve as a medical review subcommittee investigator.***

254:3 Commissioner of Health and Human Services; State Office of Rural Health. Amend RSA 126-A:5, XVIII-a(a) to read as follows:

XVIII-a.(a) The state office of rural health (SORH) established in paragraph XVIII ~~[may]~~ ***shall*** receive and collect data regarding surveys completed by participating licensees pursuant to RSA 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-B:10-a, RSA 330-A:10-a, and RSA 330-C:9-a.

254:4 Commissioner of Health and Human Services; State Office of Rural Health. Amend RSA 126-A:5, XVIII-a(e) to read as follows:

(e) On or before ~~[November 1, 2017]~~ ***December 1, 2019***, 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).

254:5 Dentists and Dentistry; Examinations and Licensing. Amend RSA 317-A:12-a to read as follows:

317-A:12-a Completion of Survey; Rulemaking. The board ~~[may]~~ ***shall*** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey ***or opt-out form*** 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.]~~

254:6 Pharmacists and Pharmacies; Completion of Survey. Amend RSA 318:5-b to read as follows:

318:5-b Completion of Survey; Rulemaking. The board ~~[may]~~ ***shall*** adopt rules, pursuant to RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey ***or opt-out form*** 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

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1 the commission established in RSA 126-T. Any rules adopted under this section shall provide the
2 licensee with written notice of his or her opportunity to opt-out from participation in the survey.
3 ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

4 254:7 Nurse Practice Act; Completion of Survey. Amend RSA 326-B:9-a to read as follows:

5 326-B:9-a Completion of Survey; Rulemaking.

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

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

19 254:8 Physician Assistant; Completion of Survey. Amend RSA 328-D:10-a to read as follows:

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

27 254:9 Allied Health Professionals; Completion of Survey. Amend RSA 328-F:11-a to read as
28 follows:

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

36 254:10 Physicians and Surgeons; Completion of Survey. Amend RSA 329:9-f to read as follows:

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

8 254:11 Psychologists; Completion of Survey. Amend RSA 329-B:10-a to read as follows:

9 329-B:10-a Completion of Survey; Rulemaking. The board ~~[may]~~ **shall** adopt rules, pursuant to
10 RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or**
11 **opt-out form** provided by the office of rural health, department of health and human services, for
12 the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to
13 the commission established in RSA 126-T. Any rules adopted under this section shall provide the
14 licensee with written notice of his or her opportunity to opt-out from participation in the survey.
15 ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

16 254:12 Mental Health Practice; Completion of Survey. Amend RSA 330-A:10-a to read as
17 follows:

18 330-A:10-a Completion of Survey; Rulemaking. The board ~~[may]~~ **shall** adopt rules, pursuant to
19 RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or**
20 **opt-out form** provided by the office of rural health, department of health and human services, for
21 the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to
22 the commission established in RSA 126-T. Any rules adopted under this section shall provide the
23 licensee with written notice of his or her opportunity to opt-out from participation in the survey.
24 ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

25 254:13 Alcohol and Other Drug Use Professionals; Completion of Survey. Amend RSA 330-C:9-a
26 to read as follows:

27 330-C:9-a Completion of Survey; Rulemaking. The board ~~[may]~~ **shall** adopt rules, pursuant to
28 RSA 541-A, requiring, as part of the license renewal process, completion by licensees of a survey **or**
29 **opt-out form** provided by the office of rural health, department of health and human services, for
30 the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to
31 the commission established in RSA 126-T. Any rules adopted under this section shall provide the
32 licensee with written notice of his or her opportunity to opt-out from participation in the survey.
33 ~~[Participation in the survey under this section shall not be a condition of licensure.]~~

34 254:14 Effective Date.

35 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

 II. The remainder of this act shall take effect July 1, 2019.

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Approved: July 19, 2019

Effective Date:

I. Sections 1 and 2 shall take effect September 17, 2019.

II. Remainder shall take effect July 1, 2019.