

CHAPTER 222
SB 26 - FINAL VERSION

02/14/2019 0203s
23May2019... 1665h

2019 SESSION

19-0859
01/04

SENATE BILL **26**

AN ACT relative to the New Hampshire health care quality assurance commission.

SPONSORS: Sen. Rosenwald, Dist 13; Sen. Bradley, Dist 3; Sen. Hennessey, Dist 5; Sen. Fuller
Clark, Dist 21; Rep. Campion, Graf. 12; Rep. McMahon, Rock. 7; Rep. Woods,
Merr. 23; Rep. Fothergill, Coos 1; Rep. Nutter-Upham, Hills. 33

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill changes the name of the New Hampshire health care quality assurance commission to the New Hampshire health care quality and safety commission. This bill also removes the prospective repeal of the commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 New Hampshire health care quality assurance commission.

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

1 222:1 New Hampshire Health Care Quality Assurance Commission; Name Change. Amend the
2 chapter heading of RSA 151-G to read as follows:

3 NEW HAMPSHIRE HEALTH CARE QUALITY [ASSURANCE]
4 **AND SAFETY** COMMISSION

5 222:2 Commission Established. Amend RSA 151-G:1, II to read as follows:

6 II. The members of the commission shall be as follows:

7 (a) One representative of each [~~acute-care~~] hospital in New Hampshire, ***licensed under***
8 ***RSA 151***, nominated by the hospital and appointed by the governor.

9 (b) One representative of each freestanding ambulatory surgical center in New
10 Hampshire, nominated by the ambulatory surgical center and appointed by the governor.

11 (c) The commissioner of the department of health and human services, or designee.

12 (d) The state epidemiologist, department of health and human services, ***or designee***.

13 (e) ***The chief executive officer of the New Hampshire hospital, or designee.***

14 (f) Three members-at-large, one member appointed by the speaker of the house of
15 representatives, one member appointed by the president of the senate, and one member appointed by
16 the governor.

17 222:3 Chair; Vice-Chair. Amend RSA 151-G:3 to read as follows:

18 151-G:3 Chair; Vice-Chair[~~;~~ Secretary]. The members of the commission shall elect a chair[~~;~~
19 ***and*** vice-chair[~~;~~ ~~and secretary~~] from among the members at the first meeting. The term of the
20 chair[~~;~~ ***and*** vice-chair[~~;~~ ~~and secretary~~] shall be [~~one year~~] ***2 years*** and until successors are elected.
21 The chair shall be responsible for the orderly proceedings of the commission meetings and for
22 compliance with mandates of this chapter. The vice-chair shall serve in the absence of the chair.
23 [~~The duty of the secretary shall be to keep minutes necessary to comply with the reporting~~
24 ~~requirement of this chapter. The first meeting of the committee shall be called by the first named~~
25 ~~member. The first meeting of the committee shall be held within 45 days of the effective date of this~~
26 ~~section and the commission shall meet at least quarterly on dates set by the chair.~~]

27 222:4 Confidentiality. Amend RSA 151-G:5 to read as follows:

28 151-G:5 Confidentiality. All information of any type submitted to or collected by the
29 commission, including, but not limited to, written, oral, and electronic information; records and

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1 proceedings of the commission, including, but not limited to, oral testimony and discussions, notes,
2 minutes, summaries, analyses, and reports; and information disseminated by the commission or its
3 members to ~~[acute-care]~~ hospitals and ambulatory surgical centers, shall be confidential and
4 privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission
5 into evidence in any judicial, administrative, or other type of proceeding. The provision of
6 information to the commission and the dissemination of information by the commission shall not be
7 deemed to void, waive, or impair in any manner the confidentiality protection of this section or which
8 the information may have under any other law or regulation. However, information, documents, or
9 records otherwise available from original sources shall not be construed as immune from discovery
10 or use in any civil or administrative action merely because they were presented to the commission.
11 Furthermore, any person who supplies information to or testifies before the commission shall not be
12 immune from discovery in such civil or administrative action because the information or testimony
13 was presented to the commission, but such witness shall not be asked about and shall not provide
14 information about his or her testimony before this commission or opinions formed by him or her as a
15 result of commission participation.

16 222:5 Repeal. 2005, 157:3, as amended by 2010, 98:3, 2015, 276:256, and 2016, 167:1, relative to
17 the prospective repeal of the New Hampshire health care quality assurance commission, is repealed.

222:6 Effective Date. This act shall take effect upon its passage.

Approved: July 12, 2019
Effective Date: July 12, 2019